

**MINUTES**  
**REGULAR MEETING OF THE CITY COUNCIL**  
**CITY OF SAN LUIS OBISPO**  
**TUESDAY, JANUARY 5, 2010**  
**990 PALM STREET**  
**SAN LUIS OBISPO, CALIFORNIA**

**6:45 P.M. – SPECIAL MEETING – COUNCIL HEARING ROOM**

**ROLL CALL:**

**Council Members**

**Present:** Council Members John Ashbaugh, Jan Howell Marx, Allen K. Settle, Vice Mayor Andrew Carter, and Mayor Dave Romero

**City Staff**

**Present:** Ken Hampian, City Manager, Christine Dietrick, City Attorney, Shelly Stanwyck, Assistant City Manager, and Elaina Cano, 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 Dietrick announced the following Closed Session topic.

**CONFERENCE REGARDING PROPERTY NEGOTIATIONS**

Pursuant to Government Code § 54956.8

**PROPERTY:** A portion of 11175 Los Osos Valley Road

**NEGOTIATING PARTIES:**

City of San Luis Obispo:	Betsy Kiser, J. Christine Dietrick
Potential Lessee or Purchaser:	United Church of Christ of San Luis Obispo (Curt Miner, Heather Hellman)

**NEGOTIATIONS:** Sale or lease of a portion of property

**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 Dietrick reported on the Closed Session at the commencement of the 7:00 p.m. regular meeting.

The Closed Session adjourned at 6:55 p.m.

---

**7:00 P.M. – REGULAR MEETING – COUNCIL CHAMBER**

Mayor Romero called the regular meeting to order at 7:00 p.m. All Council Members were present.

---

**CLOSED SESSION REPORT**

City Attorney Dietrick reported that Council met in Closed Session to discuss Property Negotiations as indicated above. Council provided direction to its property negotiators. No further reportable action was taken.

---

**PRESENTATION**

A proclamation was presented by San Luis Obispo County Supervisor Katcho Achadjian acknowledging City Manager Ken Hampian's many years of service.

A proclamation was presented by Mayor Romero on behalf of the City Council acknowledging City Manager Ken Hampian's many years of service.

---

**APPOINTMENTS**

**A1. COUNCIL LIAISON SUBCOMMITTEE ASSIGNMENTS 2010.**

**ACTION:** Moved by Ashbaugh/Marx to approve Council Liaison Subcommittee assignments for calendar year 2010; motion carried 5:0.

---

**PUBLIC COMMENT**

Charlie Noflett, San Luis Obispo, spoke about his concerns regarding Buena Vista Park.

Gary Fowler, San Luis Obispo, Save SLO, spoke in opposition to the proposed parking garage located at Palm and Nipomo Streets.

---

**CONSENT AGENDA**

By consensus, Council agreed to pull items C3 and C4 for further discussion.

**PUBLIC COMMENT**

Gary Fowler, San Luis Obispo, spoke about his concerns regarding Item C5 and the fees charged by the police department.

Police Chief Linden explained that funds that will be used for the purchase of traffic/collision crime scene diagramming software and hardware equipment will be from an existing account and not grant funding.

Council voted on items C1, C2, C5, and C6 as noted below. Items C3 and C4 were voted on separately after discussion.

**C1. MINUTES.**

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

**C2. AMENDMENT OF ELECTION CAMPAIGN REGULATIONS.**

**ACTION:** Moved by Carter/Settle to re-introduce Ordinance No. 1538 (2010 Series) amending Chapter 2.40 (Election Campaign Regulations) of the Municipal Code to incorporate the recommendations of the Council's ad hoc election campaign regulations citizen committee, as modified by the City Council; motion carried 5:0.

**C3. ADOPTION OF AN ORDINANCE AMENDING CHAPTER 5.5 OF THE MUNICIPAL CODE RELATING TO SIDEWALK CAFES (TA 52-08).**

Council discussion ensued during which they discussed and agreed to eliminate a sentence in section 5.50.015 B. In addition, Council Member Ashbaugh expressed his concern with the hours of operation and suggested allowing the business owners more flexibility in the hours of operation.

Public Comment

Ermina Karim, Chamber of Commerce, spoke in support of staff's recommendation. Ms. Karim requested additional time to consider the implications of the change in the proposed hours of operation.

---end of public comments---

Police Chief Linden spoke about the police department's concerns regarding the proposed language dealing with the hours of operation. Ms. Linden spoke in support of allowing the business to begin operation earlier than 8:00 a.m.; however, she did not recommend extending the hours beyond 10:00 p.m.

