

**MINUTES
MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, APRIL 5, 2011
990 PALM STREET
SAN LUIS OBISPO, CALIFORNIA**

4:30 P.M. – CLOSED SESSION – COUNCIL HEARING ROOM

ROLL CALL:

Council Members

Present: Council Members Dan Carpenter, Andrew Carter and Kathy Smith, Vice Mayor John Ashbaugh, and Mayor Jan Marx

City Staff

Present: Katie Lichtig, City Manager, Christine Dietrick, City Attorney, Michael Codron, 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 WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code § 54956.8

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|-----------------|--------|--|
| Property: | APN's: | 073-381-007 073-381-008 073-381-009 073-381-010 073-381-011 073-381-012 |
| Property Owners | | Darrell Twisselman, Kenneth Twisselman and Herbert Filipponi |
| Negotiators: | | City of San Luis Obispo: Katie Lichtig, Michael Codron, Neil Havlik |
| Negotiations: | | Provide direction to City negotiators |

PUBLIC COMMENT ON CLOSED SESSION ITEM

Mayor Marx 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 5:00 p.m. Special Meeting.

The Closed Session adjourned to a Special Meeting at 4:50 p.m.

5:00 P.M. – SPECIAL MEETING – COUNCIL CHAMBER

Mayor Marx called the Special Meeting to order at 5:00 p.m. All Council Members were present.

Mayor Marx made an announcement regarding Council speaker sequencing and seating arrangements.

City Attorney Dietrick reported that Council met in Closed Session to discuss Property Negotiations. Council voted 5:0 to authorize negotiations for property acquisition. No further reportable action was taken.

STUDY SESSION

1. REVIEW OF STAFFING COSTS AND TRENDS.

City Manager Lichtig introduced this item, following which Interim Finance and Information Technology Director Bradley and Director of Human Resources Irons presented the agenda report and responded to questions.

Public Comments

Leslie Halls, San Luis Obispo, offered suggestions to assist with the City's financial sustainability. (Ms. Halls submitted a handout to Council which is on file with the City Clerk's office.)

Steve Barasch, San Luis Obispo, spoke about his concerns regarding the City's fiscal health.

---end of public comments---

ACTION: Moved by Ashbaugh/Smith to receive and file a report on the City's staffing costs including: 1. A ten year review of staffing costs with focus on the top three "drivers." 2. An overview of emerging strategies in public sector compensation; motion carried 5:0.

The Special Meeting adjourned to a Closed Session at 6:21 p.m.

6:00 P.M. – CLOSED SESSION – COUNCIL HEARING ROOM

ANNOUNCEMENT OF CLOSED SESSION TOPICS

City Attorney Dietrick announced the following Closed Session topics.

CONFERENCE WITH LEGAL COUNSEL – Anticipated Litigation
Pursuant to Government Code § 54956.9 (b)(3)(E)

One (1) potential case regarding asserted obligations to meet and confer over potential ballot measures.

CONFERENCE WITH LEGAL COUNSEL – Existing Litigation
Pursuant to Government Code § 54956.9 (a)

Scott Summers v City of San Luis Obispo, Scott Cramer
San Luis Obispo Superior Court Case No. CV118040

PUBLIC COMMENT ON CLOSED SESSION ITEMS

Mayor Marx 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 7:10 p.m.

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

Mayor Marx called the Regular Meeting to order at 7:13 p.m. All Council Members were present.

CLOSED SESSION REPORT

City Attorney Dietrick reported that Council met in two Closed Sessions to discuss Property Negotiations and Anticipated and Existing Litigation. Council provided direction. No further reportable action was taken.

PRESENTATIONS

Mayor Marx presented Kristy McCray, Executive Director of the Sexual Assault Recovery and Prevention Center, with a proclamation acknowledging April 2011 as Sexual Assault Awareness Month.

Mayor Marx presented an Arbor Day proclamation to Urban Forest Manager, Keith Pellemeier, and City Arborist Ron Combs.

Mayor Marx presented Terri Kurczewski of the SLO Child Development Center, with a proclamation commemorating April 2011 as the Month of the Child.

PUBLIC COMMENT

Ron Malak, commended Council for allowing the community to give input regarding the City's budget process. Mr. Malak also spoke about the compensation of a reserve police officer.

By consensus, Council agreed to discuss the possibility of the City having a reserve police officer program at the April 12, 2011, special budget meeting.

Jody Frey, San Luis Obispo, spoke about her concerns of the possible special election pertaining to binding arbitration.

Arnold Ruiz, San Luis Obispo, spoke about preserving Laguna Lake.

