



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

Tuesday, November 16, 2004

4:00 P.M.*

REGULAR MEETING

**Council Chamber
990 Palm Street**

***NOTE EARLY START TIME**

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

PUBLIC HEARINGS

- 1. PUBLIC HEARING ON THE 2004-05 PROGRAM OF PROJECTS FOR THE 2004-05 FEDERAL TRANSIT ADMINISTRATION GRANT. (WALTER/O'DELL – 15 MINUTES)**

RECOMMENDATION: As recommended by the Mass Transportation Committee (MTC): 1) Conduct a public hearing to review and approve the FTA 5307, FY 2004-05 Program of Projects. 2) Adopt a resolution authorizing the Public Works Director to file a grant application and execute the grant agreement from the Federal Transit Administration in the amount of \$752,800. 3) Amend the budget to reflect revisions to recipient allocations. 4) Approve appropriation of \$157,000 of available Working Capital.



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.

2. CONSIDERATION OF THE HUMAN RELATIONS COMMISSION'S RECOMMENDED PRIORITIES FOR THE 2005 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM. (MANDEVILLE/DAVIDSON – 30 MINUTES)

RECOMMENDATION: Approve the CDBG funding priorities for the 2005 CDBG Program, as recommended by the Human Relations Commission (HRC).

BUSINESS ITEMS

3. ADDENDUM TO COSTCO EIR REGARDING TIMING OF CALLE JOAQUIN IMPROVEMENTS. (MANDEVILLE/RICCI – 30 MINUTES)

RECOMMENDATION: Consider and adopt the Addendum to the Costco EIR, which documents changes to Mitigation Measure TR/mm-2a regarding the timing of off-site improvements to Calle Joaquin.

4. MONTEREY STREET PLAZA – A CONCEPT PLAN FOR A PUBLIC PLAZA BETWEEN THE FREMONT THEATER AND THE COUNTY GOVERNMENT CENTER. (MANDEVILLE/DRAZE – 30 MINUTES)

RECOMMENDATION: Confirm the “Council Recommended Concept Plan” as the project to undergo further study, if further study is funded as part of the 2005-07 Financial Plan.

6:45 P.M.

CLOSED SESSION Council Hearing Room
990 Palm Street

CONFERENCE REGARDING PROPERTY NEGOTIATIONS

Pursuant to Government Code § 54956.8

- Property: 1585 Calle Joaquin
- Property Owner Negotiator: Hansen, et al.

- Property: 1625 Calle Joaquin
- Property Owner Negotiator: Motel 6, et al.

- City Negotiators: Todd Amspoker, Esq., Tim Bochum, Lillian Jewell, Jonathan Lowell

- Negotiations: Provide direction to City Negotiators

7:00 P.M.

PRESENTATION

PROCLAMATION TO THE SALVATION ARMY. (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.

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, OCTOBER 12, 2004, SPECIAL MEETING AND TUESDAY, OCTOBER 19, 2004, REGULAR MEETING. (HOOPER)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. BIENNIAL REVIEW AND AMENDMENT OF THE CITY'S CONFLICT OF INTEREST CODE 2004. (HOOPER)

RECOMMENDATION: Adopt a resolution amending the City's Conflict of Interest Code.

C3. ADOPTION OF AN ORDINANCE AMENDING PLANNED DEVELOPMENT ORDINANCE NO. 1393 TO ALLOW AUTO SALES AT 710 THROUGH 892 AEROVISTA PLACE (PD/ER 91-04). (MANDEVILLE/DUNSMORE)

RECOMMENDATION: Adopt Ordinance No. 1464 (2004 Series), amending Planned Development Ordinance No. 1393 to allow auto sales at 710 through 892 Aeovista Place.

C4. APPROVE USE OF TOURISM PROMOTION LOGO (SAN LUIS OBISPO - EXPERIENCE THE SLO LIFE!) ON TROLLEYS. (GEORGE/STANWYCK)

RECOMMENDATION: As recommended by the Mass Transportation Committee and Promotional Coordinating Committee, approve use of the City's Tourism Promotion Logo (*San Luis Obispo – Experience the SLO Life!*) on the City's two trolleys.

C5. NIPOMO STREET MINOR DRAINAGE IMPROVEMENT. (WALTER/LYNCH)

RECOMMENDATION: 1) Approve new Capital Improvement Project for a minor drainage improvement on Nipomo Street in the amount of \$28,000. 2) Transfer \$28,000 from the CIP Reserve to fund the project.

PUBLIC HEARINGS, CONTINUED

5. **PLANNED DEVELOPMENT AMENDMENT TO ALLOW A NEW 20-UNIT SENIOR APARTMENT BUILDING AND TWO-STORY PARKING STRUCTURE, INCLUDING CREEK SETBACK EXCEPTIONS, AT 55 BROAD STREET (PD 163-02).** (MANDEVILLE/DUNSMORE – 45 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission at a public hearing on October 13, 2004, introduce an Ordinance approving amendments to the previously adopted PD Ordinance to allow the addition of twenty new senior apartments and a new development plan with exceptions to the City's Creek Setback Ordinance, and adopting a Mitigated Negative Declaration for the project.

6. **CONSIDERATION OF A VESTING TENTATIVE TRACT MAP AND ENVIRONMENTAL REVIEW TO CREATE 13 SINGLE-FAMILY RESIDENTIAL LOTS WITH EXCEPTIONS, ON R-1 ZONED PROPERTY LOCATED AT 2070 FIXLINI STREET (TR/ER 95-03).** (MANDEVILLE/COREY – 45 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission, adopt a resolution, approving a Mitigated Negative Declaration of environmental impact (ER 95-03) and vesting tentative tract map, based on findings and subject to conditions and code requirements.

7. **VESTING TENTATIVE PARCEL MAP, WITH AN EXCEPTION TO THE SUBDIVISION REGULATIONS, TO CREATE THREE PARCELS AT 303 DEL MAR COURT (MS/ER 149-04; THOMAS SCHOFF, APPLICANT).** (MANDEVILLE/KALKOWSKI – 30 MINUTES)

RECOMMENDATION: Adopt a resolution: 1) adopting a Mitigated Negative Declaration and; 2) approving a Vesting Tentative Parcel Map, including an exception to the Subdivision Regulations, based on findings, and subject to conditions and code requirements.

BUSINESS ITEMS, CONTINUED

8. MORATORIUM ON MEDICAL MARIJUANA DISPENSARIES.
(LOWELL/MANDEVILLE/LINDEN – 30 MINUTES)

RECOMMENDATION: Approve Emergency Ordinance imposing a moratorium on medical marijuana dispensaries.

9. REFERENDUM PETITIONS REGARDING DALIDIO-SAN LUIS MARKETPLACE PROJECT. (HOOPER/LOWELL – 60 MINUTES)

RECOMMENDATION: 1) Receive the Certificates of Results for two referendum petitions related to Ordinances Nos. 1449 and 1452 (2004 Series) regarding the Dalidio-San Luis Obispo Marketplace project. 2) Consider three options for conducting a special election: polling place, all-mail ballot, or a combination of polling place and mail ballot. 3) Review options for election timing, and set an election date. 4) Depending upon the option chosen, direct staff to take other appropriate actions as outlined in the agenda report.

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.