

M I N U T E S  
REGULAR MEETING OF THE CITY COUNCIL  
CITY OF SAN LUIS OBISPO  
TUESDAY, DECEMBER 2, 2003 - 5:00 P.M.  
COUNCIL CHAMBER, 990 PALM STREET  
SAN LUIS OBISPO, CALIFORNIA

**ROLL CALL:**

**Council Members**

**Present:** Council Members John Ewan (arrived at 5:05 p.m.), Ken Schwartz, Allen K. Settle, Vice Mayor Christine Mulholland and Mayor Dave Romero

**City Staff:**

**Present:** Ken Hampian, City Administrative Officer; Jonathan Lowell, City Attorney; Lee Price, City Clerk; Wendy George, Assistant City Administrative Officer; John Mandeville, Community Development Director; Bill Statler, Finance Director; Monica Moloney, Human Resources Director; Deborah Linden, Police Chief; Wolfgang Knabe, Fire Chief; John Moss, Utilities Director; Mike McCluskey, Public Works Director; Paul LeSage, Parks and Recreation Director; Betsy Kiser, Principal Administrative Analyst; Peggy Mandeville, Transportation Associate; Michael Codron, Associate Planner Codron; Phil Dunsmore, Associate Planner

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**INTRODUCTION**

Community Development Director Mandeville introduced the following newly promoted and hired staff in the Community Development Department: Jaime Britz, Planning Technician; Kenneth "Buzz" Kalkowski, Associate Planner; Michael Codron, Associate Planner (Long-Range Planning) and Tyler Corey, Associate Planner.

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**PRESENTATION**

Mayor Romero recognized the Manolito and Celestina Morales Family as "Family of the Year".

Mayor Romero recognized Council Member Mulholland for serving as Vice Mayor from December 2002 to December 2003.

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**APPOINTMENTS**

**A1. VICE MAYOR APPOINTMENT FOR 2004.**

**ACTION:** Moved by Mulholland/Settle to appoint Council Member Ken Schwartz as Vice Mayor to serve a one-year term commencing upon appointment; motion carried 5:0.

**A2. COUNCIL LIAISON SUBCOMMITTEE ASSIGNMENTS 2004.**

**ACTION:** Moved by Mulholland/Schwartz to approve Council Liaison Subcommittee assignments for calendar year as listed in Attachment 1; motion carried 5:0.

**A3. APPOINTMENT OF NEW MEMBER TO BOARD OF DIRECTORS.**

**ACTION:** Moved by Ewan/Mulholland to approve appointment of Ellen Henry to Downtown Association Board of Directors to complete unexpired term of resigning Board member Mark Jorgeson; motion carried 5:0.

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**CONSENT AGENDA**

Vice Mayor Schwartz presented minor editorial comments on items C2, C5, and C6. Council accepted Vice Mayor Schwartz's proposed amendments on items C5 and C6.

**ACTION:** Moved by Settle/Mulholland to approve the consent agenda as recommended by the City Administrative Officer; motion carried 5:0.

**C1. APPROVE MINUTES OF TUESDAY, NOVEMBER 18, 2003 REGULAR MEETING AND THURSDAY, NOVEMBER 20, 2003 SPECIAL MEETING.**

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

**C2. PUBLIC SAFETY DISPATCH CENTER UPGRADE DESIGN SERVICES.**

**ACTION:** Moved by Settle/Mulholland to approve the request for proposals for design services to upgrade the City's public safety dispatch center and authorize the City Administrative Officer to award the contract if it is within the project budget for phase I services of \$120,000, and to subsequently amend the contract for phase II services if it is within the budget of \$75,000; motion carried 5:0.

**C3. AMENDMENTS TO THE 1999 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM TO REALLOCATE EVC LOAN FUNDS FOR A NEW ECONOMIC DEVELOPMENT/JOB RETENTION ACTIVITY.**

**ACTION:** Moved by Settle/Mulholland to adopt Resolution No. 9509 (2003 Series) recommending the San Luis Obispo County Board of Supervisors amend the 1999 Urban County Consolidated Plan by reallocating \$40,600 of CDBG funds for the EVC Revolving Loan fund to a new activity, Economic Development/Job Retention for Cole Motors; motion carried 5:0.