CONSENT AGENDA

C1. MINUTES.

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

C2. PARKING LOT SLURRY SEAL VARIOUS LOCATIONS SPECIFICATION, NO. 90961.

ACTION: Moved by Carpenter/Ashbaugh to: 1. Approve plans and specifications for the Parking Lot Slurry Seal Various Locations Project, Specification No. 90961. 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 \$115,000; motion carried 5:0.

C3. REQUEST FOR PROPOSALS FOR AUDIT SERVICES.

ACTION: Moved by Carpenter/Ashbaugh to authorize issuing a request for proposals for audit services; motion carried 5:0.

C4. ADOPTION OF ORDINANCE NO. 1560 TO AMEND CHAPTER 2.24 OF THE SAN LUIS OBISPO MUNICIPAL CODE.

ACTION: Moved by Carpenter/Ashbaugh to adopt Ordinance No. 1560 (2011 Series) amending Chapter 2.24 of the City of San Luis Obispo Municipal Code, Emergency Services; motion carried 5:0.

C5. ADOPTION OF ORDINANCE NO. 1559 (2011 SERIES) AUTHORIZING SPECIAL MAILED BALLOT ELECTIONS.

ACTION: Moved by Carpenter/Ashbaugh to adopt Ordinance No. 1559 (2011 Series); motion carried 5:0.

C6. STORM DRAIN CULVERT REPAIRS, SPECIFICATION NO. 90744.

ACTION: Moved by Carpenter/Ashbaugh to: 1. Approve plans and specifications for Storm Drain Culvert Repairs, Specification No. 90744. 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 \$205,000. 3. Approve the use and transfer of \$40,900 from the Capital Improvement Plan (CIP) Completed Projects account and \$15,000 from the Master Corrugated Metal Pipe (CMP) Replacement account to the Storm Drain Culvert Repairs project account for construction; motion carried 5:0.

C7. PARK STREET SEWER REPLACEMENT, SPECIFICATION NO. 90966.

ACTION: Moved by Carpenter/Ashbaugh to: 1. Approve plans and specifications for the Park Street Sewer Replacement Project, Specification No. 90966. 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 \$185,000; motion carried 5:0.

C8. CORRECTION TO PRE-ZONING EXHIBIT FOR ORCUTT AREA ANNEXATION (ANNX, R 81-10).

ACTION: Moved by Carpenter/Ashbaugh to approve a minor correction to the pre-zoning exhibit that is part of the approved pre-annexation ordinance adopted for the Orcutt Area Specific Plan (OASP); motion carried 5:0.

C9. WATERLINE REPLACEMENTS 2010-2011, SPECIFICATION NO. 90936.

ACTION: Moved by Carpenter/Ashbaugh to: 1. Approve the plans and specifications for the Waterline Replacements 2010-2011 Project, Specification No. 90936. 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 \$862,935; motion carried 5:0.

C10. LANGUAGE CLARIFICATION TO THE HISTORIC PRESERVATION PROGRAM GUIDELINES.

ACTION: Moved by Carpenter/Ashbaugh to adopt Resolution No. 10253 (2011 Series) as amended to clarify language in Sections 3.4.3 and 3.4.5 of the updated Historic Preservation Program Guidelines; motion carried 5:0.

C11. 2011 LEGISLATIVE ACTION PLATFORM.

ACTION: Moved by Carpenter/Ashbaugh to: 1. Adopt Resolution No. 10254 (2011 Series) establishing a Legislative Action Platform for 2011. 2. Appoint the Mayor, City Attorney and City Manager to act as the primary legislative liaisons between the League of California Cities and the City of San Luis Obispo; motion carried 5:0.

BUSINESS ITEMS

2. PARKING REVENUE ENHANCEMENTS.

Director of Public Works Walter and Parking Services Manager Horch presented the agenda report and responded to questions.

Public Comments

Gary Fowler, San Luis Obispo, spoke in opposition of the construction of the new parking structure at Palm and Nipomo and the increase parking rates.

Frank DuFault, San Luis Obispo, spoke about his concerns regarding the proposed parking fee increases.

Phil Gray, San Luis Obispo, Grace Church Parking Committee, spoke of his concerns regarding the proposed parking fee increases and suggested alternative times for enforcement.

David Brodie, San Luis Obispo, spoke in support of staff's recommendation.

Eron Betan, submitted a Speaker Card however, was not in attendance.

Jody Frey, San Luis Obispo, spoke about her concerns regarding the proposed fees on Sundays.

