

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, AUGUST 4, 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, Vice Mayor Allen K. Settle and Mayor Dave Romero

Absent: Council Member Jan Howell Marx

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

Fire Chief Callahan recognized the life saving actions by concerned citizens through their use of CPR and AED (defibrillator).

Director of Finance & Information Technology Statler presented an award of excellence to Finance Manager, Debbie Malicoat.

APPOINTMENTS

A1. APPOINTMENTS TO THE HOUSING AUTHORITY BOARD.

ACTION: Moved by Romero/Carter to: 1. Appoint Mandi Milliken as the tenant representative to the Housing Authority Board for a term to begin on August 4, 2009, and expire on March 31, 2011. 2. Appoint Lyn Brumley as the senior tenant representative to the Housing Authority Board for a term to begin on August 4, 2009, and expire on March 31, 2011; motion carried 4:0.

A2. APPOINTMENT TO THE PROMOTIONAL COORDINATING COMMITTEE (PCC).

ACTION: Moved by Romero/Carter to, by motion, appoint Marilyn Fidler to the Promotional Coordinating Committee (PCC) effective August 4, 2009, and expiring on March 31, 2010, as recommended by the Council Subcommittee; motion carried 4:0.

PUBLIC COMMENT

There were no public comments forthcoming.

CONSENT AGENDA

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

C1. MINUTES OF TUESDAY, JULY 7, 2009.

ACTION: Moved by Ashbaugh/Carter to waive oral reading and approve as presented; motion carried 4:0.

C2. AUTHORIZATION TO APPLY FOR ENVIRONMENTAL GRANT FUNDS FROM THE CALIFORNIA COASTAL RESTORATION FUND FOR THE FROOM RANCH ACQUISITION PROJECT.

ACTION: Moved by Ashbaugh/Carter to adopt Resolution No. 10108 (2009 Series) authorizing staff to complete and submit an application for grant monies in the amount of \$50,000 from the California Coastal Restoration Fund, which would be used in support of the acquisition of a 310 acre portion of the Froom Ranch open space; motion carried 4:0.

C3. WATERLINE IMPROVEMENTS – VARIOUS LOCATIONS, SPECIFICATION NO. 90788.

ACTION: Moved by Ashbaugh/Carter to: 1. Approve the plans and specifications for the "Waterline Improvements, Various Locations" Project, Specification No. 90788. 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 \$377,644; motion carried 4:0.

C4. ADOPTION OF ORDINANCE NO. 1532 AMENDING PARKING METER RATES AND THE DEPOSIT OF PARKING FINES AND FORFEITURES.

ACTION: Moved by Ashbaugh/Carter to adopt Ordinance No. 1532 (2009 Series) amending: 1. San Luis Obispo Municipal Code Section 10.52.010 to reflect Council changes to parking meter rates. 2. San Luis Obispo Municipal Code Section 10.64.040 to reflect Council changes to the deposit of collected parking fines and forfeitures; motion carried 3:1 (Settle opposed).

C5. CITY MANAGER RECRUITMENT AGREEMENT.

ACTION: Moved by Ashbaugh/Carter to approve and authorize the Mayor to execute an agreement with Teri Black & Company (TBC) to conduct a City Manager recruitment and provide additional selection assistance to the City Council until a new manager is hired; motion carried 4:0.

C6. APPROVAL OF AGREEMENT RELEASING THE EDUCATION PORTION OF PUBLIC, EDUCATION AND GOVERNMENT (PEG) ACCESS FUNDS TO SAN LUIS COASTAL UNIFIED SCHOOL DISTRICT.

ACTION: Moved by Ashbaugh/Carter to approve an agreement with the San Luis Coastal Unified School District for the release of the "education" portion of the Public, Education, Government (PEG) Access funds received by the City under its cable television franchise agreement with Charter Communications and authorize the Mayor to execute the Agreement; motion carried 4:0.

BUSINESS ITEMS

1. AFFORDABLE HOUSING FUND AWARD FOR A 42-UNIT APARTMENT PROJECT TO BE DEVELOPED AS PART OF THE VILLAGES AT BROAD STREET PROJECT (2238 BROAD STREET).

Housing Programs Manager Codron presented the agenda report and responded to questions.

Public Comments

Jim Rendler, Director of Land Acquisition - ROEM Development Corporation, gave a brief overview of the project and responded to Council questions.

---end of public comments---

ACTION: Moved by Settle/Carter to adopt Resolution No. 10109 (2009 Series) approving a loan of \$1.8 million for ROEM Corporation, including \$1,034,448 from the Affordable Housing Fund and \$765,552 from deferred impact fees, in exchange for developing a 42-unit affordable housing project, including 41 deed-restricted affordable units and one manager's unit at 2238 Broad Street; motion carried 4:0.

2. APPEAL OF THE COMMUNITY DEVELOPMENT DIRECTOR'S DECISION TO DENY A CERTIFICATE OF PUBLIC CONVENIENCE OR NECESSITY FOR AN ALCOHOL LICENSE AT 328 MARSH STREET (MISSION CHEVRON).

City Attorney Lowell stated for the record to ensure due process, as this matter was being processed through City procedures, Assistant City Attorney Dietrick advised staff and therefore Mr. Lowell's role at this meeting was to advise Council that he had not been involved in formulating staff's recommendation.

Community Development Director Mandeville introduced this item, following which he and Police Chief Linden presented the agenda report and responded to Council questions.

Public Comments

Ricky Fleischer, Mission Station, Inc., gave a presentation in support of this project and responded to Council's questions and concerns.

George Garcia, Project Architect, spoke in support of the design of the project and responded to Council's questions.

---end of public comments---

Council discussion ensued, during which Council consensus was that transfer of existing license from within City, and fact that this location is some distance from concentration of alcohol-selling businesses in downtown area within same census tract, justify issuance notwithstanding over-concentration within this particular census tract. Location next to freeway and major streets does provide for public convenience. Location is a gateway to community and development of now vacant site is important to City, as are public improvements that will be installed as part of that development. Combination of all these factors justifies issuance in this particular instance if Council conditions and City requirements are met.

ACTION: Moved by Carter/Settle to deny the appeal, but direct staff to issue a PCN for off site sales provided applicant purchases another existing off-site license within City limits, and PCN contains conditions of no single beer, no keg, and no small wine bottle sales; motion carried 4:0.

3. UPDATE ON STATE BUDGET IMPACTS ON THE CITY.

Assistant City Manager Stanwyck introduced the item and Director of Finance & Technology Statler presented the agenda report and responded to questions.

Public Comments

There were no public comments forthcoming.

---end of public comments---

Discussion ensued during which Council supported staff's recommendation.

ACTION – Council received the update on the status of the State budget impacts on the City and recommended strategies for responding to them.

COUNCIL LIAISON REPORTS

Mayor Romero reported on his attendance at the City University Luncheon.

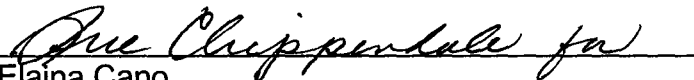
Council Member Carter reported on his attendance of CMC Citizens Advisory Committee and the JPIA Harassment and Discrimination training.

Council Member Ashbaugh reported on a meeting he attended at the Octagon Barn.

COMMUNICATIONS

None.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 9:40 PM


Elaina Cano
Interim City Clerk

APPROVED BY COUNCIL: 09/01/09