

**MINUTES**  
**SPECIAL MEETING OF THE CITY COUNCIL**  
**CITY OF SAN LUIS OBISPO**  
**TUESDAY, JUNE 17, 2008 – 6:30 P.M.**  
**COUNCIL HEARING ROOM CONFERENCE ROOM,**  
**990 PALM STREET**  
**SAN LUIS OBISPO, CALIFORNIA**

**ROLL CALL:**

**Council Members**

**Present:** Council Members Andrew Carter, Christine Mulholland, Allen Settle, Vice Mayor Paul Brown, 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 were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

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**ANNOUNCEMENT OF CLOSED SESSION TOPIC**

City Attorney Lowell announced the following Closed Session topic:

**CONFERENCE REGARDING PROPERTY NEGOTIATIONS**

Pursuant to Government Code § 54956.8

**PROPERTY:** Portions of APN's 067-241-023 and 067-241-024  
**NEGOTIATING PARTIES:**  
City of San Luis Obispo: Neil Havlik, Jonathan Lowell  
Landowner: Phyllis V. Madonna  
**NEGOTIATIONS:** Possible acquisition of property, terms and price

**PUBLIC COMMENT ON CLOSED SESSION ITEM**

Mayor Romero called for public comments. None were forthcoming and Council adjourned to the Closed Session:

**CLOSED SESSION REPORT**

City Attorney Lowell reported on the Closed Session at the commencement of the Regular Meeting as indicated below.

The Special Meeting adjourned at 7:00 p.m.

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**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF SAN LUIS OBISPO**  
**TUESDAY, JUNE 17, 2008 - 7:00 P.M.**  
**COUNCIL CHAMBER, 990 PALM STREET**  
**SAN LUIS OBISPO, CALIFORNIA**

**ROLL CALL:**

**Council Members**

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

**City Staff**

**Present:** Ken Hampian, City Administrative Officer; Jonathan Lowell, City Attorney; Audrey Hooper, City Clerk; and Shelly Stanwyck, Assistant City Administrative Officer, were present at Roll Call. Other staff members presented reports or responded to questions as indicated in the minutes.

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**CLOSED SESSION REPORT.**

City Attorney Lowell reported that a Closed Session was held at 6:30 p.m. to discuss real property negotiations regarding assessor parcel numbers 067-241-023 and 067-241-024. Council provided direction to its real property negotiators. No further reportable action was taken.

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**PRESENTATIONS**

**PRESENTATION OF THE COUNTYWIDE VECTOR PROGRAM BENEFIT ASSESSMENT.**

Curt Bateson, Director of Environmental Health for the County, presented a report on a possible Countywide Vector Program Benefit Assessment. He discussed the results of a voter survey, which indicated that more than fifty percent of those surveyed would support such an assessment. He also discussed the estimated assessment.

**ACTION:** Moved by Brown/Carter to reaffirm its support of the County pursuing a ballot measure to give City property owners an opportunity to decide whether they want to pay for vector control services and to appoint Neil Havlik to represent the City on a countywide committee; motion carried 5:0.

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**PUBLIC COMMENT**

Gary Fowler, San Luis Obispo, expressed his continued concerns regarding health and safety issues in the vicinity of Sacramento Street. He also commented on the results of binding arbitration. He reiterated his prior objections to expenditure decisions that were made before the results of binding arbitration were known.

Maurica Zimmerman, representing Code Pink, read an open letter to the Mayor expressing disappointment that he would not meet with Code Pink representatives to discuss Code Pink's opposition to the use of military power in Iran or consider adoption of a resolution opposing military intervention there.

Ron Bearce, San Luis Obispo, discussed his continuing concerns regarding Charter Communications. He submitted a news article about lawsuits filed against Time Warner Cable over its alleged failure to comply with its franchise agreements.

Patrick Germany discussed his continuing concerns with the SLO County Public Access Board and Charter Communications. He distributed copies of correspondence from Leslie Bearce containing her concerns on similar issues.

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### **CONSENT AGENDA**

Council Member Mulholland referred to item C8 and questioned whether, in light of the recent binding arbitration award, it is time to start reducing expenditures.

Assistant CAO Stanwyck explained that staff will be returning to Council on July 15<sup>th</sup> and in September with recommended implementation measures in response to how binding arbitration will be implemented. She noted that community promotions contracts generate revenue.

**ACTION:** Moved by Settle/Mulholland to approve the Consent Agenda as indicated below, with corrections to the minutes as indicated in a red file memo (on file in the City Clerk's office).

