

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, JULY 7, 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 Elaina Cano, Interim City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

PRESENTATIONS

Mayor Romero presented Recreation Manager, Linda Fitzgerald, with a proclamation acknowledging July as Parks and Recreation Month.

APPOINTMENTS

A1. NOMINATION TO THE BOARD OF DIRECTORS OF THE CENTRAL COAST COMMISSION FOR SENIOR CITIZENS (CCCSC), AREA AGENCY ON AGING.

ACTION: Moved by Marx/Ashbaugh to nominate Hosia M. Towery to serve a two-year term, July 1, 2009, through June 30, 2011, as the City of San Luis Obispo's representative to the Central Coast Commission for Senior Citizens Area Agency on Aging Board of Directors; motion carried 5:0.

PUBLIC COMMENT

Randy Poltl, Property Manager of the Laguna Village Shopping Center, discussed a letter he submitted to Council on June 30, 2009, regarding a request for a new traffic signal at Madonna Road and Pereira Drive and traffic concerns at the intersection of Madonna Road and Los Osos Valley Road. In addition, Mr. Poltl requested Council to postpone the review and hearing for the Prefumo Creek Commons EIR.

Paul Rys, 1302 Marsh, expressed his concerns with the sewer rate structure for older homes that have been converted into businesses. Mr. Rys submitted a letter to Council prior to the meeting, which is on file in the City Clerk's office.

City Manager Hampian recommended to Council that the meeting of September 15, 2009, be chosen to accommodate Mr. Polt's requests so that the shopping center's concerns be considered within the context of the Annual Traffic Safety Report. In addition, Mr. Hampian recommended to not delay the process for the Prefumo Commons EIR.

Council concurred with City Manager Hampian's recommendations.

Council inquired of staff regarding Mr. Rys' concerns. Utilities Director Mattingly responded to Council's questions and concerns. Council directed staff to review Mr. Rys' concerns during the Water and Sewer Rate Study.

CONSENT AGENDA

ACTION: Moved by Carter/Settle to approve the Consent Agenda as indicated below.

C1. MINUTES OF JUNE 4, JUNE 9, AND JUNE 11, 2009.

ACTION: Moved by Carter/Settle to waive oral reading and approve as modified; motion carried 5:0.

C2. COLLECTION OF DELINQUENT SOLID WASTE COLLECTION AND DISPOSAL ACCOUNTS.

ACTION: Moved by Carter/Settle to adopt Resolution No. 10100 (2009 Series) authorizing the San Luis Obispo County Assessor to assess the amounts due to San Luis Garbage Company on delinquent accounts for provision of solid waste collection and disposal services as described within Municipal Code Section 8.04.070 as liens against the properties involved; motion carried 5:0.

C3. AMEND THE MUNICIPAL CODE (NIGHT SKY PRESERVATION); (GPI 47-08).

ACTION: Moved by Carter/Settle to adopt Ordinance No. 1527 (2009 Series), amending the Municipal Code by the addition of Chapter 17.23 relating to night sky preservation; motion carried 5:0.

C4. AMEND TITLE 17 OF THE MUNICIPAL CODE (ZONING REGULATIONS); (GPI 67-08).

ACTION: Moved by Carter/Settle to adopt Ordinance No. 1528 (2009 Series) amending Title 17 of the Municipal Code; motion carried 5:0.

C5. PURCHASE SELF-CONTAINED BREATHING APPARATUS (SCBA).

ACTION: Moved by Carter/Settle to approve the purchase of self-contained breathing apparatus (SCBA) for the Fire Department in the amount of \$220,900; motion carried 5:0.

C6. 2009 WATER RESOURCES STATUS REPORT.

ACTION: Moved by Carter/Settle to receive and file the City's 2009 Water Resources Status Report; motion carried 5:0.

**C7. INTEGRATED REGIONAL WATER MANAGEMENT PLAN –
MEMORANDUM OF MUTUAL UNDERSTANDINGS.**

ACTION: Moved by Carter/Settle to approve the "Integrated Regional Water Management Plan Memorandum of Mutual Understandings" with the County of San Luis Obispo and authorize the Mayor to execute the agreement; motion carried 5:0.

