

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, MARCH 6, 2007 - 6:30 P.M.
COUNCIL CHAMBER, 990 PALM STREET
SAN LUIS OBISPO, CALIFORNIA

ROLL CALL:

Council Members

Present: Council Members Paul Brown, Andrew Carter, Allen Settle, Vice Mayor Christine Mulholland and Mayor Dave Romero

City Staff:

Present: Ken Hampian, City Administrative Officer; Jonathan Lowell, City Attorney; Audrey Hooper, City Clerk; Shelly Stanwyck, Assistant City Administrative Officer; Monica Irons, Human Resources Director; Jay Walter, Public Works Director; John Mandeville, Community Development Director; Dave Hix, Wastewater Division Manager; Kim Murry, Deputy Community Development Director-Long Range Planning; Peter Brown, Housing Programs Manager; Keith Pellemeier, Maintenance Supervisor - Urban Forestry and Contract Services; Linda Fitzgerald, Recreation Manager

CLOSED SESSION

City Attorney Lowell announced the following Closed Session topic:

CONFERENCE WITH LABOR NEGOTIATORS
Pursuant to Government Code § 54957.6

Agency Negotiator: Monica Irons
Unrepresented Employees: Management Personnel

Following the Closed Session, **City Attorney Lowell** reported that Council met in Closed Session as indicated and provided direction. Once final resolution has been reached, the matter will be brought back for Council adoption at a public session. There was no further reportable action at this time.

PRESENTATIONS

Mayor Romero presented a proclamation to Bryan DuVall, Honorary Board Member of the American Red Cross, proclaiming March 2007 as American Red Cross Month.

Mayor Romero presented a proclamation to Pat Soulliere-Ochylski, Regional Director of Girl Scouts, proclaiming March 11-17, 2007, as Girl Scouts Week.

INTRODUCTIONS

Public Works Director introduced new employee, Keith Pellermeier, Park Maintenance Supervisor.

PUBLIC COMMENT

No comments were forthcoming.

CONSENT AGENDA

Council Member Settle referred to item C6, Consultant Services for Water Reclamation Facility NPDES Permit Relssuance, and stated for the record that staff should convey to the Regional Water Quality Control Board the City's concerns that this is an unfunded mandate that has significant cost implications and imposes exceedingly stringent requirements, although San Luis Obispo Creek surface water is not an appropriate potable water source.

Vice Mayor Mulholland referred to item C2, Final Acceptance of Tract 2419, and said that she opposed the original project and so will vote "no" on this item.

In response to Vice Mayor Mulholland's request for clarification regarding item C3, Donation from the Sports Authority, **Recreation Manager Fitzgerald** displayed and discussed examples of scoreboards.

Mayor Romero called for comments from the public at this time.

Patricia Wilmore, representing the Chamber of Commerce, explained why the Chamber supports item C4, Support of Nomination of Carrizo Plain as a World Heritage Site.

Dan Sutton, President of SLO Cal Ripkin/Babe Ruth Baseball, referred to item C3 and expressed appreciation to the Sports Authority for its donation.

ACTION: Moved by **Carter/Settle** to approve the Consent Agenda as recommended by the City Administrative Officer; motion carried as indicated below.

C1. MINUTES OF TUESDAY, FEBRUARY 20, 2007.

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

C2. FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS FOR TRACT 2419 – A NINE LOT RESIDENTIAL SUBDIVISION ON THE SOUTH SIDE OF MCCOLLUM STREET (PATRICK AURIGNAC, SUBDIVIDER).

ACTION: Moved by **Carter/Settle** to adopt **Resolution No. 9878 (2007 Series)** accepting the public improvements, and certifying completion of the required private improvements, and releasing the bonds for Tract 2419; motion carried 4:1 (Mulholland opposed).

C3. ACCEPTANCE OF DONATION FROM SPORTS AUTHORITY FOR RENOVATIONS TO STOCKTON FIELD.

ACTION: Moved by **Carter/Settle** to accept the donation of \$22,500 from the Sports Authority to cover the cost of a new scoreboard and backstop at Stockton Field and authorize the Mayor to sign the agreement; motion carried 5:0.

C4. RESOLUTION SUPPORTING NOMINATION OF CARRIZO PLAIN NATIONAL MONUMENT AS A WORLD HERITAGE SITE.

