

M I N U T E S
REGULAR MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, MAY 2, 2006 - 6:15 P.M.
COUNCIL CHAMBER, 990 PALM STREET
SAN LUIS OBISPO, CALIFORNIA

CALL TO ORDER: Mayor Romero called the meeting to order at 6:15 p.m.

ROLL CALL:

Council Members

Present: Council Members Paul Brown, John Ewan, Christine Mulholland,
Vice Mayor Allen Settle and Mayor Dave Romero

City Staff:

Present: Ken Hampian, City Administrative Officer; Jonathan Lowell, City
Attorney; Audrey Hooper, City Clerk; Elaina Cano, Deputy City Clerk;
Shelly Stanwyck, Assistant City Administrative Officer; Monica Irons,
Human Resources Director; Karen Jenny, Risk Manager; John
Mandeville, Community Development Director; Bill Statler, Finance
Director; John Moss, Utilities Director; Deborah Linden, Police Chief;
John Moss, Utilities Director; Jay Walter, Public Works Director; Tim
Bochum, Deputy Director of Public Works; Robert Horch, Parking
Services Manager.

CLOSED SESSION

City Attorney Lowell announced the following Closed Session topics, following which
Council adjourned to the Closed Session in the Council Hearing Room.

CONFERENCE REGARDING PROPERTY NEGOTIATIONS

Pursuant to Government Code § 54956.8

Property: 736 Marsh, APN 002-424-022

Negotiating Parties:

City of San Luis Obispo: Ken Hampian, Shelly Stanwyck, Jonathan
Lowell

Landowner: Westpac Development Inc.

Negotiations: Potential Terms of Sale

CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation

Pursuant to Government Code § 54956.9 (b)(3)(C)

Claimant: Neil Temple/Temple Builders

CONFERENCE REGARDING PROPERTY NEGOTIATIONS

Pursuant to Government Code § 54956.8

Property: APN 073-281-004, a 14-acre portion of Stenner
Canyon

Negotiating Parties:

City of San Luis Obispo: Neil Havlik, Shelly Stanwyck, Jonathan Lowell

Landowner: Fred Glick

Negotiations: Response to Purchase Inquiry

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency Negotiators:

Karen Jenny, Monica Irons

Employee Organization:

San Luis Obispo Police Officers' Association

Following the Closed Sessions, City Attorney Lowell reported on the topics as follows: 1) Council provided direction to its property negotiators. Because of a potential conflict of interest, Council Member Brown abstained from this discussion. 2) Council discussed the claim; there was no reportable action on this matter. 3) By a 4:1 vote (Mulholland opposing), Council agreed to pursue exclusive negotiations with Fred Glick at this time. 4) Council provided direction to its Labor Negotiators; no further reportable action was taken.

PRESENTATIONS

Police Chief Linden and Mayor Romero presented Certificates of Appreciation to Matilde Graciano, Esthele Renteria, and Angela Renteria for their cooperation with the Police Department during a recent incident in their neighborhood. Constatino Renteria and Sarah Cordova were unable to be present to receive their certificates.

PROCLAMATIONS

Mayor Romero presented a proclamation to Lieutenant Colonel Nancy Baird, Director of Grizzly Youth Academy, commending the Grizzly Youth Academy for its efforts on behalf of the at-risk youth of our community.

Mayor Romero presented a proclamation to Lisa Quinn, Program Coordinator, San Luis Obispo Regional Rideshare, and Principal Transportation Planner Mandeville, recognizing May as Bike Month and May 15-19 as Bike-to-Work Week.

INTRODUCTIONS

Natural Resources Manager Havlik introduced new City Biologist Freddie Otte.

PUBLIC COMMENT

Sifu Kelvin-Harrison, San Luis Obispo, discussed his continuing concerns regarding personal harassment.

Dane Senser, San Luis Obispo, spoke on behalf of the homeless in the County.

Carol Nulton, San Luis Obispo, commented on her continued concerns regarding the need for affordable/senior housing. She also referred to her comments at the prior meeting regarding junk food being served to students in the school cafeterias. She said she thinks it is Council's role to bring this matter to the attention of the School Board.

Carolyn Smith, San Luis Obispo, discussed safety concerns regarding golf balls from the third green of the Laguna Lake golf course that are landing in her neighborhood. She asked Council to approve the capital improvement project for relocating the third hole that will be coming to Council in June.

Staff indicated that a course marshal will be hired who will supervise activities on the golf course until the project is approved and the third tee can be relocated.

Andrew Carter, San Luis Obispo, explained why he thought Council should revisit its vote on the matter of changing the intervals used in the Residential Growth Management Ordinance phasing schedule.

