

MINUTES
MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, FEBRUARY 16, 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, Jan Howell Marx, Vice Mayor Andrew Carter, and Mayor Dave Romero.

Absent: Council Member Allen Settle

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 topic.

CONFERENCE REGARDING PROPERTY NEGOTIATIONS

Pursuant to Government Code § 54956.8

PROPERTIES: Union Pacific Railroad rights-of-way, various parcels identified as follows:

APN 002-343-034
APN 002-342-024
APN 002-455-004
APN 052-193-020
State Board of Equalization # 850-40-2B
State Board of Equalization # 850-40-2A
State Board of Equalization # 805-40-2B, Parcel 3A
State Board of Equalization # 850-40-2AM
State Board of Equalization # 850-40-2A, Parcel 37

NEGOTIATING PARTIES:

City of San Luis Obispo:	Jay Walter, Katie Lichtig
Landowner:	Union Pacific Railroad

NEGOTIATIONS: Possible acquisition of property, terms and price

PUBLIC COMMENT ON CLOSED SESSION ITEM

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 7:03 p.m.

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

Mayor Romero called the regular meeting to order at 7:04 p.m. All Council Members were present with the exception of Council Member Allen Settle. Council Member Allen Settle was seated at the dais at 8:30 p.m.

CLOSED SESSION REPORT

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

INTRODUCTION

Fire Chief Callahan introduced the newly hired Fire Administrative Analyst, Julie Cox.

PRESENTATIONS

Mayor Romero presented "2010 Census Partner" proclamation to Priscilla Handley of the 2010 Census Bureau.

Mayor Romero presented a proclamation to Pamela Werth, representative of the Feline Network Board of Directors, acknowledging "Spay Day USA 2010."

B. K. Richard of the Land Conservancy gave a presentation on the restoration and future vision of the Octagon Barn. Mr. Richard introduced Executive Director Bob Hill, who presented the City a painting of the Octagon Barn.

PUBLIC COMMENT

John Sherry, San Luis Obispo, spoke about his concerns regarding parking on the streets in neighborhoods and referenced the Parking District Code Section 10.36.233.

City Manager Lichtig explained that staff is working collaboratively across departmental lines to come up with a solution.

Nick Pafundi, San Luis Obispo, spoke in support of the Google Fiber Optics Network trial opportunity and requested Council's support.

Gary Fowler, San Luis Obispo, spoke about his concerns regarding funding of the Nacimiento Water project and the proposed parking garage on Palm and Nipomo Streets.

Steve Secrest, San Luis Obispo, spoke about his concern regarding water drainage and flooding in the San Luis Drive neighborhood.

City Attorney Dietrick explained that this is a matter of pending litigation and staff is in communications with Mr. Secrest's attorney.

Jeanne Secrest, San Luis Obispo, spoke about her concerns regarding water drainage and flooding in her neighborhood.

Russ Levanway, San Luis Obispo, spoke in support of the Google Fiber Optics Network trial opportunity.

Ermina Karim, San Luis Obispo Chamber of Commerce, spoke in support of the Google Fiber Optic trial opportunity.

Jeff Buckingham, spoke in support of the Google Fiber Optic trial opportunity.

City Manager Lichtig stated that staff has been working on this issue aggressively and is glad to see an increased awareness of this opportunity throughout the community. Ms. Lichtig explained that staff will be bringing this item back for formal action at the March 12th Council meeting.

CONSENT AGENDA

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

C1. MINUTES.

ACTION: Moved by Carter/Marx to waive oral reading and approve as modified; motion carried 4:0, (Settle absent).

C2. BOB JONES CITY-TO-SEA TRAIL ACCESS EASEMENT.

ACTION: Moved by Carter/Marx to: 1. Accept the Offer of Dedication of Easement from JK Dewar Properties to formalize access for the Bob Jones City-to-Sea project. 2. Approve the Acknowledgement of Drainage Easement to the benefit of JK Dewar Properties and authorize the Mayor to execute the document. 3. Direct the City Clerk to forward the accepted Offer to Dedicate and Consent form to the County Clerk-Recorder's Office for Recording; motion carried 4:0, (Settle absent).

C3. ADDITION OF CHAPTER 12.23 TO THE MUNICIPAL CODE RELATING TO PROTECTION OF RIPARIAN HABITAT AND WATER QUALITY.

ACTION: Moved by Carter/Marx to adopt Ordinance No. 1541 (2010 Series); motion carried 4:0, (Settle absent).

C4. LEASE AGREEMENT WITH THE SAN LUIS OBISPO ART CENTER FOR THE PROPERTY LOCATED AT 1010 BROAD STREET.

Council pulled this item for further discussion.

Council Member Marx expressed her concerns regarding the park land and removal of trees.

PUBLIC COMMENT

Karen Kile, Art Center Executive Director, requested that the 5% commission be removed from the current agreement.

ACTION: Moved by Marx/Carter to 1. Rescind the current lease agreement with the San Luis Obispo Art Center valid until 2017. 2. Approve a new 55-year agreement (with a potential 44-year extension) lease agreement with the Art Center for construction and subsequent operation of the San Luis Obispo Art Center with modifications to paragraph 10. This modification should include an additional sentence stating; No creek alteration or tree removal shall occur on the property without prior City approval. 3. Authorize the Mayor to execute the agreement; motion carried 4:0, (Settle absent).

BUSINESS ITEMS

1. STATUS REPORT: UNREINFORCED MASONRY HAZARD MITIGATION PROGRAM.

Assistant City Manager Stanwyck introduced this item, following which Economic Development Manager Clark and Chief Building Official Girvin presented the agenda report and responded to questions.