**C1. MINUTES OF MAY 6 AND 20, 2008.**

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

**C2. FINAL ADOPTION OF ORDINANCE NO. 1517 (2008 SERIES) ADDING CHAPTER 12.42 TO THE MUNICIPAL CODE TO ESTABLISH A CITYWIDE TOURISM BUSINESS IMPROVEMENT DISTRICT.**

**RECOMMENDATION:** Moved by Settle/Mulholland to adopt Ordinance No. 1517 (2008 Series); motion carried 5:0.

**C3. NOVEMBER 4, 2008, GENERAL MUNICIPAL ELECTION.**

**RECOMMENDATION:** Moved by Settle/Mulholland to adopt: 1. Resolution No. 9994 (2008 Series) calling for, and giving notice of, a General Municipal Election on Tuesday, November 4, 2008, and adopting regulations pertaining to candidates' statements. 2. Resolution No. 9995 (2008 Series) requesting that the San Luis Obispo County Board of Supervisors to consolidate the November 4, 2008, General Municipal Election with the Statewide General Election to be held on that date; motion carried 5:0.

**C4. WATER REUSE PROJECT PARK CONVERSIONS AT ISLAY, FRENCH, LAGUNA LAKE AND LAGUNA HILLS PARKS, SPECIFICATION NO. 90702.**

**RECOMMENDATION:** Moved by Settle/Mulholland to: 1. Approve plans and specifications for "Water Reuse Park Site Conversions – Islay, French, Laguna Lake, Laguna Hills." 2. Authorize staff to advertise for bids and authorize the CAO to award the contract if the lowest responsible bid is with the Engineer's Estimate of \$403,000. 3. Approve the transfer of \$22,000 from the capital improvement plan completed projects account to fund additional construction costs; motion carried 5:0.

**C5. CHORRO-HATHWAY WATER AND SEWER IMPROVEMENTS, SPECIFICATION NO. 90640.**

**RECOMMENDATION:** Moved by Settle/Mulholland to: 1. Approve the plans and specifications for the "Chorro-Hathway Water and Sewer Improvements Project, Specification No. 90640." 2. Authorize Staff to advertise for bids for the Chorro-Hathway Water and Sewer Improvement Project. 3. Authorize the CAO to award the contract if the lowest responsible bid is within the Engineer's Estimate of \$933,725 (\$732,130 Water Fund and \$356,454 Sewer Fund); motion carried 5:0.

**C6. RECOMMENDATION TO APPROVE A MILLS ACT HISTORIC PRESERVATION CONTRACT FOR PROPERTY LOCATED AT 1429 OSOS STREET WITH STEPHEN LINDER AND CYNTHIA SEMEL.**

**RECOMMENDATION:** Moved by Settle/Mulholland to, as recommended by the Cultural Heritage Committee (CHC), adopt Resolution No. 9996 (2008 Series) approving a Mills Act Historic Preservation Contract for the property located at 1429 Osos Street; motion carried 5:0.

**C7. NOMINATION OF PROPERTY LOCATED AT 750 PISMO STREET TO THE MASTER LIST OF HISTORIC RESOURCES.**

**RECOMMENDATION:** Moved by Settle/Mulholland to, as recommended by the Cultural Heritage Committee (CHC), adopt Resolution No. 9997 (2008 Series) adding the property at 750 Pismo Street to the City's Master List of Historic Resources; motion carried 5:0.

**C8. 2008-09 COMMUNITY PROMOTIONS CONTRACTS.**

**RECOMMENDATION:** Moved by Settle/Mulholland to, as recommended by the Promotional Coordinating Committee (PCC), approve Community Promotion's contracts to: 1. Provide funding in the amount of \$44,800 in 2008-09 for public relations services and authorize the Mayor to execute a one-year agreement with the San Luis Obispo Chamber of Commerce (Chamber) for said services. 2. Provide funding in the amount of \$91,500 in 2008-09 for visitor and electronic information services and authorize the Mayor to execute a one-year agreement with the San Luis Obispo Chamber of Commerce (Chamber) for said services. 3. Provide funding in the amount of \$73,368 in 2008-09 for regional marketing services and authorize the Mayor to execute a one-year agreement with the San Luis Obispo County Visitors and Conference Bureau (SLOVCB) for said services; motion carried 5:0.

**C9. LEASE AGREEMENT FOR JOHNSON RANCH HOUSE.**

**RECOMMENDATION:** Moved by Settle/Mulholland to: 1. Approve the lease of the Johnson Ranch House by Senior Ranger Doug Carscaden. 2. Authorize the CAO to execute the Agreement and subsequent annual one-year extension amendments for cost-of-living and utilities charges adjustments; motion carried 5:0.

