

MINUTES
SPECIAL MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, SEPTEMBER 16, 2008 – 6:30 P.M.
COUNCIL HEARING 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; and Audrey Hooper, 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 Lowell announced following Closed Session:

CONFERENCE WITH LABOR NEGOTIATORS

Pursuant to Government Code § 54957.6

Agency Negotiators: Karen Jenny, Monica Irons

Employee Organization: San Luis Obispo Police Staff Officers' Association
(SLOPSOA)

PUBLIC COMMENT ON CLOSED SESSION ITEM

Mayor Romero called for public comments. None were forthcoming and the meeting 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.

MINUTES
REGULAR MEETING OF THE CITY COUNCIL
CITY OF SAN LUIS OBISPO
TUESDAY, SEPTEMBER 16, 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

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CLOSED SESSION REPORT

City Attorney Lowell reported, during the regular meeting, that a Closed Session was held at 6:30 p.m. to discuss labor negotiations with the SLO Police Staff Officers' Association (SLOPSOA). Council provided direction to its negotiators. There was no further reportable action at this time.

Mayor Romero announced that item PH5 was continued to a date uncertain, but no later than February 17, 2009.

PUBLIC COMMENT

Gary Fowler, San Luis Obispo, discussed matters before the City of Paso Robles City Council at tonight's meeting related to the Nacimiento pipeline project and questioned San Luis Obispo's actions related to the pipeline.

Mayor Romero clarified that the last report from the Nacimiento Committee indicated that the project for the pipeline is within budget and ahead of schedule.

Terry Mohan, San Luis Obispo, distributed a letter expressing his concerns about his inability to use the Council Chamber for a public forum for candidates. He asked that Council agendaize this matter.

CAO Hampian and City Clerk Hooper discussed the City's policy and past practices on the use of the Council Chamber and the broadcasting of candidates' forums.

The following speakers expressed their continuing concerns regarding the management of the public access channel and submitted related documentation and a DVD.

Leslie Bearce
Anthony Bolin
Patrick Germany
Christine Bearce
Ron Bearce

Sifu Kelvin Harrison, San Luis Obispo, expressed his continuing concerns regarding personal harassment.

CONSENT AGENDA

Items C1, Minutes of August 19, 2008, and C8, Tourism Business Improvement District Start Date, were pulled for discussion.

Council Member Carter announced that he would abstain on item C4, Tract 2825, because his residence was within 500 feet of the project.

ACTION: Moved by Carter/Settle to approve the items C2 through C7 of the Consent Agenda as indicated below.

C1. MINUTES OF TUESDAY, AUGUST 19, 2008.

Council reviewed the changes submitted by RQN to the language in Study Session 2 (Proposed 2009-11 General Plan Update Process). Council concurred with the changes. Council also concurred with changes submitted by the City Clerk regarding the action on Study Session 3 (Development Concept Plan). (Memos containing the revised language are on file in the City Clerk's office.)

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

C2. LAGUNA LAKE GOLF COURSE FOOD/BEVERAGE CONCESSIONAIRE REQUEST FOR PROPOSAL.

ACTION: Moved by Carter/Settle to approve the release of a Request for Proposal for a food and beverage concessionaire at Laguna Lake Golf Course and authorize the CAO to award the contract to the best proposer; motion carried 5:0.

C3. MILLS ACT CONTRACT FOR THE HISTORIC FLUEGER HOME (CHCMA 91-08).

ACTION: Moved by Carter/Settle to, as recommended by the Cultural Heritage Committee (CHC), adopt Resolution No. 10020 (2008 Series) approving a Mills Act

contract for the historic Flueger Home located at 1546 Chorro Street (CHCMA 91-08); motion carried 5:0.

C4. FINAL MAP AND FINAL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 2825, 1231 LAUREL LANE (TR 37-06).

ACTION: Moved by Carter/Settle to: 1. Adopt Resolution No. 10021 (2008 Series) approving the Final Map for Tract 2825 (1231 Laurel Lane) and authorize the Mayor to execute the subdivision agreement on behalf of the City. 2. Adopt Resolution No. 10022 (2008 Series) accepting the public improvements and certifying completion of the required private subdivision improvements for Tract 2825; motion carried 4:0:1 (Carter abstained because his residence is within 500 feet of the project.)

C5. FINAL MAP AND FINAL ACCEPTANCE OF SUBDIVISION IMPROVEMENTS FOR TRACT 2807, 499 N. CHORRO (TR/ER 207-05).

ACTION: Moved by Carter/Settle to: 1. Adopt Resolution No. 10023 (2008 Series) approving the Final Map for Tract 2807 (499 N. Chorro) and authorizing the Mayor to execute the subdivision agreement on behalf of the City. 2. Adopt Resolution No. 10024 (2008 Series) accepting the public improvements and certifying completion of the required private subdivision improvements for Tract 2807; motion carried 5:0.

