

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, FEBRUARY 3, 2009 – 7:00 P.M.
COUNCIL CHAMBER, 990 PALM STREET
SAN LUIS OBISPO, CALIFORNIA

ROLL CALL:

Council Members

Present: Council Members John Ashbaugh, Andrew Carter, Jan Howell Marx, Vice Mayor Allen K. Settle and Mayor Dave Romero

City Staff

Present: Ken Hampian, City Manager, Jonathan Lowell, City Attorney, Shelly Stanwyck, Assistant City Manager, and Audrey Hooper, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

PROCLAMATION

Mayor Romero presented Marguerite Maxwell, Former Grand Juror Association, with a proclamation proclaiming February 2009 as Grand Jury Awareness Month.

PRESENTATION

Caltrans District 5 representatives Colin Jones, Public Affairs Manager, and Dan Miller, Senior Construction Engineer, provided a briefing on Caltrans' projects that are currently underway in the City, particularly the Highway 101 and 227 rehabilitation projects. They and Public Works Director Walter responded to Council's questions and comments.

Mayor Romero announced that the goal-setting process (item B1) was completed on January 31. Therefore, no further discussion was required on this item and it was removed from the agenda.

APPOINTMENT

A1. APPOINTMENT TO THE BICYCLE ADVISORY COMMITTEE (BAC).

Council Liaison Subcommittee Chair Ashbaugh reported on the interview process.

Gary Fowler, San Luis Obispo, commended the selection of Christopher Black for appointment to the BAC. He expressed his hope that Mr. Black will be able to provide guidance to some of the cycling groups within the community to minimize situations when cyclists are not riding by the rules of the road.

ACTION: Moved by Marx/Ashbaugh to appoint Christopher Black to the BAC to serve an unexpired term ending on March 31, 2010; motion carried 5:0.

PUBLIC COMMENT

Gary Fowler, San Luis Obispo, suggested an oversight committee of five people should be appointed to review the Fire Department Master Plan in order for the public to have an opportunity to provide input and suggestions on the implementation of proposed increases in funds, equipment, personnel, and fire stations.

City Manager Hampian clarified that, as discussed during the Study Session, the Master Plan is a guide that will assist in making future budget decisions. While the Plan contains benchmarks and standards, the implementation of these will depend on the City's growth and financial resources.

Marcia Alter, San Luis Obispo, presented Council with a copy of a book of poetry entitled, "Poems for Endangered Places," written by SLO County poets. She encouraged Council to read the book and let it impact them as they carry out their responsibilities.

Paula Lowe, poet, read one of the poems and discussed the importance of developers and community members working together and listening to each other.

Nancy Cole, Cal Poly student majoring in city and regional planning, provided a recap of the SLO Energy Town Hall event held in September. (Her written recap is on file in the City Clerk's office.)

CONSENT AGENDA

Council concurred with Vice Mayor Settle's request to pull item C2 for further discussion.

ACTION: Moved by Carter/Ashbaugh to approve the Consent Agenda items C1 and C2 as indicated below.

C1. MINUTES OF THURSDAY, JANUARY 15, 2009.

ACTION: Moved by Carter/Ashbaugh to waive oral reading and approve as presented; motion carried 4:0:1 (Marx abstained because she was absent from this meeting).

C2. 2009 LEGISLATIVE ACTION PLATFORM.

Vice Mayor Settle asked Council to support the League of California Cities' Revenue Tax Committee by sending a communication to the Governor and State legislators to suspend from one to two years Assembly Bill 32 and Senate Bill 375 until funding has been identified for these mandates.

Following discussion during which staff responded to questions, Council consensus was to take no action on Vice Mayor Settle's suggestion, but to direct staff to return to Council with additional information on this matter if the League of California Cities Board takes a position on it.

Further discussion ensued during which Council gave direction to incorporate the following additional changes to the Legislative Action Platform that were not contained in the Legislative Draft:

Community Development

3. This item will be retained but will be revised to read as follows: "Promoting funding of on campus housing at CSU for student and faculty housing."

Finance

The following item was added: "Supporting legislation and other measures to change processes in California regarding: determining legislative district boundaries, modifying term limit restrictions, and reducing the two-thirds vote required for adoption of the State budget."

Public Safety

20. (This item became 22 in the final draft and was reworded to read as follows: "Continuing State and Federal funding support for disaster preparedness, earthquake preparedness, Homeland Security, hazardous material response, State COPS program and other local law enforcement activities.")
24. (Regarding supporting efforts to provide the Governor with authority to override the parole board.) This item was dropped.

Parks and Recreation and Natural Resources

Council concurred that continued funding for the California Conservation Corp will be added to the first item under Parks and Recreation and Natural Resources as indicated in the red file submitted prior to the meeting.

Council Member Marx asked and Council concurred that a category for energy conservation should be added to next year's Legislative Action Platform.

ACTION: Moved by Carter/Settle to: 1). Adopt Resolution No. 10055 (2009 Series) establishing a Legislative Carter/Settle Action Platform for 2009 with amendments noted previously. 2). Appoint the Mayor and City Attorney to act as the primary legislative liaisons between the League of California Cities and the City of San Luis Obispo; motion carried 5:0.

