

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

PRESENTATION

City Volunteer Joe Carotenuti spoke about the City's Historic Preservation Project and donations made by groups and individuals to that end. Mayor Romero introduced former Council Member Christine Mulholland and retired City Clerk Audrey Hooper and presented two historical books dedicated to them in appreciation for their years of work for the City.

PUBLIC COMMENT

Jenny Ferguson, San Luis Obispo, spoke about rainwater harvesting and requested to have this topic be placed on a future Council agenda. City Manager Hampian stated that staff is working on a memo that will address Ms. Ferguson's requests.

Art Apruzzese, San Luis Obispo, informed the Council of a recent accident in Afghanistan involving Captain Blake Dwight Smith, United States Marine Corp. Captain Smith is a San Luis Obispo High School graduate. Mr. Apruzzese requested continue support to the Smith family and all other military families.

Paul McGill, Surf Cab, requested five permits to operate in the City of San Luis Obispo.

Paul Bonjour, San Luis Obispo, spoke about his concerns regarding Laguna Lake. Mr. Bonjour also commended SLOPD on a job well done during the Halloween weekend.

Mike Hicks, San Luis Obispo, spoke in support of rainwater harvesting.

Giulio Dedini, San Luis Obispo, spoke in support of rainwater harvesting.

Mike Robertson, Atascadero, spoke in support of rainwater harvesting.

Andrew Christie, San Luis Obispo Sierra Club, spoke in support of rainwater harvesting.

Michael Gilligan, commended Public Works staff for their quick response in fixing a street light on South Street. Mr. Gilligan also spoke about his concern with the bee ordinance.

Assistant City Manager Stanwyck invited Mr. Gilligan to attend a Community Forum which will be held on December 10, 2009 to discuss this topic.

CONSENT AGENDA

There was no public comment on the Consent Agenda.

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

C1. MINUTES OF SEPTEMBER 29 AND OCTOBER 6, 2009.

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

C2. INVITATION FOR BIDS—FIVE PICKUP TRUCKS, SPECIFICATION NO. 90991.

ACTION: Moved by Carter/Settle to: 1. Authorize staff to advertise an Invitation for Bids for four compact extended-cab pickup trucks and one full-size extended cab pickup under Specification No. 90991. 2. Authorize the City Manager to award purchase orders if the lowest responsible bids are within available funding; motion carried 5:0.

C3. ADOPTION OF AN ORDINANCE AMENDING THE ZONING MAP FROM MANUFACTURING WITH THE PLANNED DEVELOPMENT OVERLAY (M-PD) TO OFFICE (O) FOR PROPERTY LOCATED AT 1030, 1040, 1050, 1060 AND 1070 SOUTHWOOD DRIVE; GP/R/ER 177-08.

ACTION: Moved by Carter/Settle to adopt Ordinance No. 1535 (2009 Series) which amends the zoning designation of the site from Manufacturing with the Planned Development overlay (M-PD) to Office (O) for the property located at 1030, 1040, 1050, 1060 and 1070 Southwood Drive; motion carried 5:0.

PUBLIC HEARINGS

1. **CONSIDERATION OF VESTING TENTATIVE TRACT MAP NO. 3011 TO CREATE SIX LOTS AND ALLOW CONDOMINIUM OWNERSHIP FOR PROPERTY LOCATED ON THE SOUTH SIDE OF PRADO ROAD (TR/ER 112-07; 400 PRADO ROAD).**

Community Development Director Mandeville introduced this item following which Senior Planner Ricci and Natural Resources Manager Havlik presented the agenda report and responded to questions.

Mayor Romero opened the public hearing.

Warren Hamrick, project applicant, spoke in support of the project and responded to Council questions.

Mila Vujovich LaBarre, San Luis Obispo, spoke about her concerns with the proposed extension of Prado Road and the segmented evaluation.

Mayor Romero closed the public hearing.

Council discussion ensued during which Mayor Romero requested that staff notify the developer about the reimbursement condition. City Attorney Lowell explained that a statement or condition could be added to the document stating that the developer is advised that the provisions of Chapter 16.20.110 regarding reimbursements may apply to a particular project. Council concurred that this statement should be added to the document.