**C4. STANDARD SPECIFICATIONS AND ENGINEERING STANDARDS FOR CONSTRUCTION.**

**ACTION:** Moved by Settle/Mulholland to adopt Resolution No. 9510 (2003 Series) approving the revised City Standard Specifications and Engineering Standards for Construction Projects and rescind the previous resolution; motion carried 5:0.

**C5. RESOLUTION AMENDING THE GOVERNMENT ACCESS CHANNEL PROGRAM POLICY STATEMENT AND OPERATING GUIDELINES FOR THE GOVERNMENT ACCESS CHANNEL.**

**ACTION:** Moved by Settle/Mulholland to adopt Resolution No. 9511 (2003 Series) as amended, amending the Government Access Channel Program Policy Statement

and Operating Guidelines for the Government Access Channel (Channel 20), including a sponsor underwriting program; motion carried 5:0.

C6. AMENDMENT TO EMPLOYMENT CONTRACT FOR DOWNTOWN ASSOCIATION ADMINISTRATOR.

ACTION: Moved by Settle/Mulholland to 1) amend the current employment contract as revised, with Deborah Cash, Downtown Association Administrator to clarify language regarding medical insurance benefits; and 2) Authorize the Mayor to execute the agreement; motion carried 5:0.

C7. PLANS AND SPECIFICATIONS FOR THE BILL ROALMAN BICYCLE BOULEVARD – PHASE 1.

ACTION: Moved by Settle/Mulholland to 1) Approve plans and specifications for construction of the Bill Roalman Bicycle Boulevard Project, Phase 1, Specification No. 90195. 2) Authorize staff to advertise for bids and the City Administrative Officer to award the contract to the lowest responsible bidder under \$400,000. 3) Transfer \$47,500.00 from the Traffic Signal Interconnect Conduit Account to the project budget; motion carried 5:0.

C8. WATER REUSE PROJECT – COWAN EASEMENT PURCHASE.

ACTION: Moved by Settle/Mulholland to 1) Approve easement purchase agreement with Mr. Craig Cowan to allow for the construction of the Water Reuse distribution pipeline project, for permanent waterline easement at a cost of \$51,500. 2) Authorize staff to execute the necessary supplement escrow paperwork to complete the easement purchase; motion carried 5:0.

C9. WATER REUSE PROJECT – DEBLAUW EASEMENT PURCHASE.

ACTION: Moved by Settle/Mulholland to 1) Approve easement purchase agreement with Mr. Richard DeBlauw to allow for the construction of the Water Reuse distribution pipeline project, for permanent waterline easement and temporary construction easement at a cost of \$10,000. 2) Authorize staff to execute the necessary supplemental escrow paperwork to complete the easement purchase; motion carried 5:0.

C10. WATER REUSE PROJECT – AMENDMENT TO AGREEMENT FOR COON CREEK MITIGATION.

ACTION: Moved by Settle/Mulholland to 1) Approve Amendment to Agreement with TRC in the amount of \$6,600 for guard rail design as related to Coon Creek steelhead passage restoration as mitigation for the Water Reuse Project. 2) Approve an additional \$3,400 contingency, to be administered by the Project Manager, for possible project design changes; motion carried 5:0.

C11. BUDGET AMENDMENT FOR THE DAMON-GARCIA SPORTS COMPLEX SPECIFICATION NO. 99826.

ACTION: Moved by Settle/Mulholland to 1) Appropriate \$50,000 from the Parkland Development Fund to fund contingencies for the Damon Garcia Sports Fields Construction Project. 2) Approve and execute Amendment No. 4 to the Agreement

to Furnish Design Services for the Damon-Garcia Sports Complex under Specification No. 99826 in the amount of \$33,947.39; motion carried 5:0.

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**PUBLIC HEARINGS**

1. **DOWNTOWN ASSOCIATION THURSDAY NIGHT ACTIVITIES FEES INCREASE.**

Downtown Association Administrator Cash presented the staff report.

Mayor Romero opened the public hearing. There were no public comments. Mayor Romero closed the public hearing.

ACTION: Moved by Schwartz/Mulholland to adopt Resolution No. 9512 (2003 Series) modifying the fee schedule for Thursday Night Promotions; motion carried 5:0.

