

CONSENT AGENDA

Council agreed to pull Item C10 for further discussion.

Mayor Romero discussed Item C6 and stated that the smoothness of the streets is equally as important as the general maintenance of the streets.

Public Comment

Kathleen Karle, County Tobacco Control Program, spoke in support of the smoking ban ordinance and announced that the County Tobacco Control Program is willing to give \$5,000 to the City to be used toward signage.

Elizabeth Osborne, Shell Beach, spoke in opposition to the utilization of San Luis Baseball Stadium by the San Luis Obispo Baseball Alliance, LLC.

Gary Fowler, San Luis Obispo, spoke in opposition to the salaries of the new City Manager and City Attorney. Mr. Fowler also suggested that the Assistant City Attorney position remain vacant.

Michael Borger, Wallace Group, spoke in support of Item C9.

Jody Frey, San Luis Obispo, spoke in opposition to the smoking ban ordinance.

Christina Lefeure, County Tobacco Control Coalition, spoke in support of the smoking ban ordinance.

Tim Golden, Rich Reynolds and Leslie Halls, San Luis Obispo, spoke in opposition of the City's agreement with the Rattlers Baseball Development Group, Inc. and the San Luis Obispo Baseball Alliance, LLC.

End of Public Comment –

City Attorney Lowell explained that newly appointed City Attorney Christine Dietrick is well informed on the matters regarding the Rattlers Baseball Development Group, Inc. and the San Luis Obispo Baseball Alliance, LLC.

C1. MINUTES.

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

C2. APPOINTMENT OF CITY MANAGER.

ACTION: Moved by Settle/Ashbaugh to: 1. Appoint Katie E. Lichtig as City Manager. 2. Approve contract of employment with Ms. Lichtig and authorize the Mayor to sign. 3.

Authorize the Director of Finance and Information Technology to adjust appropriate accounts to reflect the compensation changes; motion carried 5:0.

C3. APPOINTMENT OF CITY ATTORNEY.

ACTION: Moved by Settle/Ashbaugh to: 1. Appoint J. Christine Dietrick as City Attorney. 2. Approve contract of employment with Ms. Dietrick and authorize the Mayor to sign. 3. Authorize the Director of Finance and Information Technology to adjust appropriate accounts to reflect the compensation changes; motion carried 5:0.

C4. ANNUAL STATEMENT OF DEVELOPMENT IMPACT FEES.

ACTION: Moved by Settle/Ashbaugh to receive and file annual statements of revenues and expenditures from development impact fees for 2008-09 (water, wastewater and transportation); motion carried 5:0.

C5. FINAL ADOPTION OF ORDINANCE NO. 1537 (2009 SERIES) AMENDING MUNICIPAL CODE CHAPTER 8.16 TO BAN SMOKING AND ALL FORMS OF TOBACCO PRODUCTS FROM CITY-OWNED OUTDOOR RECREATION AREAS.

ACTION: Moved by Settle/Ashbaugh to adopt Ordinance No. 1537 (2009 Series); motion carried 5:0.

C6. REQUEST FOR PROPOSALS – 2009-11 PAVEMENT DEFLECTION TESTING, SPECIFICATION NO. 90993.

ACTION: Moved by Settle/Ashbaugh to: 1. Approve the Request for Proposals to provide pavement deflection testing and analysis services. 2. Authorize Staff to advertise for proposals. 3. Authorize the City Manager to execute an agreement with the selected consulting firm if the consultant's proposed fees are less than \$50,000; motion carried 5:0.

C7. 2010 STANDARD SPECIFICATIONS AND ENGINEERING STANDARDS.

ACTION: Moved by Settle/Ashbaugh to adopt Resolution No. 10137 (2009 Series) approving the 2010 City Standard Specifications and Engineering Standards and rescind the previous resolution; motion carried 5:0.

C8. 2010 SAN LUIS BASEBALL STADIUM USE AGREEMENTS.