**C8. POLYBUTYLENE SERVICES REPLACEMENT PROJECT 2,
SPECIFICATION NO. 90898.**

ACTION: Moved by Carter/Settle to: 1. Approve plans and specifications for the "Polybutylene Services Replacement Project 2, Specification No. 90898." 2. Authorize staff to advertise for bids and authorize the City Manager to award the contract if the lowest responsible bid is within the Engineer's Estimate of \$633,645; motion carried 5:0.

C9. SKATE PARK ORDINANCE.

ACTION: Moved by Carter/Settle to adopt Ordinance No. 1530 (2009 Series) amending the Municipal Code to include a new Section 12.20.140 requiring any person riding a permitted coasting device at Santa Rosa Park Skateboard Park to wear a helmet, elbow pads and knee pads; motion carried 5:0.

**C10. INCREASE MEMBERS TO THE TOURISM BUSINESS IMPROVEMENT
DISTRICT ADVISORY BOARD.**

ACTION: Moved by Carter/Settle to, as recommended by the Tourism Business Improvement District (TBID) Board, introduce Ordinance No. 1531 (2009 Series) amending Ordinance No. 1517 to increase the number of board members from five to seven; motion carried 5:0.

C11. AUTHORIZE THE CITY ATTORNEY TO COOPERATE WITH THE LEAGUE OF CALIFORNIA CITIES, OTHER CITIES, AND COUNTIES IN LITIGATION CHALLENGING THE CONSTITUTIONALITY OF ANY SEIZURE BY STATE GOVERNMENT OF THE CITY'S STREET MAINTENANCE FUNDS.

ACTION: Moved by Carter/Settle to adopt Resolution No. 10101 (2009 Series) authorizing the City Attorney to cooperate with the League of California Cities, other cities, and counties in litigation challenging the constitutionality of any seizure by state government of the City's maintenance funds; motion carried 5:0.

C12. ALLOCATE \$325,000 FROM THE AFFORDABLE HOUSING FUND.

ACTION: Moved by Carter/Settle to approve the use of \$325,000 from the Affordable Housing Fund to purchase an affordable housing unit located on 3591 Sacramento Drive, Unit #53, and appropriate funds accordingly; motion carried 5:0.

C13. OFFICE OF TRAFFIC SAFETY SEATBELT ENFORCEMENT GRANT.

ACTION: Moved by Carter/Settle to: 1. Approve the submission of an application to the California Office of Traffic Safety for a grant to fund officer overtime for seatbelt enforcement as part of the statewide "Click It or Ticket" program in an amount not to exceed \$12,000. 2. Authorize the Chief of Police to accept the grant award if the amount is less than \$12,000 and to execute all grant documents; motion carried 5:0.

C14. INTRODUCE AN ORDINANCE AMENDING PARKING METER RATES AND DEPOSIT OF PARKING FINES AND FORFEITURES AND ADOPT A RESOLUTION SETTING FINES FOR EXPIRED METERS.

ACTION: Moved by Carter/Settle to adopt Resolution No. 10102 (2009 Series) approving an increase of the parking fine for violation of San Luis Obispo Municipal Code Section 10.52.050 (Expired Meters). 2. Introduce Ordinance No. 1532 (2009 Series) amending: a). San Luis Obispo Municipal Code Section 10.52.010 to reflect Council changes to parking meter rates; and b). San Luis Obispo Municipal Code Section 10.64.040 to reflect Council changes to the deposit of collected parking fines and forfeitures; motion carried 4:1 (Settle opposed).

PUBLIC HEARINGS

- 1. CONSIDERATION OF NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT AND INTRODUCTION OF REVISED ORDINANCE REGULATING THE CLOSURE OR CONVERSION TO OTHER USES OF MOBILE HOME PARKS WITHIN THE CITY.**

Council Member Marx announced her ownership of a mobile home in a park in the City, recused herself and stepped down from the dais. Mayor Romero stated that although he owns a mobile home in San Luis Obispo, he has confirmed with the Fair Political Practices Commission that he does not have a direct conflict of interest therefore he will participate in the discussion and action.