2. **PATRICIA DRIVE NEIGHBORHOOD TRAFFIC MANAGEMENT (NTM) ACTION PLAN.**

Transportation Associate Mandeville presented the staff report. Deputy Public Works Director Bochum responded to questions from the Mayor regarding the bulb-out design at the intersection of Craig and Patricia. Mayor Romero asked staff to make the turn as easy as possible for large vehicles. Staff agreed. Council Member Mulholland asked if staff would also take a look at the sight distance at Warren Street. Transportation Associate Mandeville indicated that staff will look at that as a separate issue.

Mayor Romero opened the public hearing.

Julia Wright, 415 Patricia Drive (representing the Neighborhood Traffic Management Team), spoke in support of the staff recommendation and urged approval of the NTM.

Joan Lynch, 620 Pasatiempo Drive (Neighborhoods North of Foothill), voiced support for the NTM. She also expressed a need for traffic enforcement to help slow traffic in neighborhoods.

Mayor Romero closed the public hearing.

ACTION: Moved by Mulholland/Ewan to adopt Resolution No. 9513 (2003 Series) approving the Patricia Drive NTM Action Plan that calls for the installation of a centerline stripe on Patricia Drive between Foothill Boulevard and Highland Drive and an all-way stop with curb extensions at Patricia Drive and Craig Way; motion carried 5:0.

The Council convened in closed session at 6:30 p.m.

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**CLOSED SESSION**

City Attorney Lowell provided the Closed Session announcements as follows:

1. **CONFERENCE REGARDING PROPERTY NEGOTIATIONS**  
Pursuant to Government Code § 54956.8

Property: 633 Palm Street

Negotiating Parties: City of San Luis Obispo  
By: Michael McCluskey, Jonathan Lowell

Property Owner: Brad Bilsten Trust  
By: Steven Ferrario, The Real Estate Group

Negotiations: Discuss possible property purchase

*The City Attorney reported that the Council voted 4:1 (Mulholland opposed) to obtain an appraisal on the property.*

2. CONFERENCE REGARDING PROPERTY NEGOTIATIONS  
Pursuant to Government Code § 54956.8

Property: 3265 Rockview Place  
Landowner: City of San Luis Obispo  
Negotiating Parties: Neil Havlik, Wendy George  
Negotiations: Provide instruction to negotiators concerning potential sale of the property.

*The City Attorney reported that the Council unanimously agreed to initiate steps to effectuate the sale of the property.*

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PUBLIC COMMENT

Joshua Michael Stein, 546 Higuera, voiced concern about fossil fuels and the impact on people.

Sifu Kelvin Harrison, San Luis Obispo, reiterated claims of discrimination and harassment.

Michael Sullivan, 1127 Seaward St., submitted a letter criticizing the City Clerk for refusing to accept his written testimony regarding the Costco project on November 4, 2003 and asking the City Attorney to look into the matter (letter on file in the Office of the City Clerk). The City Clerk clarified that Mr. Sullivan's communication had, in fact, been received and entered into the official record of the public hearing.

Mary Beth Schroeder, 2085 Wilding Lane, voiced concerns about impacts to traffic, parking and housing by Cal Poly students. She also urged the Council to "tighten its belt" and stop dismantling R-1 zones.

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PRESENTATION

A presentation was given by Finance Director Statler regarding the impact of the Governor's Vehicle License Fee (VLF) rate rollback on the City.

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PUBLIC HEARINGS, CONTINUED

3. A 4-LOT MINOR SUBDIVISION, A TEXT AMENDMENT TO THE SUBDIVISION REGULATIONS, A MITIGATED NEGATIVE DECLARATION, AND EXCEPTIONS REQUESTED AS AFFORDABLE HOUSING INCENTIVES FOR A PROPOSED 16-UNIT APARTMENT PROJECT; 225 N. CHORRO (MS/TR/ER 76-03).

Associate Planner Codron presented the staff report and responded to questions from the Council regarding tree replacement and landscaping, under-grounding utilities and vehicle

storage. He also suggested that one low income unit and three moderate income units be included. Council Member Mulholland agreed.

Mayor Romero opened the public hearing.

