

MINUTES
MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, FEBRUARY 2, 2010
COUNCIL CHAMBER, 990 PALM STREET
SAN LUIS OBISPO, CALIFORNIA

6:15 P.M. – SPECIAL MEETING – COUNCIL HEARING ROOM

ROLL CALL:

Council Members

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

Absent: Council Member Jan Marx

City Staff

Present: Katie Lichtig, City Manager, Christine Dietrick, City Attorney, Shelly Stanwyck, Assistant City Manager, and Elaina Cano, City Clerk, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

ANNOUNCEMENT OF CLOSED SESSION TOPIC

City Attorney Dietrick announced the following Closed Session topics.

CONFERENCE REGARDING PROPERTY NEGOTIATIONS

Pursuant to Government Code § 54956.8

PROPERTY: 12500 Los Osos Valley Road
NEGOTIATING PARTIES:
City of San Luis Obispo: Jay Walter
Landowner: John Ruffoni Trust (Kundert et al.)
NEGOTIATIONS: Possible acquisition of property, terms and price

PROPERTY: 12501 Los Osos Valley Road
NEGOTIATING PARTIES:
City of San Luis Obispo: Jay Walter
Landowner: John Ruffoni Trust (Kundert et al.)
NEGOTIATION: Possible acquisition of property, terms and price

PROPERTY: 12424 Los Osos Valley Road
NEGOTIATING PARTIES:
City of San Luis Obispo: Jay Walter

Landowner: BP West Coast Products LLC
NEGOTIATION: Possible acquisition of property, terms and price

PROPERTY: US 101 Mainline

NEGOTIATING PARTIES:

City of San Luis Obispo: Jay Walter

Landowner: Conoco Phillips

NEGOTIATION: Possible acquisition of property, terms and price

PROPERTY: US 101 Mainline

NEGOTIATING PARTIES:

City of San Luis Obispo: Jay Walter

Landowner: SoCal Gas

NEGOTIATION: Possible acquisition of property, terms and price

PUBLIC COMMENT ON CLOSED SESSION ITEMS

Mayor Romero called for public comments. None were forthcoming and the meeting adjourned to the Closed Session.

CLOSED SESSION REPORT

City Attorney Dietrick reported on the Closed Session at the commencement of the 7:00 p.m. Regular Meeting.

The Closed Session adjourned at 6:57 p.m.

7:00 P.M. – REGULAR MEETING – COUNCIL CHAMBER

Mayor Romero called the regular meeting to order at 7:02 p.m. All Council Members except Council Member Marx were present.

CLOSED SESSION REPORT

City Attorney Dietrick reported that Council met in Closed Session to discuss Property Negotiations as indicated above. Council provided direction. No further reportable action was taken.

PRESENTATIONS

Mayor Romero presented a proclamation to Jeff Green, Former Grand Jury Member, acknowledging February 2010 as Grand Jury Awareness Month.

Mayor Romero, in reference to the SLODA presentation, announced that the City Council's role is to ensure that the Thursday Night's Promotions continues to be a

vibrant and robust activity in the Downtown and not to decide who will or will not manage the Farmer's Market. Mayor Romero stated that the City has a contract with the SLODA for the production of the Farmer's Market, which does not dictate day to day operations. The SLODA will be required to continue to produce a first class Farmers Market consistent with its obligations under its contract with the City.

Deborah Cash Executive Director of the Downtown Association and Diana Cotta Thursday Night Promotions Event Coordinator, gave a presentation on Thursday Night Promotions and the Farmers' Market and responded to questions.

PUBLIC COMMENT

Natalie Tartaglia, President of the SLODA Board, spoke in support of the SLODA decisions.

Peter Jankay, Administrator Farmers Market Association, spoke about his relationship with the SLODA, and his eagerness to work with the SLODA to establish a solution. In addition, Mr. Jankay submitted a petition with 2120 signatures opposed to the SLODA decision.

Bob Schinkel, Chairman of Thursday Night Promotions, spoke in support of the SLODA and maintaining a positive relationship with the Farmer's Market Association.

The following citizens spoke against the SLODA decision:

David Avila
Ronald Schletewitz, Fresno
Sandra Simond, Paso Robles
Dave Righetti
Herbert DeKleine, San Luis Obispo
David Brodie, San Luis Obispo
Douglas Bathe, Arroyo Grande
Allan Cooper, San Luis Obispo
David Holmes
Neill Dilworth, San Luis Obispo
Michael Cirone
Gary Fowler, San Luis Obispo
Kathy Borland
Timothy Monahan
Carl Dudley, San Luis Obispo
Peggy Horner, Green Family Farms
Saro Rizzo, Café Roma
Gary Havas, San Luis Obispo
Brian Bassenberry, Cal Poly
Mary Mitchell-Leitcher
Kathryn Keller

Lisa Krueger
Geri Bedell, Avila Beach,
Lee Bedell
Jono Kinkade
Richard Krejsa
Lin Alexander
Liz Peterson
Jordan Algoet

End of Public Comment

Council Member Ashbaugh read a statement on behalf of Council Member Jan Marx.