Council Member Settle indicated that he intends to request raise this issue under Communications.

Mila Vujovich-La Barre, San Luis Obispo, discussed the purpose of the now terminated Save SLO campaign committee, discussed her opposition to the current Dalidio proposal, and said she opposes participation in the task force. She explained why, however, if the City does participate, she thinks Council Member Mulholland should be on the task force.

CONSENT AGENDA

Mikel Roberston, representing SLO Green Build, spoke on behalf of item C5, Memorandum of Understanding and \$2,000 Seed Funding, and asked Council to approve it as recommended.

CAO Hampian referred to a red file memo (on file in the City Clerk's office) recommending that Council designate the Community Development Director or his designee as liaison to meet with SLO Green Build on a quarterly basis.

Mayor Romero noted that revisions have been recommended to the minutes (on file in the City Clerk's office).

Council Member Mulholland stated that she will oppose item C2, Ordinance Amending Parking Meter Rates. She clarified that her concern is not with the rates but with the expansion area. She also stated that she will oppose item C8, Final Map - Tract No. 2534.

Vice Mayor Settle stated that he will also oppose item C2.

ACTION: Moved by Ewan/Mulholland to approve the Consent Agenda items as indicated below.

C1. MINUTES OF TUESDAY, APRIL 18, 2006.

ACTION: Moved by Ewan/Mulholland to waive oral reading and approve with revisions presented in a red file memorandum (on file in the City Clerk's office); motion carried 5:0.

C2. FINAL ADOPTION OF ORDINANCE NO. 1492 (2006 SERIES) AMENDING SECTION 10.52.010 OF THE SAN LUIS OBISPO MUNICIPAL CODE AMENDING PARKING METER RATES.

ACTION: Moved by Ewan/Mulholland to adopt Ordinance No. 1492 (2006 Series); motion carried 3:2 (Mulholland/Settle opposed).

C3. CONSIDER REMOVAL OF THE LOOBLINER BUILDING (969 MONTEREY STREET) FROM THE CITY'S MASTER LIST OF HISTORIC PROPERTIES.

ACTION: Moved by Ewan/Mulholland to adopt Resolution No. 9790 (2006 Series) removing the property at 969 Monterey Street from the Master List of Historic Resources; motion carried 5:0.

C4. APPROVAL OF LICENSE AGREEMENT GRANTING RIGHT OF WAY FROM THE PEARCE MADONNA PARTNERSHIP AT CERRO SAN LUIS NATURAL RESERVE.

ACTION: Moved by Ewan/Mulholland to approve a License Agreement with the Pearce Madonna Partnership to permit construction and use of the "M" Trail crossing a portion of the Partnership's property at Cerro San Luis Natural Reserve, and authorize the Mayor to sign the Agreement; motion carried 5:0.

C5. REQUEST BY SLO GREEN BUILD TO ENTER INTO A MEMORANDUM OF UNDERSTANDING TO PROVIDE TECHNICAL SUPPORT FOR CITY GREEN BUILDING PROGRAMS AND A ONE-TIME REQUEST FOR \$2,000 AS SEED FUNDING.

ACTION: Moved by Ewan/Mulholland to adopt Resolution No 9791 (2006 Series) authorizing the Mayor to sign a Memorandum of Understanding with SLO Green Build and approving a one-time allocation of \$2,000 from the General Fund as seed funding. The motion included the appointment of the Community Development Director or his designee as liaison; motion carried 5:0.

C6. ADOPTION OF STANDARDS FOR RECYCLED WATER PROGRAM.

ACTION: Moved by Ewan/Mulholland to adopt changes to existing standards and adopt new standards relating to the design, construction, and operation of recycled water facilities; motion carried 5:0.

C7. 2006 ARTERIAL STREET REPAIR, SPECIFICATION NO. 90543.

ACTION: Moved by Ewan/Mulholland to: 1) Approve plans and specifications for "2006 Arterial Street Repair Project, Specification No. 90543." 2) Authorize staff to advertise for bids and authorize the CAO to award the contract if the lowest responsible bid is within the Engineer's Estimate of \$440,000, including \$36,000 for water system improvements and \$14,000 for collection system improvements. 3) Approve transfer of \$39,600 from the Water Distribution System Improvements Main Account and accelerate funding in the amount of \$15,400 from the Collection System Improvements Main Account in 2006-07 to 2005-06 to fund this project; motion carried 5:0.

C8. FINAL MAP APPROVAL FOR TRACT NO. 2534, A SUBDIVISION WITH ONE RESIDENTIAL LOT (82 UNITS) AND TWO COMMERCIAL LOTS LOCATED AT 3592 BROAD STREET (BROAD STREET PARTNERS, L.P.).