Applicant's representative, Carol Florence (project planner with Oasis Associates), summarized the project history, describing it as a collaborative effort (the project has been reviewed by the Planning Commission twice, the Architectural Review Commission and the Cultural Heritage Committee). She walked Council through the design elements and asked for approval. She also addressed Council's concern regarding tree replacements, explaining that she has been working with Natural Resources Manager Havlik to find appropriate locations, due to numerous areas undergoing riparian rehabilitation, and stated that there are no concerns regarding vehicle storage. In addition, she mentioned there have been numerous changes to the loft floor plan and presented the latest design. She indicated that she had no objection to the Council adding a restriction to prevent the loft from being converted to a bedroom.

Steve Delmartini, 962 Mill Street, spoke in support of the project.

Mayor Romero closed the public hearing.

Brief Council discussion ensued.

ACTION: Moved by Settle/Ewan to 1) Introduce Ordinance No. 1443 (2003 Series) approving an amendment to the Subdivision Regulations to allow lots in Common Interest Developments to have any size or shape, except in the R-1 zone. 2) Adopt Resolution No. 9514 (2003 Series) approving a 4-lot minor subdivision, a mitigated negative declaration and affordable housing incentives for a proposed 16-unit apartment project; motion carried 5:0.

4. GENERAL PLAN AMENDMENT, REZONING AND ADJUSTMENT OF THE DEVELOPMENT LIMIT LINE TO ACCOMMODATE A 22 LOT RESIDENTIAL SUBDIVISION AT 215 BRIDGE STREET (GP/R/TR/ER 64-03).

Community Development Director Mandeville and Associate Planner Dunsmore presented the staff report. Associate Planner Dunsmore clarified the discrepancy in the General Plan Land Use Map and Zoning Map. He indicated it would be appropriate for Council to provide some direction to correct the discrepancy and, further, to indicate the appropriate designation for the property. Planning Commission Chairperson Osborne provided an overview of the Planning Commission's review of the project and the main issues that they considered. Supervising Civil Engineer Livick discussed drainage issues. Council questions ensued.

Mayor Romero opened the public hearing.

Applicant's representative, George Garcia (Garcia Architecture and Design, 1130 Garden Street), provided background about the Bridge Street Partners, a non-profit group of professionals dedicated to providing affordable housing. He presented an in-depth conceptual, visual overview of the project and discussed open space issues. Additionally, he summarized the "affordable" elements of the proposed project. He asked Council to look favorably on this project. Tom Di Santo, Garcia Architecture and Design, summarized the sustainable features and described noise and flood mitigation measures. Mr. Garcia responded to questions from Council regarding issues of affordability, the proposed path and the water reuse system.

*Mayor called a recess at 10:12 p.m. The meeting resumed at 10:27 p.m.*

**Speaking in favor of the General Plan Amendment, rezoning and proposed project:**

Dawn Legg, 2480 Parkland Terrace  
Eric Meyer, 1253 Pismo Street  
Michael Sullivan, 1127 Seaward St.  
Russel Hodin, 1570 Hansen Lane  
Mike Robertson, Atascadero resident  
Larry Allen, 2436 Cima Ct (and Director of Air Pollution Control District)  
Philip Novotny, 2557 Greta Place. Mr. Novotny also read a statement in support from the former Dean of the College of ARC at Cal Poly (Paul Neel)  
Lisa Deyo, 303 Lawrence Dr.  
Laurent Bernad, Atascadero resident  
Tyler Hanson, 3260 Rockview. Mr. Hanson also read a letter from Gayle McMillan Smith, President, McMillan Study Guides, Inc. (letter on file in the Office of the City Clerk) and submitted a petition with approx 100 signatures (petition on file in the Office of the City Clerk).  
Damon Noller, 878 Upham  
Derek Senn, 771 Murray  
Laura Joines-Novotny, 2557 Greta Place  
Ryan Foster, 3260 Rockview  
Bob Kriser, Los Osos resident (President of Bridge Street Group, Inc)  
Joe Gilpin, 446 Islay Street  
Ashley, 730 Patricia Drive  
Armida Ruana, 2015 B Swazey Street (submitted 10 more signatures in favor)