ACTION: Moved by **Carter/Settle** to adopt **Resolution No. 9879 (2007 Series)** supporting the nomination by the Wilderness Society of Carrizo Plain National Monument as a "World Heritage Site"; motion carried 5:0.

C5. AMEND AGREEMENT FOR DESIGN SERVICES FOR ORCUTT ROAD WIDENING, SPEC NO. 90521.

ACTION: Moved by Carter/Settle to approve an amendment to an agreement with BKF Engineering in the amount of \$38,200 for additional design services associated with the Orcutt Road Widening Project, Specification No. 90521, and authorize the Mayor to execute the amendment; motion carried 5:0.

C6. CONSULTANT SERVICES FOR WATER RECLAMATION FACILITY'S (WRF) NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT REISSUANCE.

ACTION: Moved by Carter/Settle to: 1) Approve agreement with Larry Walker Associates for assistance on review and negotiation of the Water Reclamation Facility's National Pollutant Discharge Elimination System (NPDES) Permit for an amount not to exceed \$25,000. 2) Appropriate \$25,000 from Sewer Fund Working Capital to Wastewater Administration contract services for these services; motion carried 5:0.

C7. DECLARATION OF INTENTION AND SETTING OF A PUBLIC HEARING FOR APRIL 3, 2007, FOR PROPOSED FRANCHISE ORDINANCES REGARDING THE TRANSFER OF PIPELINES TRANSPORTING OIL AND HYDROCARBON GASES BY TOSCO CORPORATION AND UNION PIPELINE COMPANY, A CALIFORNIA CORPORATION, TO CONOCOPHILLIPS COMPANY AND CONOCOPHILLIPS PIPELINE COMPANY, RESPECTIVELY.

ACTION: Moved by Carter/Settle to: 1) Adopt Resolution No. 9880 (2007 Series) declaring the City's intention to authorize the transfer of rights and obligations under Franchise Ordinance 1390 from Tosco Corporation to ConocoPhillips Company, and setting a public hearing date for April 3, 2007. 2) Adopt Resolution No. 9881 (2007 Series) declaring the City's intention to authorize the transfer of rights and obligations under Franchise Ordinance 1391 from Union Pipeline Company ("Unocap"), a California Corporation and wholly owned subsidiary of ConocoPhillips Company to ConocoPhillips Pipe Line Corporation; motion carried 5:0.

C8. FREEZE DAMAGE REIMBURSEMENT PROCESSING.

ACTION: Moved by Carter/Settle to adopt Resolution No. 9882 (2007 Series) naming the Public Works Director as the City's agent to work with the California Governor's Office of Emergency Services (OES) on reimbursement claims for damage due to the freeze in January 2007; motion carried 5:0.

PUBLIC HEARINGS

1. 2007 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM.

Community Development Director Mandeville introduced this item, following which Housing Programs Manager Brown presented the staff report.

Human Relations Commission (HRC) Chairperson Janna Nichols provided Council with an overview of the process undertaken by the HRC in developing its recommendations.

CAO Hampian referenced a memorandum (on file in the City Clerk's office) sent to Council regarding estimates for the Housing Authority Anderson Hotel painting project, as well as a request from Project Amend for CDBG funding. He explained staff's recommendation to approve the original funding request for the painting project. He also explained that staff did not

recommend funding the Project Amend request since application was not received within the required deadline.

Staff and Chairperson Nichols responded to Council's questions.

Mayor Romero opened the public hearing.

The following people spoke in support of funding the repairs for Judson Terrace Homes: Francesca Delorenzo (resident), Louise Justice (resident), Roger Jump (Administrator).

Jody Smith, representing the Prado Day Center, expressed appreciation for Council's continuing support and funding.

Raye Fleming expressed appreciation for Council's funding assistance for the Health Services Clinic.

Sylvia Barnard, Executive Director of the Good Samaritan Shelter detoxification project, explained the services that have been provided by the Shelter in the County and why she thinks funding the project is realistic even though a site has not yet been located.

The following speakers expressed appreciation for funding for Life Steps Foundation: Cherri Neal, Heidi Lopez, Kassie Davis, Cassie Uela and Elizabeth Marks.

