



council agenda
CITY OF SAN LUIS OBISPO
CITY HALL, 990 PALM STREET

Tuesday, October 19, 2004

7:00 P.M.

REGULAR MEETING

**Council Chamber
990 Palm Street**

CALL TO ORDER: Mayor Dave Romero

PLEDGE OF ALLEGIANCE

ROLL CALL: Council Members John Ewan, Christine Mulholland,
Allen K. Settle, Vice Mayor Ken Schwartz,
Mayor Dave Romero

PRESENTATIONS

PROCLAMATION RECOGNIZING JANE ELSDON AS 2005 POET LAUREATE OF THE YEAR. (ROMERO – 5 MINUTES)

PROCLAMATION RECOGNIZING RED RIBBON WEEK. (ROMERO – 5 MINUTES)

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA (not to exceed 15 minutes total)

The Council welcomes your input. You may address the Council by completing a speaker slip and giving it to the City Clerk prior to the meeting. At this time, you may address the Council on items that are not on the agenda or items on the Consent Agenda. Time limit is three minutes. State law does not allow the Council to discuss or take action on issues not on the agenda, except that members of the Council or staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights (Gov. Code Sec. 54954.2). Staff may be asked to follow up on such items. Staff reports and other written documentation relating to each item referred to on this agenda are on file in the City Clerk's Office in Room 1 of City Hall.



City Council regular meetings are televised live on Charter Channel 20. The City of San Luis Obispo is committed to include the disabled in all of its services, programs, and activities. Telecommunications Device for the Deaf (805) 781-7410. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. For more agenda information, call 781-7103.

PUBLIC COMMENTS ON AGENDA ITEMS: You may address the Council on any item described in this agenda by completing a speaker slip and giving it to the City Clerk prior to the meeting. The Mayor will open the floor to and invite public comments before the Council takes action on each item. (Gov. Code Sec. 54954.3(a)). Your speaking time is limited to three (3) minutes. (CC&P Sec.1.3.7).

CITY COUNCIL PROCEDURES FOR PUBLIC HEARINGS: The Mayor will announce each item and thereafter, the hearing will be conducted as follows:

1. City staff will present the staff report and recommendation on the proposal being heard and respond to questions from Council.
2. The Mayor will open the public hearing by first asking the project applicant/appellant (or his/her representative) to present any points necessary for the Council, as well as the public, to fully understand the proposal.
3. The Mayor will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Mayor will invite the applicant/appellant (or his/her representative) back to the podium to respond to the public testimony, if appropriate. The Mayor will then close the public hearing and limit further discussion to the Council and staff prior to the Council taking a vote.

RULES FOR PRESENTING TESTIMONY AT A PUBLIC HEARING: City Council meetings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present testimony are asked to observe the following rules:

1. Speakers are asked to submit speaker slips to the City Clerk.
2. If you have filled out a Speaker Slip, the Mayor will call you to the podium.
3. Speakers shall address the Council from the podium after giving his/her name and city of residence. Speakers shall direct their comments to the Council, not the audience.
4. Speakers shall limit comments to three minutes. The Mayor, after all others have spoken, may allow additional brief comments from speakers who have already commented on the same agenda item.
5. If testifying as paid representatives, as defined in the Municipal Code speakers shall register as a Municipal Advocate and shall preface their comments by identifying themselves as Municipal Advocates (§2.64.020 & §2.64.050 & §2.64.070).
6. Applicants, appellants or applicant representatives desiring to speak shall:
 - a. Submit speaker slips to the City Clerk (available on a plastic rack at the entrance to the Council Chamber).
 - b. Shall be permitted to speak first during the public comment portion of the public hearing for not more than ten minutes.
 - c. Address the Council from the podium after giving their name and address, and/or the name and address of the applicant/appellant they are representing. If the applicant/appellant's representative is a paid Municipal Advocate, they shall comply with Number 5 above.
7. If you challenge an issue in court, you may be limited to raising only those issues you or someone else raised at this public hearing as described above, or in written correspondence delivered to the City before or during the public hearing.

CORRESPONDENCE TO COUNCIL: Written comments on agenda items are encouraged and are most effective if presented at least one day prior to the meeting. Note: Correspondence to Council received **after** 5:00 p.m. on the day of the Council meeting regarding agenda items may not be distributed until the following day.

APPOINTMENT

A1. APPOINTMENT OF NEW SLO DOWNTOWN ASSOCIATION BOARD OF DIRECTORS MEMBER. (CASH – 5 MINUTES)

RECOMMENDATION: By motion, appoint Tunny Ortali to the SLO Downtown Association Board of Directors.