**Speaking in opposition to the project at the proposed location:**

Harriett Clendenen, 472 Corrida Drive (also speaking for her husband, John Clendenen)  
Mark Adams, 824 Grove Street  
Lynn Fuller, 2306 Sendero Street  
Lee Sneller, Manager of Architectural Iron Works, Inc. located at 201 Bridge Street  
Troy Finger, 473 Woodbridge St.  
Helene Finger, 473 Woodbridge St.  
Rick Hamlin, co-owner of 201 Bridge Street  
Conny Langer, 446 Corrida  
Dodie Williams, 438 Woodbridge St.  
Kay Webster, 2297 Exposition Drive  
Willie Zilkey, 362 Woodbridge  
Robert Zilkey, 362 Woodbridge  
Albert Hirschmann, 354 Woodbridge  
Gina Cindrich, 2283 Exposition Court  
George Rosenberger, 2444 Sendero Court  
Fred DePiero, 348 Corrida Drive  
Constance DePiero, 348 Corrida Drive

Mayor Romero closed the public hearing.

Individual Council comment followed.

Council Member Ewan expressed interest in seeing residential development on the site and described the project as sustainable and progressive. He encouraged his colleagues to meet the challenge rather than to succumb to it.

Council Member Settle provided complimentary comments on the project design but voiced concerns about possible legal exposure for the City if building is allowed in this area that is a known flood zone. He added that he could not support residential development in this area.

Vice Mayor Schwartz also described the project as innovative but indicated he was troubled by the future of the existing manufacturing use. He also expressed concern about the risk of flood.

Council Member Mulholland said that this type of project is exactly what she would like to see built in town, but not at this location. She shared various reasons in support of her statement, including land use incompatibility, flood hazard and noise.

Mayor Romero also praised the Partners for the design components, but explained that he too, was concerned about compatibility and flooding issues. He stated that the project did not provide enough parking and expressed a desire to see the entry road widened, even if that meant that the front eight units would need to be eliminated.

Community Development Director Mandeville suggested that the Council consider Staff's Alternative Recommendation #2, and further, to deny without prejudice.

ACTION: Moved by Settle/Mulholland to deny the project without prejudice; motion passed 5:0.

Council Member Mulholland suggested amending the motion to include changing the land use designation from Manufacturing to C-OS. There was no agreement to amend the motion.

CAO Hampian noted that there was still a conflict between the General Plan Land Use map and the zoning map. City Attorney Lowell responded that the zoning must be consistent with the General Plan.

ACTION: Moved by Ewan/Settle that the zoning be designated as manufacturing to the development limit line of 175 feet and the Conservation/Open Space from the development limit line up; motion passed 4:1 (Mulholland)

5. GENERAL PLAN AMENDMENT AND REZONING FROM NEIGHBORHOOD COMMERCIAL TO HIGH DENSITY RESIDENTIAL AT 286 CALIFORNIA BOULEVARD (GP/R/ER 94-03).

Community Development Director Mandeville and Associate Planner Dunsmore presented the staff report.

Mayor Romero opened the public hearing. There were no public comments. Mayor Romero closed the public hearing.

ACTION: Moved by Ewan/Settle to 1) Approve Resolution No. 9515 (2003 Series) amending the General Plan Land Use Element map to change the land use designation for the site from Neighborhood Commercial to High Density Residential and approving a Negative Declaration (ER 94-03). 2) Introduce Ordinance No. 1444 (2003 Series) changing the zoning on the subject property from Neighborhood Commercial (C-N) to High Density Residential (R-4); motion carried 5:0.

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COUNCIL LIAISON REPORTS

Council Member Mulholland reported on the November 20<sup>th</sup> Student Community Liaison Committee (SCLC) meeting and the last meeting of the California Mens' Colony Advisory Committee.

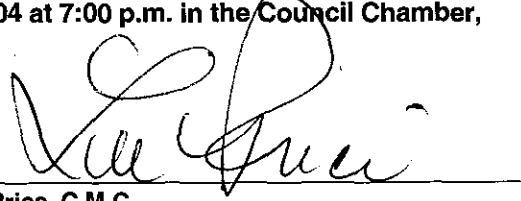
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COMMUNICATIONS

City Clerk Price proposed the cancelation of the December 16<sup>th</sup> Council meeting. Council unanimously agreed.

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There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 12:58 a.m. to Tuesday, January 6, 2004 at 7:00 p.m. in the Council Chamber, 990 Palm Street, San Luis Obispo.



Lee Price, C.M.C.  
City Clerk

APPROVED BY COUNCIL: 1/6/2004  
LP:jo

