



**council agenda**  
CITY OF SAN LUIS OBISPO  
CITY HALL, 990 PALM STREET

**Tuesday, July 18, 2006**

4:00 P.M.\*  
\*PLEASE NOTE EARLY  
START TIME

**REGULAR MEETING**

**Council Chamber  
990 Palm Street**

**CALL TO ORDER:** Mayor Dave Romero

**ROLL CALL:** Council Members Paul Brown, John Ewan, Christine Mulholland, Vice Mayor Allen K. Settle, Mayor Dave Romero

**BUSINESS ITEMS**

1. **APPROVAL OF MEMORANDUM OF UNDERSTANDING INVOLVING THE CITY'S PARKING LOT NUMBER TWO.** (LOWELL/STANWYCK – 1 HOUR)

RECOMMENDATION: Approve a Memorandum of Understanding (MOU) with WestPac Investments, Inc. (WestPac) which outlines the principles for a series of transactions affecting the City's Parking Lot Two (Lot 2), should a project similar to the proposed Garden Street Terraces be approved after going through the usual development and environmental review processes.

**CONSENT AGENDA**

The Consent Agenda is approved on one motion. Council Members may pull Consent items to be considered after Business items. The public may comment on any item on the Consent Calendar.

- C1. **APPROVE MINUTES OF JUNE 20, 2006, REGULAR AND SPECIAL MEETINGS.** (HOOPER)

RECOMMENDATION: Waive oral reading and approve as presented.



City Council regular meetings are televised live on Charter Channel 20. The City of San Luis Obispo is committed to including the disabled in all of its services, programs, and activities. Telecommunications Device for the Deaf (805) 781-7410. Please speak to the City Clerk prior to the meeting if you require a hearing amplification device. For more agenda information, call 781-7100.

**PUBLIC COMMENTS ON AGENDA ITEMS:** You may address the Council on any item described in this agenda by completing a speaker slip and giving it to the City Clerk prior to the meeting. The Mayor will invite public comments before the Council takes action on each item. (Gov. Code Sec. 54954.3(a)) Your speaking time is limited to three (3) minutes. (CC&P Sec.1.3.7)

**CITY COUNCIL PROCEDURES FOR PUBLIC HEARINGS:** The Mayor will announce each item and thereafter, the hearing will be conducted as follows:

1. City staff will present the staff report and recommendation on the proposal being heard and respond to questions from Council.
2. The Mayor will open the public hearing by first asking the project applicant/appellant (or his/her representative) to present any points necessary for the Council, as well as the public, to fully understand the proposal.
3. The Mayor will then ask other interested persons to come to the podium to present testimony either in support of or in opposition to the proposal.
4. Finally, the Mayor will invite the applicant/appellant (or his/her representative) back to the podium to respond to the public testimony, if appropriate. The Mayor will then close the public hearing and limit further discussion to the Council and staff prior to the Council taking a vote.

**RULES FOR PRESENTING TESTIMONY AT A PUBLIC HEARING:** City Council meetings often involve highly emotional issues. It is important that all participants conduct themselves with courtesy, dignity and respect. All persons who wish to present testimony are asked to observe the following rules:

1. Speakers are asked to submit speaker slips to the City Clerk.
2. If you have filled out a Speaker Slip, the Mayor will call you to the podium.
3. Speakers shall address the Council from the podium after giving his/her name and city of residence. Speakers shall direct their comments to the Council, not the audience.
4. Speakers shall limit comments to three minutes. The Mayor, after all others have spoken, may allow additional brief comments from speakers who have already commented on the same agenda item.
5. If testifying as paid representatives, as defined in the Municipal Code speakers shall register as a Municipal Advocate and shall preface their comments by identifying themselves as Municipal Advocates (§2.64.020 & §2.64.050 & §2.64.070).
6. Applicants, appellants or applicant representatives desiring to speak shall:
  - a. Submit speaker slips to the City Clerk (available on a plastic rack at the entrance to the Council Chamber).
  - b. Shall be permitted to speak first during the public comment portion of the public hearing for not more than ten minutes.
  - c. Address the Council from the podium after giving their name and address, and/or the name and address of the applicant/appellant they are representing. If the applicant/appellant's representative is a paid Municipal Advocate, they shall comply with Number 5 above.
7. If you challenge an issue in court, you may be limited to raising only those issues you or someone else raised at this public hearing as described above, or in written correspondence delivered to the City before or during the public hearing.

