



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

Tuesday, October 4, 2005

CALL TO ORDER: Mayor Dave Romero

PLEDGE OF ALLEGIANCE

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

6:30 P.M.

CLOSED SESSION

**Council Hearing Room
990 Palm Street**

CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation

Pursuant to Government Code § 54956.9 (b)(1) and (b)(2)

One (1) potential case

7:00 P.M.

REGULAR MEETING

**Council Chamber
990 Palm Street**

PRESENTATION

**PROCLAMATION RECOGNIZING AND SUPPORTING CALIFORNIA ARTS DAY,
OCTOBER 7, 2005. (ROMERO)**

PROCLAMATION FOR NATIONAL DENTAL HYGIENE MONTH. (ROMERO)



City Council regular meetings are televised live on Charter Channel 20. The City of San Luis Obispo is committed to including 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 781-7100.

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 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.

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 SEPTEMBER 20, 2005, REGULAR MEETING.
(HOOPER)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. NAMING THE CHINESE PARK AT 1095 MARSH STREET. (LESAGE)

RECOMMENDATION: As recommended by the Parks and Recreation Commission, approve naming the Chinese Park at 1095 Marsh Street the "LC YC Cheng Park."

C3. EASEMENTS FOR NACIMIENTO PIPELINE PROJECT.
(MOSS/HENDERSON)

RECOMMENDATION: Conceptually approve granting easements for the Nacimiento Pipeline Project within City owned properties at no cost.

C4. APPLICATION FOR GRANT SUPPORT FROM THE CALIFORNIA RIVER PARKWAYS GRANT PROGRAM FOR FLOOD MANAGEMENT IMPROVEMENTS ALONG SAN LUIS OBISPO CREEK AT THE ELKS LODGE.
(GEORGE/HAVLIK)

RECOMMENDATION: Adopt a resolution authorizing application to the California River Parkways Grant program for grant funds in amount of \$500,000 in support of a flood management project along San Luis Obispo Creek at the Elks Lodge on Elks Lane, in the City of San Luis Obispo.

C5. AGREEMENT WITH THE ENVIRONMENTAL CENTER OF SAN LUIS OBISPO COUNTY (ECOSLO). (GEORGE/HAVLIK)

RECOMMENDATION: Approve and authorize the Mayor to sign a two-year professional services agreement with the Environmental Center of San Luis Obispo County (ECOSLO), for public information and retainer services of up to \$15,000 in each

year of the current Financial Plan, for a total of \$30,000 over the two-year life of the Agreement, retroactive to July 16, 2005.

C6. FLEET ADDITION REQUEST FOR A SKIP AND DRAG TRACTOR.
(WALTER/SMITH)

RECOMMENDATION: 1. Approve a Skip and Drag Tractor as a fleet addition. 2. Approve the transfer of \$25,000 from the Street Reconstruction and Resurfacing program to fund this purchase. 3. Authorize the CAO to approve final sole source purchase of used equipment.

C7. POLYBUTYLENE SERVICE REPLACEMENT SPEC. NO. 90526.
(WALTER/REYES)

RECOMMENDATION: 1. Award a contract to and authorize the Mayor to execute with, D-Kal Engineering in the amount of \$512,497 for: Polybutylene Service Replacement Spec. No. 90526. 2. Approve transfer of \$566,500 from the Polybutylene Replacement account to fund this project.

C8. 2005-07 CAPITAL IMPROVEMENT PLAN PUBLIC ART PROJECTS.
(GEORGE/KISER)

RECOMMENDATION: As part of the Capital Improvement Plan for 2005-07, approve public art funding for projects as identified in Attachment 1 for year one (2005-06).

C9. INTENTION TO ISSUE TAX EXEMPT BONDS FOR 919 PALM PARKING-OFFICES PROJECT. (STATLER)

RECOMMENDATION: Adopt a resolution of intention to issue tax exempt bonds in financing the 919 Palm parking-offices project and to reimburse from the proceeds costs incurred prior to their issuance.

C10. SOUTH STREET WIDENING (ROUTE 227) BETWEEN HIGUERA AND BEEBEE STREETS. (WALTER)

RECOMMENDATION: 1. Approve the transfer of \$66,000 from the Capital Improvement Plan (CIP) Reserve Account to the South Street widening project, increasing the City's total contribution to \$116,000. 2. Authorize the CAO to amend the existing cooperative agreement with Caltrans to provide additional funding assistance to widen the segment of South Street (State Route 227) with the revised amount not to exceed \$116,000.

BUSINESS ITEMS

- 1. **ACCEPTANCE OF A ONE-HALF UNDIVIDED FEE INTEREST IN A PORTION OF THE BOWDEN RANCH NEAR WOODLAND DRIVE.** (GEORGE/HAVLIK – 10 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission, authorize the Mayor to accept the gift grant deed of an undivided one-half fee interest in the 180 acre portion of the Bowden Ranch which lies adjacent to but outside of the boundaries of the City of San Luis Obispo, subject to non-substantive changes approved by the City Attorney.

- 2. **BULB-OUT AT CORNER OF NIPOMO AND MONTEREY STREET IN FRONT OF THE CHILDREN'S MUSEUM.** (WALTER/BOCHUM – 15 MINUTES)

RECOMMENDATION: Maintain requirement for street improvements including the bulb-out installation for the southeast corner of Nipomo at Monterey as part of the Children's Museum project.

- 3. **2004 ANNUAL TRAFFIC SAFETY REPORT.** (WALTER/SENOR/HUDSON – 60 MINUTES)

RECOMMENDATION: Receive and discuss the 2004 Annual Traffic Safety Report and associated mitigation strategies.

- 4. **WATER AND SEWER RATE STRUCTURE REVIEW AND RECOMMENDATIONS.** (MOSS/BAASCH - 60 MINUTES)

RECOMMENDATION: 1. Review the information in this staff report and HDR's Volume 1 Utility Rate Structure Evaluation and provide direction to staff as to Council's preferred rate structure concepts; and 2. Approve the recommended implementation plan, including a community outreach program.

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)

ADJOURN TO A REGULAR MEETING, OCTOBER 18, 2005, AT 7:00 P.M. IN THE COUNCIL CHAMBER.

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.