CONSENT AGENDA

The Consent Agenda is approved on one motion. Council Members may pull consent items to be considered after Business items. The public may comment on any item on the Consent Calendar.

C1. APPROVE MINUTES OF TUESDAY, SEPTEMBER 28, 2004, SPECIAL MEETING AND TUESDAY, OCTOBER 5, 2004, REGULAR MEETING. (HOOPER)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. FINAL ADOPTION OF ORDINANCES TO IMPLEMENT HOUSING ELEMENT PROGRAMS: 1) ORDINANCE NO. 1458 (2004 SERIES) INCLUSIONARY HOUSING; 2) ORDINANCE NO. 1459 (2004 SERIES) RESIDENTIAL GROWTH MANAGEMENT; 3) ORDINANCE NO. 1460 (2004 SERIES) DOWNTOWN HOUSING CONSERVATION; 4) ORDINANCE NO. 1461 (2004 SERIES) ARCHITECTURAL REVIEW COMMISSION EXEMPTION FOR SMALL RESIDENTIAL PROJECTS; AND 5) ORDINANCE NO. 1462 (2004 SERIES) NON-RESIDENTIAL USES RIGHT TO CONTINUE. (MANDEVILLE/HOOK)

RECOMMENDATION: Adopt Ordinances Nos. 1458 (2004 Series), 1459 (2004 Series), 1460 (2004 Series), 1461 (2004 Series) and 1462 (2004 Series).

C3. FINAL MAP APPROVAL FOR TRACT 2447 - A SEVENTEEN UNIT, ONE LOT CONDOMINIUM SUBDIVISION LOCATED AT 1144 WALNUT STREET, SUBDIVIDER: THE COURTYARDS ON WALNUT, LLC. (WALTER/LIVICK)

RECOMMENDATION: Adopt a resolution approving the final map for Tract 2447 and authorizing the Mayor to execute the subdivision agreement on behalf of the City.

C4. THE FIRST TEE GOLF PROGRAM AT LAGUNA LAKE GOLF COURSE.
(LESAGE)

RECOMMENDATION: 1. As recommended by the Parks and Recreation Commission, approve a Use Agreement between The First Tee Central Coast (The First Tee) and the City of San Luis Obispo for use of the Laguna Lake Golf Course (LLGC). 2. Authorize the City Administrative Officer to accept the donations of the chipping area and learning center upon approval of grant funding by The First Tee.

C5. SUB-RECIPIENT AGREEMENT WITH THE ECONOMIC VITALITY CORPORATION OF SAN LUIS OBISPO COUNTY FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR ITS REVOLVING LOAN FUND PROGRAM. (GEORGE/STANWYCK)

RECOMMENDATION: Approve a Sub-Recipient Agreement with the Economic Vitality Corporation of San Luis Obispo County for CDBG Funds for its Revolving Loan Fund Program.

C6. PARK MAINTENANCE AND OUTDOOR DINING AGREEMENT WITH VILLAGE HOST PIZZA AND GRILL, SLO, LLC. (GEORGE/STANWYCK)

RECOMMENDATION: Approve an agreement with Village Host Pizza and Grill, SLO, LLC for park maintenance and outdoor dining on City-owned property.

C7. EL CHORRO REGIONAL PARK LIGHTED SOFTBALL FIELDS, SPECIFICATION NO. 90269. (WALTER/MCGUIRE)

RECOMMENDATION: Authorize the sole-source purchase of sports field lighting equipment for the El Chorro Regional Park Softball Fields from Musco Sports Lighting, LLC, in the amount of \$120,000.

C8. RESOLUTION ACCEPTING THE DONATION OF A PUBLIC ART PIECE ENTITLED "STORYBOARD" FROM FRANCISCAN DEVELOPMENTS.
(GEORGE/KISER)

RECOMMENDATION: As recommended by the Architectural Review Commission (ARC) and Public Art Jury, adopt a resolution accepting the donation of a public art piece entitled "Storyboard" from Franciscan Developments (DeVaul Ranch Development).

C9. ALLOCATION OF ADDITIONAL FUNDING FOR THE RAILROAD MUSEUM PUBLIC ART PROJECT. (GEORGE/KISER)

RECOMMENDATION: Allocate an additional \$6,000 from the Public Art In-lieu Fund to increase the budget for the Railroad Museum Public Art project to \$25,000.