**CORRESPONDENCE TO COUNCIL:** Written comments on agenda items are encouraged and are most effective if presented at least one day prior to the meeting. Note: Correspondence to Council received after 5:00 p.m. on the day of the Council meeting regarding agenda items may not be distributed until the following day.

**C2. AUTHORIZATION OF ACCEPTANCE OF A CONSERVATION EASEMENT ON A 0.06 ACRE PORTION OF THE BOYSEN RANCH PROPERTY ON LOS OSOS VALLEY ROAD. (STANWYCK/HAVLIK)**

RECOMMENDATION: Approve a resolution authorizing the Mayor to accept the offer of dedication of a conservation easement covering approximately 0.06 acre of the 116 acre Boyesen Ranch property, subject to non-substantive changes approved by the City Attorney, or as may be required by the U.S. Army Corps of Engineers.

**C3. REQUEST FOR PROPOSAL REQUESTING AN ENVIRONMENTAL IMPACT REPORT AND ARCHAEOLOGICAL CONSULTANTS FOR THE CHINATOWN PROJECT. (MANDEVILLE/RICCI)**

RECOMMENDATION: 1) Approve the workscope for Environmental Impact Report (EIR) and archaeological field work consultant services in connection with the Chinatown Project and authorize staff to proceed with sending out Request for Proposal (RFP) documents to qualified consulting firms. 2) Authorize the CAO to award the contract to a qualified consulting firm for the EIR, contingent upon the developer depositing with the City the amount of the contract plus a 30% administrative fee. 3) Authorize the CAO to award the contract to a qualified consulting firm for archaeological field work services, contingent upon the developer depositing with the City the amount of the contract plus a 30% administrative fee.

**C4. PURCHASE OF VEHICLE EXHAUST EXTRACTION SYSTEM FOR ALL FIRE STATIONS. (CALLAHAN)**

RECOMMENDATION: 1. Approve Specification #90621 for the purchase and installation of vehicle exhaust extraction systems for all four fire stations, authorize soliciting of bids and authorize contract award by the CAO if the proposed amount is less than \$179,500. 2. Appropriate \$179,500 for this project: \$161,525 from grant revenues and \$17,975 from the unreserved General Fund balance.

**C5. ACCEPTANCE OF ALCOHOLIC BEVERAGE CONTROL GRANT. (LINDEN/PARKINSON)**

RECOMMENDATION: Adopt a resolution accepting an Alcoholic Beverage Control grant award in the amount of \$40,614 and authorizing the Chief of Police to execute all grant related documents.

**C6. FEDERAL EQUITABLE SHARING AGREEMENT. (LINDEN)**

RECOMMENDATION: Authorize the Mayor and the Chief of Police to sign a Federal Equitable Sharing Agreement that will allow the City to receive federally forfeited assets from adjudicated narcotics cases, pursuant to the federal equitable sharing program.

**C7. ALRITA PUMP STATION REPLACEMENT PROJECT. (MOSS/GILMORE)**

RECOMMENDATION: 1) Approve the plans and specifications for the Alrita Pump Station Replacement Project, Specification No. 90234B, and authorize staff to advertise for bids. 2) Authorize the CAO to award the contract if the lowest responsible bid is within the engineer's estimate of \$419,800. 3) Authorize the transfer of up to \$116,000 to the project account from the Water Distribution Master Plan Implementation account.

**C8. RESOLUTION ESTABLISHING PARKS AND RECREATION COMMISSION BYLAWS. (KISER)**

RECOMMENDATION: As recommended by the Parks and Recreation Commission (PRC), and pursuant to the City Charter which requires bylaws to be approved by the City Council, adopt a resolution establishing Parks and Recreation Commission Bylaws.