Dave Romero, San Luis Obispo, spoke about the difficulty in imposing parking rates on Sundays and maintaining adequate parking and funding for new parking structures.

Will Powers, San Luis Obispo, spoke in support of staff's recommendation.

Pierre Rademaker, Downtown Association, spoke in overall support of staff's recommendation. In addition, Mr. Rademaker spoke of his concerns regarding the timing of rate increases in the downtown core.

Michael Morris, San Luis Obispo, Old Mission Church, spoke of his concerns regarding the proposed parking fee increases and suggested alternative times for enforcement and to continue to allow free parking in the structures on Sundays.

Marilyn Forselles, San Luis Obispo, spoke in opposition to the proposed parking lot on Palm and Nipomo and to the increases in the downtown core.

Ken Porche, San Luis Obispo, spoke about his concerns regarding the proposed parking fee increases.

Stew Jenkins, San Luis Obispo, spoke in support of staff's recommendation.

Kevin Rice, San Luis Obispo, suggested that there should be an incentive when using the City's meter keys and spoke in opposition to the proposed fee increases.

Paul Rys, San Luis Obispo, spoke about his concerns regarding the proposed parking fee increases and suggested to impose parking fees during the evening hours.

Steve Delmartini, San Luis Obispo, spoke in opposition to the proposed rates on Sunday.

---end of public comments---

Council recessed at 9:15 p.m. and reconvened at 9:25 p.m. with all members present.

Council discussion ensued during which they discussed their support of staff's recommendation, the nighttime economy in the downtown, Sunday rates, and the credit card meters.

ACTION: Moved by Carter/Ashbaugh to 1. Charge for parking at the parking meters and in the parking structures on Sundays from 1:00 pm to 6:00 pm beginning on July 1, 2011. 2. Increase the on-street parking meter rate from \$1.25 to \$1.50 an hour in a new downtown "super core" beginning on November 1, 2011, and keep structure rates at \$0.75 an hour. 3. Direct staff to pursue the purchase and installation of approximately 400 credit card meters to improve customer convenience by November 2011. motion carried 5:0.

Council Member Carpenter stated for the record that although he voted in support of the above motion, he is not in favor of raising parking rates at this time until staff returns with an assessment of the nighttime economy.

Further Council discussion ensued during which they agreed by consensus to email Public Works Director Walter additional ideas which may be included for consideration in the Parking Fund Review.

3. **RESOLUTION TO ESTABLISH A PROPERTY TAX EXCHANGE AGREEMENT WITH THE COUNTY OF SAN LUIS OBISPO TO ADDRESS PROPERTY AND SALES TAX TRANSFERS IN THE ORCUTT AREA.**

City Manager Lichtig introduced this item, following which Assistant City Manager Codron presented the agenda report.

Public Comments

None

---end of public comments---

ACTION: Moved by Ashbaugh/Smith to adopt Resolution No. 10255 (2011 Series) establishing a property tax exchange agreement with the County of San Luis Obispo addressing property and sales tax transfers in the Orcutt Area, whereby the county will transfer 34% of the future property tax increment for all property in the Orcutt Area to the City, and the City will keep 100% of the sales tax generated in the Orcutt Area; motion carried 5:0.

COUNCIL LIAISON REPORTS

Council Member Smith reported on her attendance at the Homeless Services Oversight Committee, Mass Transportation Committee, and Downtown Association meetings.

Vice Mayor Ashbaugh reported on his attendance at the Water Resources Advisory Committee, Integrated Waste Management Authority, and the Cal Poly Bicycle Dedication.

Mayor Marx reported on her attendance at the Regional Transportation Agency, Student Community Liaison Commission, Air Pollution Control District, Cal-ID, and Mayor's Lunch meetings.

COMMUNICATIONS

Mayor Marx reported on her attendance at the following events: Women's Lawyer Association Panel, Annual Advisory Body Recognition Event, Madonna Inn Fashion Show, King David Lodge Burn Victims Benefit, Dedication Hospice Inpatient Unit, International Film Festival, public art dedication "Oh Great Spirit," Mayors meeting at Diablo Canyon, St. Patrick's Day celebration at the Senior Center, Awahanne conference, Committee of 100 Years of Women Voting, Salmonide conference, Parks and Recreation

District 8 quarterly banquet, Arson Investigators Biannual Conference, Carson Starkey Memorial Service, Mayors panel by Homebuilders Association.

There being no further business to come before the City Council, Mayor Marx adjourned the meeting at 10:47 p.m.



Elaina Cano, CMC
City Clerk

APPROVED BY COUNCIL: 05/17/11