Public Comments

Carol Florence, Representative of Dorothy Naman Trust, spoke in support of staff's recommendation and responded to Council questions.

Pierre Rademaker, San Luis Obispo, spoke in support of staff's recommendation.

Mike Spangler, San Luis Obispo, spoke in opposition to staff's recommendation and responded to Council questions.

Bill Thoma, San Luis Obispo, spoke in support of staff's recommendation.

--end of public comments--

Council discussion ensued during which they spoke of their support of staff's recommendation. In addition, Council Members Marx and Settle discussed their concerns regarding retrofit costs, penalties and one year extension for the Springfield Baptist Church.

Moved by Ashbaugh/Carter to: 1. Receive report and discuss status of Unreinforced Masonry Hazard Mitigation (URM) Program. 2. Direct staff to return to Council with Extension Agreements with property owners of Garden Street Terraces, Chinatown, and Naman projects to allow additional time for these projects to complete their permitting and construction. 3. Direct staff to return to Council with change to the URM Ordinance as necessitated by Council Action. 4. Reaffirm the July 1, 2010, deadline for ten buildings described in the report. 5. Direct staff to return to Council with an amendment to the fee schedule that eliminates the favorable fees for seismic retrofit projects where the original permit has expired due to inaction on the project.

After further Council discussion, Vice Mayor Carter withdrew his second. Motion failed due to lack of a second.

ACTION: Moved by Marx/Settle to: 1. Receive report and discuss status of Unreinforced Masonry Hazard Mitigation (URM) Program. 2. Direct staff to return to Council with Extension Agreements with property owners of Garden Street Terraces, Chinatown, and Naman projects to allow additional time for these projects to complete their permitting and construction. 3. Direct staff to return to Council with change to the URM Ordinance as necessitated by Council Action. 4. Reaffirm the July 1, 2010, deadline for ten buildings described in the report. 5. Direct staff to return to Council with an amendment to the fee schedule that eliminates the favorable fees for seismic retrofit projects where the original permit has expired due to inaction on the project 6. Allow a one-year extension to the Springfield Baptist Church, which is a non-profit organization; motion carried 5:0.

Council recessed at 9:30 p.m. and reconvened at 9:40 p.m. with all members present.

2. DIGITAL INFRASTRUCTURE AND VIDEO COMPETITION ACT ORDINANCE.

City Attorney Dietrick presented the agenda report and responded to questions.

Public Comments

There was no public comment.

--end of public comments--

ACTION: Moved by Marx/Settle to introduce Ordinance No. 1542 (2010 Series) amending Chapter 5.72 of the San Luis Obispo Municipal Code relating to cable television franchises; motion carried 5:0.

3. MID-HIGUERA WIDENING PROJECT: COSTS, MEDIANS AND PROJECT OPTIONS.

Director of Public Works Walter introduced this item, following which Senior Civil Engineer Van Beveren presented the agenda report and responded to questions

Public Comments

Scott Hayes, San Luis Obispo, spoke about his concerns regarding staff's recommendation.

Jim Morabito, owner of Paul's Cleaners, spoke about his concerns regarding the economic downfall and staff's recommendation.

Dave Hite, San Luis Obispo, spoke in opposition to the addition of the median and concerns regarding staff's recommendation.

John Dunn, Avila Beach, spoke about his concerns regarding long term effects and ways to enhance the mid-Higuera area.

Roy Parsons, spoke about his concerns regarding the medians, water flow and flood control.

Bill Thoma, spoke about his concern's with staff's recommendations.

--end of public comments--

Council discussion ensued during which they stated their concerns regarding funding, flooding, traffic congestion, medians, street widening and turning lanes.

A motion was made by Council Member Ashbaugh to modify the scope of the current Higuera Street Widening project to align the project with the available funding which means that the project will include traffic signal replacements and operational improvements at Marsh Street and at High Street and the resurfacing of Higuera Street from Marsh Street to South Street; include Alternative 1. Amend Mid-Higuera Enhancement Plan; motion failed due to a lack of a second.

A motion was made by Mayor Romero, seconded by Council Member Settle to deny staff's recommendation; 2-3 motion failed; Ashbaugh, Carter and Marx opposed.

ACTION: Moved by Marx/Carter to modify the scope of the current Higuera Street Widening project to align the project with the available funding which means that the project will include traffic signal replacements and operational improvements at Marsh Street and at High Street and the resurfacing of Higuera Street from Marsh Street to South Street; 3:2 Romero/Settle opposed.

ACTION: Moved by Ashbaugh/Settle to direct staff to evaluate work load and return to Council as part of the June budget process with a recommended approach to implement plan amendments as reflected in Alternative 1; 3-2 Carter and Marx opposed.

COUNCIL LIAISON REPORTS

Council Member Marx reported on her attendance at the Air Pollution Control District, SLOCOG, and SLORTA..

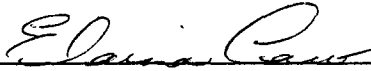
Council Member Ashbaugh reported on his attendance at the Zone 9 and CAPSLO meetings.

Council discussed the CAPSLO Homeless Shelter project that will be presented at the February 17th Airport Land Use Commission meeting.

COMMUNICATIONS

By consensus, Council agreed for the City Manager to seek input from individual Council members about criteria and qualities for the next Cal Poly President.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 11:30 p.m.


Elaina Cano, CMC
City Clerk

APPROVED BY COUNCIL: 04/06/10