Michael Axelrod, Executive Director of Project Amend, distributed articles and read a letter (on file in the City Clerk's office) regarding the services Project Amend provides. He explained that the \$20,000 funding request will enable Project Amend to obtain the Fire Marshal's approval of its facility.

Jack Witter, President of Board of Directors of Project Amend, spoke in support of Project Amend's request.

Star Graber, SLO County Drug and Alcohol Services, discussed the County's support of the services provided by Good Samaritan Detox, Life Steps Foundation and Project Amend.

Carol Hatley, Housing Authority, discussed some of the needs of the Anderson Hotel. She also spoke in support of funding for Project Amend.

Cherri Neal, Executive Director of Life Steps Foundation, also spoke in support of Project Amend.

Lillian Judd, representing Biz Steinberg and the Economic Opportunity Commission, spoke in favor of the City advocating the detoxification services by funding the existing facilities.

Mayor Romero closed the public hearing.

Discussion ensued during which staff and Chairperson Nichols responded to questions. Of particular concern were the needs of the homeless population that is dealing with substance abuse and options for funding the Housing Programs Manager position.

ACTION: Moved by Brown/Settle to approve HRC recommendations #2 and #3, and adopt the HRC's recommended Resolution No. 9883 (2007 Series) approving the 2007 CDBG Program activities and funding, with the exception of the recommended grant to Good Samaritan Inc., for the reasons outlined in the staff report; motion carried 5:0.

Council also directed the HRC to consider broadening services to include the homeless population that is dealing with substance abuse when the HRC makes recommendations for the 2008 CDBG Program priorities.

Council concurred that staff should provide an option in the second year of the 2007-09 Financial Plan for reducing the CDBG allocation for the Housing Programs Manager position.

Council recessed from 8:55 to 9:05 p.m. and reconvened with all members present.

2. APPEAL OF TREE COMMITTEE DECISION TO DENY TREE REMOVAL REQUEST (2191 SANTA YNEZ).

Public Works Director Walter introduced this item, following which Maintenance Supervisor - Urban Forestry and Contract Services Pellemeier presented the staff report.

Tree Committee Chairperson Jim Lopes explained that the appellant has presented additional information to Council that was not available when this matter was taken to the Tree Committee. He explained the basis on which the Tree Committee made its decision and responded to questions.

Mayor Romero opened the public hearing.

Roseanne Blackwell, representing property owner Ben Kulick, explained the owner's concerns regarding the root system, which is growing over the gas and water lines. She reviewed concerns raised in Mr. Kulick's letter to the Council (on file in the City Clerk's office), discussed his plans for replacing the pine tree, noted the financial hardship a later removal would create for the property owner, and responded to Council's questions.

Robert Shriver, Certified Arborist, explained why he believed the pine tree should be removed, and responded to questions.

Mayor Romero closed the public hearing.

Council discussion ensued, during which Maintenance Supervisor - Urban Forestry and Contract Services Pellemeier responded to questions.

Vice Mayor Mulholland expressed concern regarding the loss of skyline trees in the neighborhood and explained why she couldn't make findings that differ from the Tree Committee's action or the arborist's recommendation.

Council Members Settle, Brown, and Carter spoke in support of the appeal. Their reasons included the condition of the limb and the potential for it and the root system to jeopardize the sidewalk, utilities and house.

Mayor Romero also supported the appeal. He did not agree that it was a skyline tree and pointed out that the tree is susceptible to pine pitch cancer and is not a rare tree.

ACTION: Moved by Settle/Brown to adopt Resolution No. 9884 (2007 Series) upholding an appeal of a tree removal request at 2191 Santa Ynez Street; motion carried 4:1 (Mulholland opposed).

COUNCIL LIAISON REPORTS

Council Member Brown along with Supervisor Patterson, in their role as Economic Opportunity Commission Board members, will host a luncheon for those involved in providing services to the homeless to explore more collaborative opportunities.

COMMUNICATIONS

Council Member Settle stated for the record that the dedication of the Bill Roalman bicycle path will be held at 4:00 p.m. on March 20th, following which the Council meeting will commence at 5:00 p.m.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 9:40 p.m. to Tuesday, March 20, 2007, in the Council Chamber, 990 Palm Street, San Luis Obispo.



Audrey Hooper
City Clerk

APPROVED BY COUNCIL: 03/20/07