**C10. ALLOCATION OF PROPOSITION 1B SAFETY AND SECURITY FUNDS.**

**RECOMMENDATION:** Moved by Settle/Mulholland to adopt Resolution No. 9999 (2008 Series) to designate the San Luis Obispo Council of Governments (SLOCOG) as sole administrator for the City allocation of Proposition 1B Safety and Security funds in exchange for discretionary State Transit Assistance (STA) funds; motion carried 5:0.

**C11. COOPERATION AGREEMENT WITH THE COUNTY OF SAN LUIS OBISPO REGARDING CITY PARTICIPATION IN THE URBAN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT FEDERAL PROGRAM YEARS 2009 - 2011.**

**RECOMMENDATION:** Moved by Settle/Mulholland to adopt Resolution No. 9998 (2008 Series) approving extension of the Cooperation Agreement to cover the fiscal years 2009-2011; motion carried 5:0.

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**PUBLIC HEARINGS**

Council Member Carter recused himself from discussion on the following hearing as he resides within 500 feet of the tree in question. He left the Council Chamber at this time.

**1. APPEAL FROM TREE COMMITTEE'S DECISION TO ALLOW CITY REMOVAL OF A STREET TREE LOCATED AT 1275 FERNWOOD.**

Public Works Director Walter introduced this item, following which Urban Forest Supervisor Pellemeier made the staff presentation. They and City Arborist Ron Combs was present to respond to questions.

Mayor Romero opened the public hearing.

Appellant Linda Gardner, San Luis Obispo, discussed her opposition to the removal of the tree, displayed photographs in support of her position, and suggested alternatives to removing the tree, including rubberized sidewalk.

Appellant Pam Cosart, San Luis Obispo, also discussed her opposition and presented a petition signed by more the 300 residents who supported saving the tree. She confirmed that she is willing to redesign her driveway, pave over a portion of her yard and lose a parking space between her and her neighbor's driveway to save the tree. In response to questions by Mayor Romero, she indicated that she did not know how the owner of an adjacent property would respond to some of the changes that would need to be made.

Taylor Young, a 7 ½-year-old neighbor, distributed pictures she had made of trees and talked about their importance.

Lizzy Young, a 10-year-old neighbor also distributed a picture she had drawn of the tree and talked about why it should not be cut down.

Jon Young, San Luis Obispo, reiterated comments made by Ms. Cosart and asked that the tree not be removed.

Mayor Romero closed the public hearing.

Discussion ensued during which staff responded to questions. Council Members spoke in support of the appeal contingent upon neighbors agreeing to modify their yards as necessary to preserve the tree, that the tree does not do infrastructure damage, and does not pose a threat to property or fail. It was suggested that the root zone be cleared and widened and that the use of a rubberized sidewalk be investigated.

**ACTION:** Moved by Brown/Settle to adopt Resolution No. 10,000 (2008 Series) upholding an appeal of the Tree Committee's decision to allow the removal of one Shamel Ash (*Fraxinus Uhdei*) tree at 1275 Fernwood Drive, thereby authorizing retention of the tree; motion carried 4:0 (Carter recused/absent).

Council Member Carter returned to the dais at this time.

2. **AMENDMENT FOR THE WALTER BROTHERS CENTER PLANNED DEVELOPMENT (PD) LOCATED AT 3190-3250 SOUTH HIGUERA (PD-MOD 41-08).**

Community Development Director Mandeville made the staff presentation.

Mayor Romero opened the public hearing.

No comments were forthcoming.

Mayor Romero closed the public hearing.

**ACTION:** Moved by Mulholland/Carter to, as recommended by the Planning Commission, introduce Ordinance No. 1518 (2008 Series) removing the prohibition of real estate offices in the allowed/prohibited uses list for the Walter Brothers Center Office-Planned Development overlay (O-PD); motion carried 5:0.

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**BUSINESS ITEMS**

**3. TOUR OF CALIFORNIA FINANCIAL SUPPORT.**

Parks and Recreation Director Kiser made the staff presentation and responded to questions.

Public Comments

Gary Fowler, San Luis Obispo, questioned why fund-raising has decreased for this event and suggested that no expenditures of General Fund monies should be made until the impact of State budget cuts are known.