C10. FINAL ADOPTION OF ORDINANCE TO IMPLEMENT THE MARGARITA AREA SPECIFIC PLAN AND RELATED ZONING CHANGES.
(MANDEVILLE/DRAZE)

RECOMMENDATION: The report will be available on October 13, 2004.

C11. \$18,404 ALCOHOLIC BEVERAGE CONTROL GRANT ACCEPTANCE.
(LINDEN/HAZOURI/BISHOP)

RECOMMENDATION: 1) Accept Alcoholic Beverage Control mini grant award in the amount of \$18,404. 2) Authorize the Chief of Police to execute all grant related documents.

C12. JUVENILE ACCOUNTABILITY INCENTIVE BLOCK GRANT ACCEPTANCE.
(LINDEN/HAZOURI/BISHOP)

RECOMMENDATION: 1) Adopt a resolution to accept the 2004-05 Juvenile Accountability Incentive Block Grant of \$6,167 from the State Board of Corrections, with a required City match of \$685. 2) Authorize the Chief of Police to execute all grant related documents.

C13. WATER REUSE PROJECT – CONSTRUCTION MANAGEMENT SERVICES.
(MOSS)

RECOMMENDATION: 1) Approve Amendment #1 to the agreement with Tetra Tech, increasing compensation for extended construction management services for the Water Reuse Project in an amount not to exceed \$489,411. 2) Approve the transfer of \$489,400 from the project contingencies account to the construction management account to fund the extended services.

C14. AGREEMENT WITH SAN LUIS OBISPO COUNTY FOR SURVEYING SERVICES ASSOCIATED WITH SUBDIVISION MAP CHECKING.
(WALTER/LIVICK)

RECOMMENDATION: Approve an agreement with San Luis Obispo County for surveying services associated with subdivision map checking.

C15. FIRE STATION NO. 1 MAINTENANCE FACILITY ENCLOSURE. (KNABE)

RECOMMENDATION: 1. Create a new Capital Improvement Plan (CIP) project to fund the Fire Station No. 1 Maintenance Facility Enclosure in the amount of \$25,000 by transferring \$11,362 from the Fire Station No. 3 CIP Driveway Improvement account and \$13,638 from the Fire Station No. 4 CIP Access account. 2. Transfer the remaining balance (\$20,375) in Fire Station No. 4 Access account to the CIP Reserve account.

PUBLIC HEARING

1. **PLANNED DEVELOPMENT (PD) AMENDMENT AND USE PERMIT TO ALLOW AUTO DEALER/REPAIR USES IN THE BUSINESS PARK PD AT 892 AEROVISTA; C-S-PD ZONE (PD 91-04).** (MANDEVILLE/DUNSMORE – 45 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission at a public hearing on August 11, 2004: 1. Introduce an Ordinance approving amendments to the previously adopted PD Ordinance No. 1393 (2001 Series) to allow auto sales and approve a preliminary development plan, and adopting the Mitigated Negative Declaration for the project; and 2. Adopt a Resolution approving a Use Permit for the proposed “auto sales and service” use subject to findings and conditions.

BUSINESS ITEMS

2. **DISCUSSION OF LOCAL REGULATION OF MEDICAL MARIJUANA DISPENSARIES.** (LOWELL/LINDEN – 60 MINUTES)

RECOMMENDATION: That Council: 1) Receive and consider the information contained in this report; and 2) Provide direction to staff regarding how to proceed.

3. **MONTALBAN STREET BRIDGE, SPECIFICATION NO. 99616.** (WALTER/MCGUIRE – 45 MINUTES)

BICYCLE ADVISORY COMMITTEE RECOMMENDATION: To lower the ranking of the Montalban Street Bicycle Bridge Project in the Bicycle Plan from Number 2 of 28 miscellaneous projects to Number 28 and not construct the project until such time as there is adequate traffic control at the intersection of Montalban Street and Santa Rosa Street.

CAO RECOMMENDATION: 1) Confirm that staff should proceed with the design and construction of the Montalban Street Bridge Project, Specification No. 99616, at its current proposed location. 2) If the City Council’s decision is to not proceed with the bridge project on Montalban Street, the City Council should direct staff to return with a recommended alternative location for the bridge.

4. **WATER TREATMENT PLANT MASTER PLAN IMPROVEMENTS.** (MOSS/HENDERSON – 30 MINUTES)

RECOMMENDATION: 1. Approve the project components recommended for inclusion in the final design of improvements for the Water Treatment Plant Improvement Project.