ACTION: Moved by Ewan/Mulholland to adopt Resolution No. 9792 (2006 Series) approving the final map for Tract No. 2534 and authorizing the Mayor to execute the Subdivision Agreement on behalf of the City; motion carried 4:1 (Mulholland opposed).

C9. USE OF UNALLOCATED FUNDS FOR COMMUNITY PROMOTIONS AND CONTRACT AMENDMENT.

ACTION: Moved by Ewan/Mulholland to: 1) Approve the Promotional Coordinating Committee's (PCC) recommendation to allocate \$10,000 to the San Luis Obispo Chamber of Commerce for the production of "b-roll video." 2) Authorize the Mayor to execute Amendment No. 1 to the San Luis Obispo Chamber of Commerce's Public Relations Services Agreement; motion carried 5:0.

PUBLIC HEARINGS

1. TRANSPORTATION IMPACT FEE UPDATE.

Finance and Information Technology Director Statler presented the staff report and responded to questions.

Council Member Mulholland asked that, on page 1-26, "Identify Non-Fee Revenue Sources," the word "any" be replaced with "all appropriate."

Staff indicated they will make the revision.

Mayor Romero opened the public hearing.

Andrew Carter, San Luis Obispo, raised concerns regarding how the fees are allocated. He referenced, as an example, attributing 75% of the costs for widening Higuera Street, between High and Marsh Streets, to new development. He discussed the impact of the various fees on the cost of housing.

Steve Delmartini, San Luis Obispo, concurred with Mr. Carter's comments. He expressed concern and questioned the comparison with other cities as cited in the staff report.

Mayor Romero closed the public hearing.

Mayor Romero explained why he would oppose the exclusion of the railroad grade separation project at Orcutt Road from the cost base for calculating fees.

Council Member Ewan and Vice Mayor Settle spoke in support of the CAO recommendation to exclude the Orcutt Road railroad grade separation project.

Council Members Mulholland and Brown concurred with the Mayor that the project should remain in the cost base for calculating fees.

Council Member Mulholland spoke in opposition to continuing the 50% subsidy of retail and hotel/motel uses.

ACTION: Moved by Ewan/Brown to adopt Resolution No. 9793 (2006 Series) updating transportation impact fees, with a modification to retain the railroad grade separation at Orcutt Road; motion carried 3:2 (Mulholland/Settle opposing).

BUSINESS ITEMS

2. 2006 COUNCIL COMPENSATION COMMITTEE RECOMMENDATION.

Chairperson Pierre Rademaker, Council Compensation Committee, presented the staff report. He, City Attorney Lowell and City Clerk Hooper responded to questions during the ensuing discussion.

Public Comments

None.

---end of public comments---

The ensuing Council discussion included pursuing the following options not recommended by the Council Compensation Committee: 1) implementation of an incremental increase that would be effective only for Council Members elected in November; and 2) investigation of the feasibility of permitting Council Members to participate in the cafeteria cash back program.

Council Member Mulholland expressed her concerns regarding voting on her own salary increases. She supported a salary increase for newly elected Council Members.

Council Brown agreed with the recommendation, but opposed the increase because of the timing of it in light of the proposed revenue ballot measure.

ACTION: Moved by Ewan/Settle to adopt Resolution No. 9794 (2006 Series) setting new salaries for the Mayor and Council Members, increasing them by \$100 per month effective January 1, 2007; motion carried 3:2 (Brown/Mulholland opposed). Council directed staff to have the next Council Compensation Committee consider the feasibility of implementing a cafeteria cash back program for Council Members.

3. CONSIDERATION OF CREATING A DRIVEWAY PERMIT PARKING PROGRAM IN THE DOWNTOWN.

Deputy Director of Public Works Bochum presented the staff report. He and Parking Services Manager Horch responded to Council's questions.

Public Comments

Mike Spangler, San Luis Obispo, discussed the need for a driveway permit parking program. His concerns are outlined in detail in correspondence on file in the City Clerk's office.

Peter Jergens and Hank Van Gaale, San Luis Obispo, also spoke in support of the program.

---end of public comments---

Council discussion ensued during which Council Member Brown spoke in favor of a driveway permit parking program. He suggested that the double-parking and unloading that is occurring throughout the week creates a bigger hazard than would the proposed parking permit program.

Council Members Ewan and Mulholland, and Vice Mayor Settle concurred with the staff recommendation to deny the program. They, along with Mayor Romero, supported directing staff to work with the Downtown Association and the neighborhood to create a loading zone.