PUBLIC HEARINGS

**2. FLOOD ORDINANCE REVISION. (WALTER/LYNCH - 45 MINUTES)**

RECOMMENDATION: Introduce an ordinance revising Chapter 17.84 Flood Damage Prevention Regulations of the Municipal Code.

**6:00 P.M.**

CLOSED SESSION Council Hearing Room

**CONFERENCE REGARDING PROPERTY NEGOTIATIONS**

Pursuant to Government Code § 54956.8

Property:	485 Buckley Road
Negotiating Parties:	
City of San Luis Obispo:	Neil Havlik
Landowner:	Ercole and Naomie Brughelli
Negotiations:	Whether to acquire easement

**CONFERENCE WITH LABOR NEGOTIATORS**

Pursuant to Government Code § 54957.6

Agency Negotiator:	Monica Irons, Rachael Hendricks
Employee Organization:	Fire Battalion Chiefs' Association

7:00 P.M.

**PLEDGE OF ALLEGIANCE**

INTRODUCTIONS

**INTRODUCTION OF UTILITIES DEPARTMENT NEW EMPLOYEES.**  
(HIX/HENDERSON - 5 MINUTES)

**INTRODUCTION OF COMMUNITY DEVELOPMENT DEPARTMENT NEW EMPLOYEES.** (MANDEVILLE – 5 MINUTES)

PRESENTATIONS

**CERTIFICATES FOR EXEMPLARY PUBLIC SERVICE (FIRE).** (CALLAHAN - 5 MINUTES)

**CERTIFICATE OF COMMENDATION – FRANK HERNANDEZ.** (LINDEN - 5 MINUTES)

**PRESENTATION OF AWARD FOR EXCELLENCE IN FINANCIAL REPORTING TO THE CITY OF SAN LUIS OBISPO FROM THE GOVERNMENT FINANCE OFFICERS ASSOCIATION OF THE UNITED STATES AND CANADA.** (STATLER – 5 MINUTES)

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA (not to exceed 15 minutes total)  
The Council welcomes your input. You may address the Council by completing a speaker slip and giving it to the City Clerk prior to the meeting. At this time, you may address the Council on items that are not on the agenda or items on the Consent Agenda. Time limit is three minutes. State law does not allow the Council to discuss or take action on issues not on the agenda, except that members of the Council or staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights (Gov. Code Sec. 54954.2). Staff may be asked to follow up on such items. Staff reports and other written documentation relating to each item referred to on this agenda are on file in the City Clerk's Office in Room 1 of City Hall.

PUBLIC HEARINGS

3. **TENTATIVE TRACT MAP PROPOSAL FOR A 9-UNIT CONDOMINIUM DEVELOPMENT (2932 AUGUSTA, TR/ER 159-05).**  
(MANDEVILLE/DUNSMORE - 30 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission, adopt a resolution approving a tentative tract map and Mitigated Negative Declaration of environmental impact for a 9-unit condominium development located at 2932 Augusta Street (TR/ER 159-05).

**4. APPEAL OF THE ARCHITECTURAL REVIEW COMMISSION'S ACTION TO APPROVE A MITIGATED NEGATIVE DECLARATION, AND GRANT FINAL ARCHITECTURAL APPROVAL TO A MIXED-USE PROJECT AT 2238 BROAD STREET (ARC/ER 62-05, TERRY MOHAN, APPELLANT)**  
**MANDEVILLE/MCILVAINE – 30 MINUTES)**

RECOMMENDATION: Adopt a resolution denying the appeal and upholding the Architectural Review Commission's action to approve the project and a Mitigated Negative Declaration, based on findings.

BUSINESS ITEMS

**5. REVENUE BALLOT MEASURE IN NOVEMBER 2006.** (HAMPIAN/STATLER - 1 HOUR, 30 MINUTES)

RECOMMENDATION: 1. Adopt a resolution placing for submission to the voters a question relating to a general purpose ½-cent sales tax measure for a term of ten years at the general municipal election to be held on November 7, 2006. 2. Introduce an ordinance, subject to subsequent voter approval in November 2006, establishing a general-purpose ½-cent sales tax for a term of ten years.