ACTION: Moved by Settle/Ashbaugh to, as recommended by the Advisory Committee on Joint Use of Recreational Property: 1. Authorize the Mayor to execute an amendment to the agreement between the City of San Luis Obispo and Rattlers Baseball Development Group, INC. for use of San Luis Obispo Baseball Stadium for the 2010 season. 2. Authorize the Mayor to execute an amendment to the agreement

between the City of San Luis Obispo and the San Luis Obispo Baseball Alliance, LLC for use of San Luis Obispo Baseball Stadium for the 2010 season; motion carried 5:0.

C9. REIMBURSEMENT TO UNITED RENTALS FOR WATER MAIN CONSTRUCTION ON TANK FARM ROAD.

ACTION: Moved by Settle/Ashbaugh to: 1. Approve the reimbursement of \$284,000 to United Rentals Northwest, Inc. for the cost of constructing a master planned water main in Tank Farm Road. 2. Approve the reimbursement agreement and authorize the Mayor to execute the agreement; motion carried 5:0.

C10. RAILROAD SAFETY TRAIL PHASE 4A, THE ROTARY SUPPORTED "MISSING LINK."

Council Member Marx recused herself and stepped down from the dais so that she could participate as a Rotary Member in the presentation. Roxanne Carr, Past President of the San Luis Obispo Rotary and Nancy Shokohi, Rotary Club Community Services Director presented a donation to the City in the total amount of \$87,000 to help offset costs for the "Missing Link" portion of the railroad safety trail.

ACTION: Moved by Carter/Settle to: 1. Approve Plans and Specifications for the Railroad Safety Trail Phase 4A, Specification No. 90821 and authorize staff to advertise for bids. 2. Approve the transfer of \$60,011 from the Railroad Safety Trail Phase 4 project and \$250,000 from the State Highway Account (SHA) into this project's account. 3. Authorize the City Manager to award a construction contract if the lowest responsible bid is within the engineer's estimate of \$600,000; motion carried 4:0 (Marx recused).

Future City Manager Lichtig expressed her gratitude for the opportunity to serve the City.

City Attorney Lowell administered the Oath of Office to future City Attorney Christine Dietrick. After which Ms. Dietrick also expressed her gratitude for the opportunity to serve the City.

BUSINESS ITEMS

1. AMENDMENT OF ELECTION CAMPAIGN REGULATIONS.

City Attorney Lowell introduced this item, following which Chair John Ewan and Committee Member Dodie Williams presented the agenda report and responded to questions.

Public Comments

There were no public comments forthcoming.
---end of public comments---

Mayor Romero presented committee members who were present with certificates of appreciation.

ACTION: Moved by Carter/Settle to amend Chapter 2.40 (Election Campaign Regulations) of the Municipal Code to incorporate the recommendations of the Council's ad hoc election campaign regulations citizen committee. In addition, Council directed staff to incorporate immediate family unlimited contribution limits; motion carried 5:0.

Council discussion ensued during which they commended the committee for their efforts and also discussed the amount of the contribution limit, enforcement of campaign signs, surplus funds and electronic payment options.

Council recessed at 8:45 pm and reconvened at 8:55 pm with all members present.

2. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR 2008-09.

Director of Finance & Information Technology Statler introduced this item, following which Finance Manager Malicoat presented the agenda report and responded to questions. Kathy Niffenegger, Principal with Glenn, Burdette, Phillips & Bryson, Certified Public Accountants, explained the auditor's report.

Public Comments

There were no public comments forthcoming.

---end of public comments---

Council discussion ensued during which they commended staff for a very comprehensive document. In addition, they discussed their concerns with future PERS rates.

ACTION: Council reviewed and discussed the Comprehensive Annual Financial Report and ending financial results for 2008-09.

3. APPROVAL OF GRANT AGREEMENT WITH THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY IN SUPPORT OF THE PURCHASE OF AN AGRICULTURAL CONSERVATION EASEMENT AT THE 189 ACRE O'CONNOR RANCH ON O'CONNOR WAY.