Council Member Marx reiterated the importance of updating the Circulation Element.

ACTION: Moved by Ashbaugh/Marx to, as recommended by the Planning Commission, adopt Resolution No. 10124 (2009 Series) adopting a Mitigated Negative Declaration (ER 112-07) and approving Vesting Tentative Tract Map No. 3011, based on findings, and subject to conditions and mitigation measures, including adding a statement that a developer be notified of the provision in Municipal Code Chapter 16.20.110 regarding reimbursement that may apply to a particular project; motion carried 5:0.

2. **APPEAL OF PLANNING COMMISSION'S ACTION DENYING A USE PERMIT TO ALLOW A CAR WASH IN THE RETAIL-COMMERICAL ZONE (C-R) FOR PROPERTY LOCATED AT 1101 MONTEREY STREET (U 63-09).**

City Attorney Lowell announced that City Manager Hampian will be recusing himself during the discussion after which Mr. Hampian left the Council Chamber. City Attorney Lowell also stated that Mr. Hampian has not been participating in this process at any level.

Community Development Director Mandeville introduced this item following which Associate Planner Leveille presented the agenda report and responded to questions.

Mayor Romero opened the public hearing.

George Garcia, Garcia Architect and Design, spoke in support of staff's recommendation as well as made a presentation reviewing the project.

Raffy Arsene, owner of the Downtown Shell, spoke in support of staff's recommendation and responded to Council questions.

Dodie Williams, San Luis Obispo, spoke in support of staff's recommendation.

Mayor Romero closed the public hearing.

Council discussion ensued during which they all spoke in support of the project.

ACTION: Moved by Carter/Marx to adopt Resolution No. 10125 (2009 Series) upholding the appeal and approve the use permit to allow a car wash at 1101 Monterey Street; with a modification to condition #2; motion carried 5:0.

Council recessed at 9:32 pm and reconvened at 9:40 pm with all members present.

3. APPEAL OF THE TREE COMMITTEE'S DECISION TO ALLOW THE PROPERTY OWNER TO REMOVE ONE PINE TREE AT 546 HIGUERA.

Public Works Director Walter introduced this item following which Urban Forest Supervisor Pellemeier and City Arborist Combs presented the agenda report and responded to Council questions.

Mayor Romero opened the public hearing.

Craig Steffens, Appellant, spoke in support of not removing the tree and suggested alternatives.

David DeBra, San Luis Obispo, spoke in support of saving the tree and suggested alternatives.

Steve Franzman, Greenvale Tree Company, spoke in support of the tree removal and responded to questions.

Mayor Romero closed the public hearing.

ACTION: Moved by Marx/Ashbaugh to adopt Resolution No. 10126 (2009 Series) denying the appeal of the Tree Committee's decision to allow the removal of one pine tree at 546 Higuera, thereby allowing removal of the pine tree by the property owner in addition to planting two sycamore trees and two riparian trees; motion carried 5:0.

COUNCIL LIAISON REPORTS

Vice Mayor Settle reported on his attendance at the Local Agencies Formation Commission meeting.

Mayor Romero reported when the next Channel Counties meeting will be held.

Council Member Ashbaugh reported on his attendance at the October 21st Homeless Services Oversight Council.

COMMUNICATIONS

Council Member Carter explained that there may be a possible removal of a TBID board member and requested that this item be placed on the November 17, 2009, Council agenda. By consensus, the Council concurred.

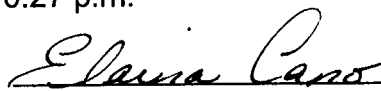
Council Member Carter reported on his observations on Halloween night in the downtown area.

Council Member Carter reported on a meeting he had with Chip Visci, Cal Poly Governmental Affairs.

Council Member Marx spoke about her concerns regarding homelessness on the City's open space and on the Dalidio property.

Council Member Marx stated that she was interested in learning more about rainwater harvesting. The majority of the Council concurred.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 10:27 p.m.


Elaina Cano
City Clerk

APPROVED BY COUNCIL: 12/01/09