C3. SETTING DATE FOR PUBLIC HEARING ON SLO TRANSIT FARE MODIFICATION.

ACTION: Moved by Carter/Ashbaugh to approve the date set for a public hearing on possible SLO Transit fare modifications; motion carried 5:0.

PUBLIC HEARINGS

PH1. PROPOSED NIGHT SKY ORDINANCE TO MITIGATE THE NEGATIVE EFFECTS OF OUTDOOR LIGHTING.

Community Development Director Mandeville and Assistant Planner David presented the agenda report. They and Deputy Director of Community Development – Development Review - Davidson responded to questions.

Police Chief Linden confirmed that the Police Department has no safety concerns related to the proposed ordinance.

Mayor Romero opened the public hearing.

Bill Thoma, San Luis Obispo, discussed his experience as a local electrical and design engineer and the light projects he has designed throughout the state. He displayed handbooks, booklets and other resources on the subject of lighting. He outlined a number of concerns regarding and proposed numerous suggestions for modifying the ordinance. He said that the definitions contained within in it should be consistent with those of the Illuminating Engineering Society (IES). He asked that Council not adopt the ordinance but allow additional time to modify it.

Staff responded to a number of Mr. Thoma's comments and concerns as well as to additional Council questions.

Steve Shinn, representing CBS Outdoor Billboards, said his company is attempting to comply with Assembly Bill 32, a statewide energy retrofit program for upward facing lights on billboards. He explained that because of this the Planning Commission added an exemption to address his company's concerns that would allow upgrades to fixtures on existing billboards if they reduce light pollution or improve efficiency. He explained why bottom mounted fixtures are considered safer than top down fixtures on billboards. He responded to Council's questions.

Assistant Planner David supplemented comments made by staff following Mr. Thoma's presentation.

Mayor Romero closed the public hearing.

Vice Mayor Settle said that he could not support the ordinance as proposed both because it may not have its desired effect and because of its potential unintended

consequences, particularly related its potential for exposure to litigation as a result of inadequate lighting.

Discussion ensued during which Council Members supported the ordinance in general but agreed that it needed further refinement and that staff should work with a technical expert to make those refinements. Specific direction is contained within the following motion.

ACTION: Moved by Ashbaugh/Carter to continue this item to a date uncertain, with direction to staff to continue to seek input into the ordinance with specific reference to technical standards such as, but not limited to, the definition of allowable fixtures, means of measurements, heights of allowable fixtures, exemptions with respect to existing residences, and an approach to correct non-conforming commercial lighting with the intent of strenghtening the ordinance. In addition, the word "individual" will be removed from section 17.23.080.6 (relating to holiday lighting fixtures or seasonal lighting); motion carried 4:1 (Settle opposed).

BUSINESS ITEMS

B1. CONTINUED CONSIDERATION OF GOAL-SETTING FOR 2009-11.

The goal-setting process was completed on January 31. Therefore, no further discussion was required and this item was removed from the agenda.

COUNCIL LIAISON REPORTS

Council Member Marx reported on the activities of the Air Pollution Control District Board.

Council Member Carter reported on his attendance at a recent California Men's Colony meeting as well as on a report made at the last Human Relations Committee meeting regarding the Maxine Lewis Day Shelter.

Council Member Ashbaugh reported on his and Council Member Carter's attendance at a Cultural Heritage Committee meeting last week.

COMMUNICATIONS

Council Member Marx expressed concern regarding the python that recently escaped, as well as that the City does not have an ordinance that addresses these types of pets.

There was no Council interest in pursuing this matter further.

Council Member Marx referred to a letter received from Joseph Carotenuti regarding the naming of streets and suggested that consideration should be giving to naming streets after the City's historical figures.

City Manager Hampian clarified that the City has a street naming policy and said that staff will provide Council with a copy.

Council Member Marx discussed the Green Job Fair and the Focus the Nation event that will be held at Cal Poly this week. She provided Council with website addresses for several agricultural educational centers to take into consideration for the master planning area between the freeway, Los Osos Valley Road and Madonna Road. She referenced a memo from the City Manager dated January 26 regarding creek and flood protection measures. She asked whether Council would like another report regarding this matter.

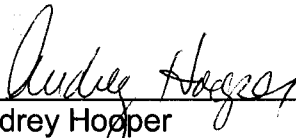
Mayor Romero concurred that Council received a report last year and that it is a good idea for them to receive one in October each year prior to the rainy season.

Council Member Carter expressed concern regarding the methodology for voting for Council goals during the goal-setting session, particularly because different Council Members use the methodology in different ways which can detract from building consensus.

Council Member Ashbaugh discussed his recent attendance at a Smart Growth Conference in Albuquerque.

Utilities Director Mattingly provided Council with an update on the wastewater spill at Orcutt Road and Lawnwood Drive.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 10:30 p.m.



Audrey Hopper
City Clerk

APPROVED BY COUNCIL: 03/17/09