City Attorney Lowell confirmed the FPPC's determination.

City Attorney Lowell introduced this item, following which Assistant City Attorney Dietrick presented the agenda report and responded to Council's questions.

Mayor Romero opened the public hearing.

Joan Harper, San Luis Obispo, spoke in support of staff's recommendation.

Letty Cotta, San Luis Obispo, spoke in support of staff's recommendation.

Carol Florence, Hough Family Trust representative, spoke in support of staff's recommendation.

Mayor Romero closed the public hearing.

Council discussion ensued, during which Council spoke in support of staff's recommendation.

ACTION: Moved by Carter/Settle to, as recommended by the Planning Commission and as modified pursuant to Council direction on May 5, 2009: 1. Adopt a Negative Declaration of environmental impact for a proposed ordinance governing the closure and conversion to other uses of mobile home parks within the City. 2. Introduce Ordinance No. 1533 (2009 Series) adopting new Chapter 5.45 of the San Luis Obispo Municipal Code regulating mobile home park conversions; motion carried 4:0:1 Marx recused.

2. 2009-11 CULTURAL ACTIVITIES GRANTS-IN-AID FUNDING.

Principal Administrative Analyst Elke and Promotional Coordinating Committee (PCC) Chair Conner presented the agenda report and responded to Council's questions.

City Attorney Lowell advised PCC Chair Conner to recuse himself due to a conflict of interest regarding an allocation of \$3,800 to the San Luis Obispo Rugby Football Club, which he is the Executive Director. Mr. Conner left the room at which time Council voted on the item below.

Moved by Settle/Carter to allocate \$3800 in grant funding to the San Luis Obispo Rugby Football Club; motion carried 5:0.

PCC Chair Conner returned to the Council Chamber to continue the presentation and respond to Council questions.

Mayor Romero opened the public hearing.

There was no public comment.

Mayor Romero closed the public hearing.

ACTION: Moved by Settle/Ashbaugh to, as recommended by the Promotional Coordinating Committee (PCC): 1. Approve the 2009-10 Grants-in-Aid (GIA) allocations in the amount of \$89,680. 2. Authorize the City Manager to execute the individual agreements with each grant recipient; motion carried 5:0.

BUSINESS ITEM

3. COMMERCIAL FIRE ZONE FIRE SPRINKLER EXEMPTION.

Fire Chief Callahan presented the staff report and responded to questions.

Public Comments

Don Ernst, San Luis Obispo, representing both himself, as property owner at 1020 Palm Street, and the owners of 1014 Palm Street, explained why he felt the commercial fire sprinkler regulations should not apply, and requested at least an extension of time to comply. Mr. Ernst responded to Council questions and concerns.

---end of public comments---

Council discussion ensued during which Fire Chief Callahan and Fire Marshall Maggio responded to Council questions and concerns.

In response to Council comments, Mr. Ernst stated that there is an immunity that protects the City for failure to enforce local laws from liability. City Attorney Lowell confirmed this immunity is set forth at Government Code Section 818.2.

ACTION: Moved by Marx/Settle to allow an extension of time for the installation of fire sprinklers for the buildings located at 1014 and 1020 Palm Street until July 13, 2010, with plans due by December 31, 2009 ; motion carried 5:0.

COUNCIL LIAISON REPORTS

Council Member Marx reported on her attendance at the June 10th SLOCOG meeting.

Mayor Romero reported on his attendance at the Annual Park Tour.
Mayor Romero commented on a letter received from Utilities Director Mattingly regarding Quagga Mussels.

Mayor Romero reported on his attendance at the Central Coast Performing Arts Commission.

COMMUNICATIONS

Vice Mayor Settle mentioned that he and Council Members Ashbaugh and Carter would be attending the League of California Cities, Local Government Summit on Governance and Fiscal Reform Conference on July 17th & 18th.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 9:50 pm.



Elaina Cano
Interim City Clerk

APPROVED BY COUNCIL: 08/04/09