Natural Resources Manager Havlik introduced the item. Bob Hill, Conservation Director for the Land Conservancy for the County of SLO presented the agenda report and responded to questions.

Public Comments

There were no public comments forthcoming.

---end of public comments---

ACTION: Moved by Settle/Ashbaugh to: 1. Adopt Resolution No. 10138 (2009 Series) approving payment of \$107,500 to First American Title Company from the City's Open Space Fund in support of the purchase of an agricultural conservation easement by the Land Conservancy of San Luis Obispo County at the 189 acre O'Connor Ranch on O'Connor Way in the City's Greenbelt area. 2. Authorize the Mayor to sign an agreement with the Land Conservancy of San Luis Obispo County memorializing the payment and conditions under which the payment will be made; motion carried 5:0.

4. AMENDMENTS TO THE CITY'S SIDEWALK CAFÉ ORDINANCE (TA 52-08).

Community Development Director Mandeville introduced this item, following which Associate Planner Dunsmore presented the agenda report.

Public Comments

Deborah Cash, Executive Director - Downtown Association, spoke in support of staff's recommendation and commended staff for the outreach efforts.

Jody Frey, San Luis Obispo, spoke about her concerns with the widths and obstacles of the downtown sidewalks

---end of public comments---

Council discussion ensued during which they spoke about their concerns with the widths of the sidewalk, hours of operation, fees and permit options, and business owners authority to restrict or allow the use of table and chairs to customers only.

ACTION: Moved by Carter/Marx, as recommended by the Planning Commission, to introduce Ordinance No. 1539 (2010 Series) that incorporates text amendments to Municipal Code Chapter 5.50 relating to sidewalk cafés with modifications to 5.50.045 D. and P. 5 and approve a negative declaration for the project; motion carried 4:1; Ashbaugh opposed.

5. DOWNTOWN PARKING SPACE CONVERSION PROCESS.

Public Works Director Walter introduced this item, following which Parking Services Manager Horch and Principal Transportation Planner Mandeville presented the agenda report.

City Manager Hampian stated in any case that there is a request for parking spaces to be removed the City Manger be notified. Mayor Romero requested that Council be noticed as well.

Public Comments

Jody Frey, San Luis Obispo, spoke about her concerns regarding the parking in the downtown area.

Ermina Karim, Chamber of Commerce, commended staffs outreach efforts and supports staff's recommendation. However, she expressed that the 10 day noticing is not sufficient and suggested to have a 30 day notification.

---end of public comments---

Council discussion ensued during which they discussed their concerns regarding noticing and posting.

ACTION: Moved by Carter/Marx to adopt Resolution No. 10139 (2009 Series) establishing procedures for Downtown parking space conversions to modify the 10 calendar day noticing to 30 calendar day noticing; motion carried 5:0.

COUNCIL LIAISON REPORTS

Council Member Ashbaugh reported on his attendance at the December 14th Cultural Heritage Committee meeting.

Council Member Marx reported on her attendance at the December 2nd SLOCOG and the Air Pollution Control District meetings.

Mayor Romero reported on his attendance at the Mayor's Meeting on December 4th and the Channel Counties meeting.

Council Member Settle also reported on his attendance at the Channel Counties meeting.

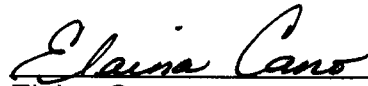
COMMUNICATIONS

Council Member Marx reported on her attendance at the Ag Open Space Community meeting. Ms. Marx also expressed her concerns with the vacant buildings located on South Broad Street. City Attorney Lowell explained that the trustee is attempting to sell these buildings and that if it is necessary a letter from the Mayor can be sent to the Trustee expressing the concerns that the Council has.

Vice Mayor Carter stated that he attended a meeting with city staff and Supervisors Jim Patterson and Adam Hill during which they discussed the possibility of development behind the County Probation Department.

Mayor Romero reported on a letter of gratitude he received from the Vandenberg Space Facility.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 11:32 p.m.



Elaina Cano
City Clerk

APPROVED BY COUNCIL: 02/02/10