ACTION: Moved by Mulholland/Settle to: 1) Deny the request to establish a downtown driveway permit parking program under the authority of California Vehicle Code Section 22507.2. 2) Direct staff to continue issuing parking citations to individuals who park at driveways adjacent to businesses or residences. 3) Direct staff to work with the Downtown Association and neighborhood to create a loading zone; motion carried 3:2 (Brown/Romero opposed).

4. POTENTIAL TRANSIT FUNDING ISSUE.

Deputy Director of Public Works Bochum presented the staff report. He and Transit Manager O'Dell responded to questions throughout the presentation.

David Lilly, RTA, discussed the increase in RTA costs and service hours as well as funding sources that support the RTA budget. He explained that it is not RTA's intent to reduce services for the local riders, but to try to find a way to work together to provide transit throughout the County. He noted that the RTA Board will be re-evaluating its fares within the next few months. He responded to questions.

Ron DeCarli, Executive Director of SLOCOG, explained why he thought expansion of Sunday service is reasonable based on the unmet needs hearing process they went through with the SLOCOG Board. He stated that he believed the impact to the City transit service would be minimal in light of the funding available for public transit capital-related improvements. He said the issue before the RTA Board is not related to an expansion of service, but a budget item that addresses the increased cost of gasoline prices and increased operational costs, and how those increases would be funded.

Public Works Director Walter explained why he has concerns that there will be very limited expansion funds available to the City in future years. He said because the transportation program has not rebounded as fully as was expected, that may not be something that the City can continue to count on. However, there will continue to be an increase in operating costs.

Public Comments

Denise Martinez, Mass Transportation Committee member and representative of people with disabilities, discussed the importance of maintaining the current level of service. She said that a loss in service could keep people with disabilities from participating fully in the community, and take away from their independence and self-sufficiency.

---end of public comments---

Mayor Romero discussed his observations from the last SLOCOG meeting, and said he was particularly concerned about the potentially adverse impact of increasing Sunday service for RTA riders. He questioned that this is an unmet need. He noted that this will result in a significant cost and could have an impact on the City's ability to provide its same level of service to its riders. He said thinks there is a need for further discussions to find a formula that will result in a fair allocation of costs.

Council Member Mulholland concurred that there needs to be more discussion regarding these concerns.

ACTION: Moved by Settle/Ewan to: 1) Take no final action on the proposed 2006-07 RTA Budget, and request that the Board direct its staff to determine within the next 30 days if further cost reductions, new revenue sources or alternative funding strategies may be possible to reduce or remove the potential service loss to affected jurisdictions. 2) Request that the RTA Board and the SLOCOG Board establish funding and service recommendation policies that modify the process of funding regional versus local transit service so that basic transit service levels are met for both regional and local systems; carried 5:0.

COUNCIL LIAISON REPORTS

Mayor Romero reported on his attendance at the April 27th the Performing Arts Center Commission and the Nacimiento Project Commission meetings. (Written reports are on file in the City Clerk's office.)

COMMUNICATIONS

Mayor Romero referred to a letter received from Penny Rappa requesting reimbursement in the amount of \$708 for an Administrative Use Permit fee paid by Habitat for Humanity (on file in the City Clerk's office).

With the exception of Council Member Mulholland, Council concurred to direct staff to place Ms. Rappa's request on an upcoming agenda.

Vice Mayor Settle requested that Council bring back the matter of changing the intervals used in the Residential Growth Management Ordinance phasing schedule since he was unable to attend the previous meeting and participate in the discussion.

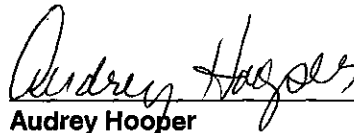
The majority of the Council concurred to direct staff to agendize this matter for discussion at the May 16 2006, Council meeting. Council Members Mulholland and Ewan were in opposition.

Vice Mayor Settle reported the Cal Poly History Professor Bud Evans has asked that Council consider City sponsorship of the hunger dinner event that will take place on May 23rd.

By consensus, Council directed staff to place this request on the May 16, 2006, Council agenda as a Consent Agenda item.

Council Member Brown referenced the disbanding of the Safe Ride Home Program and said he was asked by Tyler Middlestadt, as a Downtown restaurant owner, to attend a meeting to work out arrangements with local cab companies to provide late night service. This will be a pilot, five-week program.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 10:13 p.m. to Tuesday, May 16, 2006, in the Council Chamber, 990 Palm Street, San Luis Obispo.



Audrey Hooper
City Clerk

APPROVED BY COUNCIL: 05/16/06