The consensus of Council is that the two groups, Downtown Association (DA) and Farmers Market Association (FMA) work together to resolve their differences. The City may assist in this process by facilitating a third party mediation between the two by being a funding partner, sharing up to one third of the costs for that mediation. If no agreement between FMA and DA is reached then Council will ask the City Manager to get involved and may consider revising the contract.

Recessed at 9:20 p.m. and reconvened at 9:35 p.m. with all members present with the exception of Council Member Marx, who is absent.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA

Stephen Secrest, submitted a letter to staff for Council regarding the Andrews Bypass Phase 1 Plan Review by Garing, Taylor & Associates, Inc. However, Mr. Secrest was not present during the public comment period.

CONSENT AGENDA

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

C1. MINUTES.

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

C2. CHAPTER 5.5 OF THE MUNICIPAL CODE RELATING TO SIDEWALK CAFÉS (TA 52-08).

ACTION: Moved by Settle/Carter to adopt Ordinance No. 1539 (2010 Series) amending section 5.5 of the San Luis Obispo Municipal Code; motion carried 4:0.

C3. MUNICIPAL CODE CHAPTER 9.12 – NOISE REGULATIONS.

ACTION: Moved by Settle/Carter to adopt Ordinance No. 1540 (2010 Series) amending section 9.12.110 of the San Luis Obispo Municipal Code (Residential Noise Regulations); motion carried 4:0.

C4. PARK MAINTENANCE AND OUTDOOR DINING AGREEMENT WITH VILLAGE HOST PIZZA AND GRILL, SLO, LLC.

ACTION: Moved by Settle/Carter to approve an agreement with Village Host Pizza and Grill, SLO, LLC for park maintenance and outdoor dining on City-owned property, located at 2163 Santa Barbara Street; motion carried 4:0.

C5. STATE ENERGY PROGRAM GRANT FOR ENERGY EFFICIENCIES.

ACTION: Moved by Settle/Carter to adopt Resolution No. 10148 (2010 Series) authorizing Sacramento County, as the lead collaborative entity, to apply for funds on behalf of the City of San Luis Obispo for energy efficiency and conservation activities; motion carried 4:0.

C6. 2009-11 COST ALLOCATION PLAN.

ACTION: Moved by Settle/Carter to approve the 2009-11 Cost Allocation Plan; motion carried 4:0.

C7. LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010.

ACTION: Moved by Settle/Carter to adopt Resolution No. 10149 (2010 Series) supporting the League of California Cities' sponsored Local Taxpayer, Public Safety and Transportation Protection Act of 2010; motion carried 4:0.

C8. STATEWIDE PARK DEVELOPMENT AND COMMUNITY REVITALIZATION PROGRAM OF 2008 (PROP 84).

Council Member Ashbaugh referred to a memo submitted by Parks and Recreation Director Kiser regarding the amount of funding that will be requested.

ACTION: Moved by Settle/Carter to adopt Resolution No. 10150 (2010 Series) to approve the City's application to the Statewide Park Development and Community Revitalization Grant Program (Prop 84) for the Santa Rosa Park Skate Park; motion carried 4:0.

PUBLIC HEARING

1. RIPARIAN HABITAT AND WATER QUALITY IN SAN LUIS OBISPO.

City Attorney Dietrick introduced this item following which Natural Resources Manager Havlik and City Biologist Otte presented the agenda report and responded to questions.

Mayor Romero opened the public hearing.

There was no public comment.

Mayor Romero closed the public hearing.

ACTION: Moved by Carter/Ashbaugh to introduce Ordinance No. 1541 (2010 Series) establishing rules governing the use of creek, creekside, and riparian areas with the City of San Luis Obispo, for the purpose of protecting riparian habitat and water quality; motion carried 4:0.

BUSINESS ITEM

2. FEE REVISION FOR PLANTING TREES IN THE COMMEMORATIVE GROVE.

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

Public Comments

There was no public comment

---end of public comments---

ACTION: Moved by Settle/Ashbaugh to adopt Resolution No. 10151 (2010 Series) revising the current fee for planting a Commemorative tree at the Laguna Lake Commemorative Tree Grove from \$2,080 to \$410 including an additional option to purchase a commemorative plaque to place on an existing tree for an approximate fee of \$250; motion carried 4:0.

STUDY SESSION

3. AIRPORT AREA WASTEWATER MASTER PLAN UPDATE.

Utilities Director Mattingly introduced the item following which Wastewater Division Manager Hix presented the agenda report and responded to questions.

There were no public comments.

ACTION: Moved by Settle/Ashbaugh to receive and file the Airport Area Wastewater Master Plan Update and consider specific projects as they come forward in future financial plans; motion carried 4:0.

COUNCIL LIAISON REPORTS


Council Member Ashbaugh reported on his attendance at a Community Action Partnership outreach.

Mayor Romero reported on his attendance at the Nacimiento Project Committee. and the SCLC meeting.

COMMUNICATIONS

There were no further communications.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 11:16 p.m.


Elaina Cano, CMC
City Clerk

APPROVED BY COUNCIL: 03/16/10