C6. SUBDIVISION IMPROVEMENTS FOR TRACT 2534 – A SUBDIVISION WITH ONE LOT FOR RESIDENTIAL CONDOMINIUM PURPOSES (82 UNITS) AND TWO COMMERCIAL LOTS AT 3592 BROAD STREET – (BROAD STREET PARTNERS, L.P.).

ACTION: Moved by Carter/Settle to adopt Resolution No. 10025 (2008 Series) accepting the public improvements, certifying completion of the required private improvements, and releasing the bonds for Tract 2534; motion carried 5:0.

C7. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM (CDBG) FUNDS.

ACTION: Moved by Carter/Settle to, as recommended by the Human Relations Commission: 1. Authorize the reallocation of \$182,693 in 2007 CDBG funds from the Santa Rosa Park restroom replacement project to the Laguna Lake Park restroom replacement project. 2. Forward the Council's funding recommendations for amending the 2007 CDBG Action Plan to the County Board of Supervisors; motion carried 5:0.

C8. TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) START DATE.

The following speakers asked Council to consider changing the start date for the assessment collection with either a soft rollout of the assessment during the month of September or a firm effective date of October 1, 2008, because they were not aware of the August 1, 2008, start date: Diane Hull, Mike Casulla, and Dean Hutton, each representing the Apple Farm; and Amul Soni, representing Super 8 Motel. Mr. Hull read

a statement from John King, who was unable to attend the meeting. (Mr. King's letter and Ms. Hull's statement are on file in the City Clerk's office.)

John Conner, Chairperson of the Tourism Improvement District (TBID) Board, said he would support Council's direction on this matter, although he and other hotels had started collecting the assessments.

Staff discussed the noticing process, noted the need to establish a start date that would be applicable to all hoteliers and that would be effective on the first of each month, and responded to Council's questions.

Following discussion during which Council commented on the noticing process, Council concurred to change the start date to October 1, 2008, rather than September 1, 2008, as was recommended in the staff report.

ACTION: Moved by Carter/Brown to: 1. Introduce Ordinance No. 1520 (2008 Series) amending Ordinance No. 1517 to change the start date for assessment collection to October 1, 2008. 2. Direct the Director of Finance and Information Technology to suspend collection from the period between August 1 to September 1, 2008, and to refund any remittance of assessment for that time period; motion carried 5:0.

CAO Hampian recommended that the TBID Board create a communication website or e-mail group for disseminating information so as to avoid communication problems in the future.

PUBLIC HEARINGS

1. **HUMAN RELATION COMMISSION'S RECOMMENDED PRIORITIES FOR THE 2009 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND GRANTS-IN-AID (GIA) PROGRAMS.**

Community Development Director introduced Housing Programs Manager Codron who presented the agenda report.

Mayor Romero opened the public hearing.

No comments were forthcoming.

Mayor Romero closed the public hearing.

ACTION: Moved by Brown/Mulholland to, as recommended by the Human Relations Commission, approve CDBG and GIA funding priorities for 2009; motion carried 5:0.

2. **GENERAL PLAN AMENDMENT AND REZONE FROM R-3 TO R-4 FOR PROPERTIES AT THE EAST END OF FOOTHILL BOULEVARD AND REVIEW OF A TENTATIVE TRACT MAP TO ALLOW A 16-UNIT CONDOMINIUM PROJECT AT 1310 FOOTHILL BOULEVARD. (108 THROUGH 190 CRANDALL AND 1304 THROUGH 1476 FOOTHILL; GP/R/TR/ER 200-07).**

Community Development Director introduced Deputy Community Development Director Davidson who presented the agenda report and responded to questions.

Mayor Romero opened the public hearing.

Carol Florence, Principal Planner with Oasis Associations, representing the owner of 1310 through 1318 Foothill, and authorized to represent 108 Crandall and 190 Crandall. She discussed the history of the project and spoke in support of the recommendation.

Jan Howell Marx, San Luis Obispo, spoke in support of the project

Mayor Romero closed the public hearing

Vice Mayor Brown and Mayor Romero spoke in support of the project.

In response to Council Member Mulholland, Community Development Director Mandeville explained how the project was designed to eliminate conversions to unauthorized additional bedroom space and how the limitations on parking will work against bringing in additional residents.

ACTION: Moved by Settle/Brown to, as recommended by the Planning Commission:
1. Adopt Resolution No. 10026 (2008 Series) amending the General Plan Land Use Element map to change the land use designation for the site from Medium-High Density Residential to High-Density Residential and approving a tentative tract map for 16 condominium units, and adopt the Mitigated negative Declaration of Environmental Impact. 2. Introduce Ordinance No. 1521 (2008 Series) changing the zoning from Medium-High Density Residential (R-3) to High-Density Residential (R-4) for the project site and remaining R-3 properties at the east end of Foothill Boulevard and the east side of Crandall Avenue; motion carried 5:0.