2. Approve the concept for negotiation and procurement of the Actiflo system with Kruger Inc. and direct staff to proceed with negotiations. 3. Approve Amendment No. 3 to the contract with Black and Veatch for Phase II services for the design of the recommended improvements at the Water Treatment Plant for an additional amount not to exceed \$455,996. 4. Approve the transfer of \$167,967 from the construction budget to the design budget to fund the work scope.

5. STENNER CANYON HYDROELECTRIC FEASIBILITY STUDY PHASE II.
(MOSS/HENDERSON – 15 MINUTES)

RECOMMENDATION: 1. Receive and file the Stenner Canyon Feasibility Study Phase II, July 2004. 2. Direct staff to cancel implementation of the Stenner Canyon Hydroelectric Project. 3. Direct staff to inform Federal Energy Regulatory Commission (FERC) of the current project status and accept termination of the current FERC license.

COUNCIL LIAISON REPORTS (not to exceed 15 minutes)
Council Members report on conferences or other City activities. Time limit—3 minutes.

COMMUNICATIONS (not to exceed 15 minutes)
At this time, any Council Member or the City Administrative Officer may ask a question for clarification, make an announcement, or report briefly on his or her activities. In addition, subject to Council Policies and Procedures, they may provide a reference to staff or other resources for factual information, request staff to report back to the Council at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda (Gov. Code Sec. 54954.2).

A. ADJOURN.

ADVISORY BODIES

ARCHITECTURAL REVIEW COMMISSION (ARC)

The ARC generally meets the first and third Monday of each month. The meetings are held in City Hall in the Council Hearing Room at City Hall, 990 Palm St. and begin at 5:00 p.m. Call 781-7170 to confirm times and dates.

BICYCLE ADVISORY COMMITTEE (BAC)

The Bicycle Advisory Committee meets quarterly in March, June, September, and December. Call 781-7178 to confirm exact dates and times.

CITY COUNCIL

The City Council meets on the first and third Tuesday of every month. The meetings generally begin at 7:00 p.m. and are held at City Hall in the Council Chamber, 990 Palm Street. Call 781-7103 to confirm times and dates.

CULTURAL HERITAGE COMMITTEE (CHC)

The CHC meetings are held on the fourth Monday of the Month at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm St. Call 781-7170 to confirm dates and times.

DOWNTOWN ASSOCIATION BOARD OF DIRECTORS

The Downtown Association Board usually meets the second Tuesday of the month at 7:30 a.m. in the Council Hearing Room located at City Hall, 990 Palm St. Call 541-0286 to confirm the date and time.

HOUSING AUTHORITY

The Housing Authority meets the third Thursday of the month at noon in the Housing Authority offices located at 487 Leff St. Call 543-4478 to confirm dates and times

HUMAN RELATIONS COMMISSION (HRC)

The Human Relations Commission usually meets the first Wednesday of the month at City Hall in the Council Hearing Room, 990 Palm St. beginning at 5:00 p.m. Call 781-7251 to confirm dates and times.

JACK HOUSE COMMITTEE

The Jack House Committee meets the second Wednesday of the month at the Parks & Recreation Department, 1341 Nipomo Street, at 5:30 p.m. Call 781-7305 to confirm the dates and times.

JOINT USE OF RECREATIONAL FACILITIES COMMITTEE (JUC)

The Joint Use Committee meets the fourth Tuesday of each month at noon at the Recreation Department located at 1341 Nipomo Street. Call 781-7300 to confirm dates and times.

MASS TRANSPORTATION COMMITTEE (MTC)

The Mass Transportation Committee meetings are held on call, generally on a quarterly basis. Call 781-7121 to confirm exact dates and times.

PARKS AND RECREATION COMMISSION (P&R)

The Parks and Recreation Commission typically meets the first Wednesday of the month in the City/County Library located at 995 Palm St. and begin at 7:00 p.m. Call 781-7300 to confirm dates and times.

PLANNING COMMISSION (PC)

The Planning Commission meets the second and fourth Wednesday of the month at 7:00 p.m. in the Council Chamber, City Hall, 990 Palm Street. Call 781-7170 to confirm dates and times.

PROMOTIONAL COORDINATING COMMITTEE (PCC)

The Promotional Coordinating Committee meets the second Wednesday of each month at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm St. Call 781-7123 to confirm the times and places.

TREE COMMITTEE

Tree Committee meets at 5:00 p.m. on the fourth Monday of the month at the City's Corporation Yard located at 25 Prado Road. Call 781-7220 to confirm dates and times.