Dave Garth, Chief Executive Officer of the Chamber of Commerce, said the Chamber has been a member of the local organization committee (LOC) since the first Tour of California came through the City. He discussed the impacts of the Tour on the Chamber and the value it brings to the City.

Marcia Nelson, San Luis Obispo, asked questions regarding the Tour and suggested that the City should organize its own tour, which could include local wineries.

---end of public comments---

Vice Mayor Brown responded to some of Ms. Nelson's questions and spoke in support of the Tour and the staff recommendation.

Council Member Mulholland suggested that there is not evidence the Tour generates funds or benefits hotels or restaurants in the City. She expressed concern about continuing to support this event in light of the financial impact the recent binding arbitration will have on the City.

Council Members Carter and Settle and Mayor Romero spoke in support of the Tour and the staff recommendation. They also concurred with having City staff or the Chamber do a financial analysis after this year's event that would indicate what type of return the City receives from its financial investment in the Tour.

**ACTION:** Moved by Settle/Brown to: 1. Approve, in concept, a request by the San Luis Obispo Local Organizing Committee to continue the City's involvement with the Amgen

Tour of California for 2009. 2. Appropriate an additional \$20,000 from the General Fund in the 2008-09 Budget to cover the estimated shortfall in community fund raising efforts to support the activities needed to again bring the 2009 Tour of California stage finish to San Luis Obispo; 4:1 (Mulholland opposed)

Council recessed at 9:00 and the meeting reconvened at 9:05 p.m. with all members present.

4. **2008-09 PROMOTIONAL COORDINATING COMMITTEE GRANTS-IN-AID RECOMMENDATIONS.**

Principal Analyst Elke and Promotional Coordinating Committee (PCC) Vice Chair John Connor made the staff presentation and responded to questions.

Public Comments

No comments were forthcoming.

---end of public comments---

Council Members Mulholland, Settle and Carter and Mayor Romero spoke in support of the recommendation.

**ACTION:** Moved by Mulholland/Settle to: 1. As recommended by the Promotional Coordinating Committee (PCC), approve the 2008-09 Grants-in-Aid (GIA) allocations and authorize the City Administrative Officer to execute the individual agreements with each grant recipient. 2. Approve leftover funding of \$8,050 to be allocated to research to complete an effectiveness study on the City's promotional efforts; 5:0.

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**COUNCIL LIAISON REPORTS**

Council Member Mulholland reported on her attendance on June 4<sup>th</sup> at the Water Resources Advisory meeting and the Human Relations Commission meeting. She also reported on her attendance on June 16<sup>th</sup> at the annual Personnel Board meeting.

Council Member Settle reported on his attendance at a recent Performing Arts Center Facilities Committee meeting.

Vice Mayor Member Brown reported on an upcoming committee meeting to develop a plan to eradicate chronic homelessness.

Council Carter said he and Council Member Brown will be accompanying Chamber representatives to the City of Boulder, Colorado. He added that the efforts of the Economic Vision Committee will meet shortly thereafter to commence its work on an economic vision.

Mayor Romero reported on his attendance at a recent San Luis Obispo Council of Governments meeting (SLOCOG), as well as meetings of the Regional Transit Authority and a meeting of the Whale Rock Commission.

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**COMMUNICATIONS**

Council Member Settle commented on the presentation by Council Member Mulholland and Vice Mayor Brown on KVEC/Dave Congleton show. He said it is important to emphasize that if the citizens of this community don't want someone who doesn't live here to make decisions such as binding arbitration to pursue a ballot measure for next year.

Vice Mayor Brown clarified that he and Council Member Mulholland are in full support of public safety and other employees. Rather, their comments on the Dave Congleton show were directed at the process and the question of whether binding arbitration is a positive thing for the City.

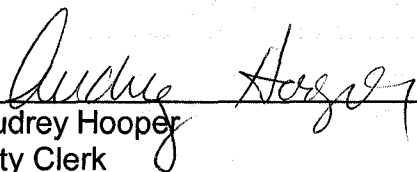
Council Member Carter referred to Senate Bill 1420 (Padilla), which would require certain food facilities, particularly large chain restaurants, in the state to make nutritional information available to consumers for all standard menu items and asked for support in bringing this back to Council as an agenda item to consider whether to take a position on this bill.

The majority of Council directed staff to place the matter of whether to support Senate Bill 1420 on the July 15<sup>th</sup> City Council agenda.

Council Member Settle noted that he will be attending a revenue taxation meeting next week.

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There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 9:35 p.m.

  
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Audrey Hooper  
City Clerk

APPROVED BY COUNCIL: 07/17/08