3. **APPEAL OF TREE COMMITTEE DECISION TO DENY TREE REMOVAL REQUEST AT 4154 POINSETTIA.**

CAO Hampian stated that his residence is within 500 feet of the property. He recused and left the left Council Chamber at this time.

Public Works Director Walter introduced Urban Forest Supervisor Pellemeier who presented the agenda report and responded to questions.

Mayor Romero opened the public hearing.

The following speakers opposed removal of the tree:

Anna Lardon, San Luis Obispo. Ms. Lardon submitted a letter from her mother and a petition from neighbors who also wanted the tree preserved.

Bob Morgan, San Luis Obispo

David Mark, San Luis Obispo

Devin Langley, representing the Summerhills Garden Homes Owners' Association, appellant, explained that the Association is requesting removal of the tree because: 1) of the high costs to maintain the tree, 2) root pruning is a short-term alternative, and 3) the Board has obtained four recommendations from arborists to remove tree because of its surface roots.

Jim Arndt, San Luis Obispo, Vice President of Association, spoke in support of removal of the tree. He explained that the tree in question is an alder, which is not on the Master Street Tree List. He also discussed the costs for preserving the tree and submitted photographs reinforcing his position that the tree should be removed.

Mayor Romero closed the public hearing.

Council Members spoke in support of retaining the tree.

ACTION: Moved by Settle/Brown to adopt Resolution No. 10027 (2008 Series) upholding the Tree Committee's decision to deny the tree removal request at 4154 Poinsettia Street, thereby denying the removal of the tree; motion carried 5:0.

CAO Hampian returned to the Council Chamber at this time.

4. APPEAL OF TREE COMMITTEE DECISION TO ALLOW TREE REMOVAL REQUEST AT 1374 PISMO.

Public Works Director Walter introduced this item, following which Urban Forest Supervisor Pellemeier presented the agenda report and responded to questions.

Mayor Romero opened the public hearing.

Steve Camintii, representing Howard Nicholson, owner of this project, concurred with the Tree Committee recommendation and offered to respond to questions.

Ron Rinell, Bunyan Bros. Tree Service, discussed the past removal of a supporting tree and discussed the hazard which would exist if the trees are allowed to remain.

Howard Nicholson, owner/builder, spoke in support of the recommendation. He referred to a letter (on file in the City Clerk's office) from the adjacent property owner, Brad Bilsten, who also supported removal of the trees.

Steve Delmartini said he was speaking as a proponent of infill housing. He encouraged allowing removal of the trees and noted that enhancement to the site that would occur with the planting of sycamore trees.

Robert Mueller, San Luis Obispo, said that at the applicant's request he looked at the trees. He said that while he did not disagree that the trees may need to be removed sometime in the future, he disagreed with comments that the trees are currently unhealthy and said that he couldn't find a stress crack.

Mayor Romero closed the public hearing.

Council Member Muholland disagreed with the Tree Committee's decision. She pointed out that the trees are skyline trees, noted that because a tree is non-native does not mean that it does not have value, and said that she could not make the findings to remove the trees.

Council Member Settle spoke in support of the recommendation, particularly because he agreed that once eucalyptus trees have been pruned, they are not as stable as they were previously. He commented on the enhancement to the neighborhood with the planting of sycamore trees.

Vice Mayor Brown concurred with Council Member Settle.

Council Member Carter explained that while he concurred with some of Council Member Mulholland's comments, he recalled that several years ago several of the eucalyptus trees in Johnson Park fell down during a storm. Therefore, he supported the Tree Committee's decision.

Mayor Romero expressed concern regarding having eucalyptus trees in close proximity to housing and supported the Tree Committee decision.

ACTION: Moved by Settle/Carter to adopt Resolution No. 10028 (2008 Series) denying the appeal of the Tree Committee's decision to allow the removal of two Eucalyptus trees and planting of four Sycamore trees at 1374 Pismo Street, thereby allowing removal of the trees; motion carried 4:1 (Mulholland opposing).

Council recessed from 9:25 to 9:35 p.m. and the meeting reconvened with all members present.

PLANNING COMMISSION'S ACTION TO DENY A REQUEST FOR A 0-FOOT SETBACK FOR A 9-FOOT TALL DECK IN THE REAR AND SIDE YARDS, WHERE 5 FEET IS THE NORMALLY REQUIRED SETBACK, FOR PROPERTY LOCATED AT 128 TWIN RIDGE IN THE R-1-PD ZONE.

This item was continued to a date uncertain, but no later than February 17, 2009.