COUNCIL LIAISON REPORTS (not to exceed 15 minutes)  
Council Members report on conferences or other City activities. Time limit—3 minutes.

COMMUNICATIONS (not to exceed 15 minutes)  
At this time, any Council Member or the City Administrative Officer may ask a question for clarification, make an announcement, or report briefly on his or her activities. In addition, subject to Council Policies and Procedures, they may provide a reference to staff or other resources for factual information, request staff to report back to the Council at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. (Gov. Code Sec. 54954.2)

**ADJOURN.**

## **ADVISORY BODIES**

### **ARCHITECTURAL REVIEW COMMISSION (ARC)**

The ARC generally meets the first and third Monday of each month. The meetings are held in City Hall in the Council Hearing Room at City Hall, 990 Palm St. and begin at 5:00 p.m. Call 781-7170 to confirm times and dates.

### **BICYCLE ADVISORY COMMITTEE (BAC)**

The Bicycle Advisory Committee meets quarterly in March, June, September, and December. Call 781-7178 to confirm exact dates and times.

### **CITY COUNCIL**

The City Council meets on the first and third Tuesday of every month. The meetings generally begin at 7:00 p.m. and are held at City Hall in the Council Chamber, 990 Palm Street. Call 781-7103 to confirm times and dates.

### **CULTURAL HERITAGE COMMITTEE (CHC)**

The CHC meetings are held on the fourth Monday of the Month at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm St. Call 781-7170 to confirm dates and times.

### **DOWNTOWN ASSOCIATION BOARD OF DIRECTORS**

The Downtown Association Board usually meets the second Tuesday of the month at 7:30 a.m. in the Council Hearing Room located at City Hall, 990 Palm St. Call 541-0286 to confirm the date and time.

### **HOUSING AUTHORITY**

The Housing Authority meets the third Thursday of the month at noon in the Housing Authority offices located at 487 Leff St. Call 543-4478 to confirm dates and times

### **HUMAN RELATIONS COMMISSION (HRC)**

The Human Relations Commission usually meets the first Wednesday of the month at City Hall in the Council Hearing Room, 990 Palm St. beginning at 5:00 p.m. Call 781-7251 to confirm dates and times.

### **JACK HOUSE COMMITTEE**

The Jack House Committee meets the second Wednesday of the month at the Parks & Recreation Department, 1341 Nipomo Street, at 5:30 p.m. Call 781-7305 to confirm the dates and times.

### **JOINT USE OF RECREATIONAL FACILITIES COMMITTEE (JUC)**

The Joint Use Committee meets the fourth Tuesday of each month at noon at the Ludwick Community Center located at 864 Santa Rosa Street. Call 781-7300 to confirm dates and times.

### **MASS TRANSPORTATION COMMITTEE (MTC)**

The Mass Transportation Committee meetings are held on call, generally on a quarterly basis. Call 781-7121 to confirm exact dates and times.

### **PARKS AND RECREATION COMMISSION (P&R)**

The Parks and Recreation Commission typically meets the first Wednesday of the month in the Council Chamber, City Hall, located at 990 Palm St. and begin at 7:00 p.m. Call 781-7300 to confirm dates and times.

### **PLANNING COMMISSION (PC)**

The Planning Commission meets the second and fourth Wednesday of the month at 7:00 p.m. in the Council Chamber, City Hall, 990 Palm Street. Call 781-7170 to confirm dates and times.

### **PROMOTIONAL COORDINATING COMMITTEE (PCC)**

The Promotional Coordinating Committee meets the second Wednesday of each month at 5:30 p.m. in the Council Hearing Room at City Hall, 990 Palm St. Call 781-7123 to confirm the times and places.

### **TREE COMMITTEE**

Tree Committee meets at 5:00 p.m. on the fourth Monday of the month at the City's Corporation Yard located at 25 Prado Road. Call 781-7220 to confirm dates and times.