



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

Tuesday, September 5, 2006

6:40 P.M.	REGULAR MEETING	Council Chamber 990 Palm Street
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CALL TO ORDER: Mayor Dave Romero

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

CLOSED SESSION	Council Hearing Room
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CONFERENCE REGARDING PROPERTY NEGOTIATIONS

Pursuant to Government Code § 54956.8

Property: 667 Monterey Street

Negotiating Parties:

City of San Luis Obispo: Jonathan Lowell, Shelly Stanwyck
For Landowner: Marshall Ochylski

Negotiations: Consideration of request for exclusive negotiations for sale of Real Property

LIABILITY CLAIM

Pursuant to Government Code § 54956.95

Workers' Compensation Claim re James Ritterbush

7:00 P.M.

PLEDGE OF ALLEGIANCE



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. MINUTES OF TUESDAY, AUGUST 15, 2006. (HOOPER)

RECOMMENDATION: Waive oral reading and approve as presented.

**C2. AMENDMENT TO THE CITY'S CONFLICT OF INTEREST CODE 2006.
(HOOPER)**

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

C3. ORDINANCE NO. 1496 (2006 SERIES) AMENDING THE CITY'S ZONING MAP FOR THE PROPERTY AT 851 AND 860 HUMBERT AVENUE (R-3-S) GP, R, ER 27-06. (MANDEVILLE/HILL)

RECOMMENDATION: Adopt Ordinance No. 1496 (2006 Series) amending the City's Zoning Regulations to modify the City's Zoning Map for the property at 851 and 860 Humbert Avenue from Manufacturing (M) to Medium-High Density Residential with the Special Considerations overlay (R-3-S).

C4. ORDINANCE NO. 1497 (2006 SERIES) AMENDING THE ZONING REGULATIONS TO ALLOW TEMPORARY PARKING FACILITIES IN THE BUSINESS PARK ZONE. (MANDEVILLE/HILL)

RECOMMENDATION: Adopt Ordinance No. 1497 (2006 Series) amending the City's Zoning Regulations to allow temporary parking facilities in the Business Park (BP) zone, based on findings.

C5. ADDENDUM NO. 2 TO THE JOINT USE AGREEMENT WITH SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT. (KISER)

RECOMMENDATION: As recommended by the Parks and Recreation Commission and the Joint Use Committee, approve Addendum #2 to the Joint Use Agreement between the City of San Luis Obispo and San Luis Coastal Unified School District (SLCUSD), and authorize the Mayor to execute the agreement.

C6. NACIMIENTO/WHALE ROCK EXCHANGE AGREEMENT.
(MOSS/HENDERSON)

RECOMMENDATION: Authorize the Mayor to execute an agreement with the County of San Luis Obispo Service Area No. 10 to provide for the exchange of Nacimiento Project water for water from Whale Rock Reservoir.

C7. AWARD OF ALRITA PUMP STATION REPLACEMENT PROJECT.
(MOSS/GILMORE)

RECOMMENDATION: 1) Award the Alrita Pump Station Replacement Project, Specification No. 90234B, to Raminha Construction, in the amount of \$488,348 and authorize the Mayor to execute the agreement. 2) Approve the additional funding needed and authorize the transfer of \$171,348, to the project account from the Water Distribution Master Plan Implementation account.

C8. LEASE AGREEMENT FOR JOHNSON RANCH HOUSE. (STANWYCK/ELKE)

RECOMMENDATION: Approve continued lease of the Johnson Ranch House and authorize the City Administrative Officer to execute the new Lease Agreement.

C9. RESPONSE TO GRAND JURY REPORT ON DOMESTIC VIOLENCE RESTRAINING ORDERS. (LINDEN)

RECOMMENDATION: Review the Police Chief's responses to the Grand Jury Report on domestic violence restraining orders and authorize the Mayor to sign a letter to the Presiding Judge of the San Luis Obispo County Superior Court concurring with the Police Chief's responses.

C10. NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS). (CALLAHAN)

RECOMMENDATION: Adopt a resolution that 1) Certifies that the National Incident Management System (NIMS) has been adopted and integrated into the City's emergency management system, and 2) Requires appropriate NIMS training for City personnel.

C11. FLEET ADDITION OF PICKUP FOR STREET AND SIDEWALK MAINTENANCE PROGRAM. (WALTER/SMITH)

RECOMMENDATION: 1) Eliminate approved fleet replacement for an electric sign board. 2) Authorize the Finance Manager to transfer \$20,600 to the Equipment

Replacement Fund Completed Projects account. 3) Approve Fleet Addition of a three-quarter ton pick-up for the Street Maintenance Division. 4) Authorize the Finance Manager to sign purchase order in the amount of \$16,663.24 to purchase a Chevrolet Silverado standard cab, three quarter ton pickup through the California Multiple Award Schedule (CMAS).

C12. APPROVAL OF USE OF LAGUNA LAKE PARK FOR PARTIAL MITIGATION OF IMPACTS OCCASIONED BY THE MARGARITA AREA RESIDENTIAL DEVELOPMENT. (STANWYCK/HAVLIK)

RECOMMENDATION: As recommended by the Parks and Recreation Commission, authorize the use of several areas within Laguna Lake Park for partial mitigation of impacts to two rare plant species occasioned by the Margarita Area residential development.

PUBLIC HEARINGS

1. FINAL ABANDONMENT OF AN UNDEVELOPED PORTION OF SOUTH STREET RIGHT OF WAY (ABAN 62-05; THE VILLAGE AT MAYMONT).
(WALTER/LIVICK – 15 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission on May 24, 2006, and the City Council on June 20, 2006, adopt a resolution to abandon (vacate) the street right-of-way of an undeveloped portion of South Street under the procedures specified in the California Streets and Highways Code Section 8300 et seq.

2. EXPENDITURE PLAN FOR 2006-07 STATE SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUNDS. (LINDEN – 15 MINUTES)

RECOMMENDATION: Adopt a resolution approving an expenditure plan for \$100,000 from the 2006-07 California Supplemental Law Enforcement Services Fund (SLESF) to continue funding the salary and benefits for a Police Field Services Technician and a Communications Technician.

BUSINESS ITEMS

3. URBAN FOREST MANAGEMENT – HIGH PRIORITY PRUNING, REMOVAL AND REPLACEMENT PLAN, SPECIFICATION NO. 90544. (WALTER/LYNCH – 30 MINUTES)

RECOMMENDATION: 1) Authorize staff to proceed with the High Priority Removals and High Priority Pruning outlined in the Evaluation of Selected Street Trees report

dated March 2006, by Bill Spiewak. 2) Direct staff to follow with replacement of all removed trees.

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.

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 Ludwick Community Center located at 864 Santa Rosa 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 Council Chamber, City Hall, located at 990 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.