BUSINESS ITEMS

6. SENIOR CENTER PARKING LOT SPECIFICATIONS NO. 90803.

Public Works Director Walter introduced this item, following which City Engineer Lynch presented the agenda report and responded to questions.

Public Comments

Trudy Lindaman, San Luis Obispo, asked Council to reconsider this project because the park serves as a "yard" for the neighborhood and because she had concerns about expending funds on this project.

Jan Marx, San Luis Obispo, also asked Council to reconsider this project. Her concerns included the need for the park space, the cost of the project, potential damage to the heritage tree, and her belief that there needs to be an environmental assessment done on the project.

Agatha Reardon, San Luis Obispo, noted that she had spoken in support of this project previously. She referred to the staff report and said that she had concerns that children may climb on the boulders that will provide one of the buffers to the parking area. She also expressed concern that there would be a break in the chain link fence between the driveway and playground. She suggested that with the change in seasons it might be feasible to delay the installation of the barbeque.

Marcia Nelson, San Luis Obispo, spoke in support of the project. She suggested, however, that Council consider making access onto Santa Rosa Avenue a right-turn only.

---end of public comments---

Discussing ensued during which Council Member Carter, Vice Mayor Brown and Mayor Romero spoke in support of proceeding with the project. Council Members Mulholland and Settle opposed the project because of its cost in light of the current budget situation, including the need to reduce the funding for Capital Improvement Program (CIP) projects.

During the discussion, a majority of the Council concurred on the following design issues:

- A wrought iron fence should be installed between the driveway and park (playground area) in lieu of a gate.
- The barbeque pit should be installed as part of the project rather than deferring it.
- Access onto Santa Rosa Avenue should be restricted to a right-hand turn.
- The boulders will be removed from the project.
- The seven decorative pedestrian lights should be used in the parking lot.
- Asphalt surfacing should be used in the parking lot.

ACTION: Moved by Carter/Brown to: 1. Approve plans and specifications for the Senior Center Parking Lot Project Specification No. 90803 with conditions recommended by the Architectural Review Commission with the exception of the chlorine building removal, bicycle parking, barbeque location, and pavement material. 2. Authorize staff to advertise for bids and authorize the CAO to award the contract if the lowest responsible bid is less than or equal to the Engineer's Estimate of \$220,000. 3. Approve the transfer of \$181,000 from completed projects to fund the project; with changes noted previously; motion carried 3:2 (Mulholland/Settle opposed).

7. **BUENA VISTA & GARFIELD AT MONTEREY INTERSECTION IMPROVEMENTS, SPECIFICATION NO. 90676.**

Public Works Director Walter introduced this item, following which Senior Traffic Engineer Hudson presented the agenda report. They and Deputy Public Works Director Bochum responded to questions.

CAO Hampian commented on the achievement of getting property owner agreement on this project. He pointed out that this project is not be included in the recommended Capital Improvement Program (CIP) project cuts and discussed how this project will be funded.

Public Comments

Terry Mohan, San Luis Obispo, explained that he would prefer the installation of stop signs on Monterey Street to slow traffic and expressed concern about the cost of the project. He suggested that savings could be made on landscaping and that a lighted crosswalk should be installed.

---end of public comments---

Council Members supported proceeding with this project in part because it involves public safety and because this is the gateway to the City.

ACTION: Moved by Mulholland/Brown to: 1. Award a contract to Brough Construction, Inc. of Arroyo Grande, CA, in the amount of \$362,463 for traffic safety improvements at Buena Vista & Garfield at Monterey, specification No. 90676. 2. Approve a transfer of \$134,463 from CIP Reserve account to this project account; motion carried 5:0.

COUNCIL LIAISON REPORTS

Council Member Mulholland reported on the County's Water Resources Advisory Committee meeting on September 3rd and the Integrated Waste Management Authority Board meeting on September 10th.

Council Member Carter referred to his written report (included in the packet) on the status of the Chamber's Economic Visioning Committee. He also said he is continuing to attend the Downtown Association meetings on a volunteer basis.

Council Member Settle reported on the activities of the Student Community Liaison Committee.

Vice Mayor Brown reported on his attendance at a recent Homeless Services Advisory Group meeting.

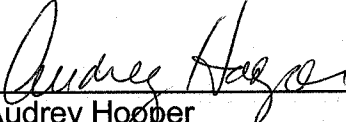
Mayor Romero reported on the recent Regional Transit Authority and San Luis Obispo Council of Governments meetings.

COMMUNICATIONS

CAO Hampian announced that the new trolley, purchased with grant funds, has arrived and would be in the parking lot on Friday at 10:00 a.m.

Council Member Settle said he was selected to serve at least for the next two years on the Cal-LAFCO organization, which will be following what the State legislature is doing related to financial and land use policies.

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 10:12 p.m..



Audrey Hooper
City Clerk

APPROVED BY COUNCIL: 10/21/08