Council discussion ensued during which the majority spoke in support of modifying the hours of operation for outside dining from 7:00 a.m. – 10:00 p.m.

Mayor Romero discussed his continuing concern regarding the "generally" 6 foot sidewalk clearance.

**ACTION:** Moved by Carter/Marx to adopt staff's recommendation with the following modifications: Section 2: 5.50.015 B. eliminating the sentence "Use of chairs and tables shall not be restricted to customers of the business." Section 2 5.50.045 B. extending the hours to 7:00 a.m. – 10:00 p.m. (4:1, Ashbaugh opposed).

**C4. DONATION FROM SAN LUIS OBISPO BABE RUTH LEAGUE FOR IMPROVEMENTS TO STOCKTON FIELD.**

Mayor Romero discussed his concerns regarding the removal of a section of irrigated turf at Exposition Park extension. Council discussion ensued during which they agreed to withdraw the third staff recommendation.

Public Comment

Bob Williams, San Luis Obispo, discussed an alternative location to minimize irrigation at Sinsheimer Park near the tennis courts.

Dodie Williams, San Luis Obispo, discussed an alternative location to minimize irrigation at Islay Park near the tennis courts.

Willie Zilkey, San Luis Obispo, declined to comment.

Helen Finger, San Luis Obispo, declined to comment.

---end of public comments---

**ACTION:** Moved by Settle/Asbaugh to: 1. As recommended by the Advisory Committee on Joint Use of Recreational Facilities (JUC), accept a donation from the San Luis Obispo Babe Ruth League for improvements to Stockton Field. 2. Enter into an agreement with the organization for installation and all future maintenance. 3. Include Alternative #1 to absorb the \$2,000 cost of irrigation in the City budget and direct staff to accept the donation of the infield turf and maintenance, without converting another area to non-irrigated status; motion carried 5:0.

**C5. AUTHORIZE FUNDS FROM THE LAW ENFORCEMENT GRANT FUND/TRAFFIC IMPOUND ACCOUNT TO PURCHASE TRAFFIC COLLISION DIAGRAMMING COMPUTER EQUIPMENT AND SOFTWARE.**

**ACTION:** Moved by Carter/Settle to appropriate \$8,500 from available fund balance in the Law Enforcement Grant Fund/Traffic Impound account to purchase traffic collision/crime scene diagramming software and hardware equipment; motion carried 5:0.

**C6. NETWORK SWITCH UPGRADE.**

**ACTION:** Moved by Carter/Settle to: 1. Authorize the Finance Manager to issue a purchase order to CIO Solutions in the amount of \$218,826 for network switching equipment. 2. Accelerate existing funding for the network switch upgrade of \$125,000 in the 2009-11 Financial Plan from 2010-11 to 2009-10. (Given the two-year nature of the City's Financial Plan, there will be no net fiscal impact resulting from this schedule change.); motion carried 5:0.

---

**PUBLIC HEARINGS**

1. **APPEAL OF THE PLANNING COMMISSION'S ACTION UPHOLDING THE HEARING OFFICER'S DECISION TO ALLOW A SUBDIVISION CREATING THREE CONFORMING LOTS FROM ONE (MS 78-09).**

Community Development Director Mandeville introduced this item, following which Assistant Planner David presented the agenda report and responded to questions.

Mayor Romero opened the public hearing.

Nancy Shokohi, San Luis Obispo – Appellant, spoke in opposition to staff's recommendation and suggested Recommendation #2 – Alternative, which was stated on page 5 of the appeal.

Joe Boud, San Luis Obispo - Appellant, spoke in opposition to staff's recommendation for various reasons and agreed with Ms. Shokohi's recommendation.

Bill Herreras, San Luis Obispo, declined to comment.

Maureen Eyerman, San Luis Obispo, spoke in opposition to the project.

Scott Killian, San Luis Obispo, spoke about his concerns regarding property values.

Jeff Spevak, Owner - Applicant, spoke in support of staff's recommendation.

Jeff Wagner, Vice President of EDA Design Professionals – Applicant representative, spoke in support of staff's recommendation and a full Architectural Review Commission (ARC) review when the time is appropriate.

Mayor Romero closed the public hearing.

Community Development Director Mandeville agreed with Mr. Wagner and stated that when the time is relevant a full ARC review would take place.

Council discussion ensued during which they spoke in support of staff's recommendation to deny the appeal and uphold the Planning Commission's action.

**ACTION:** Moved by Carter/Ashbaugh to adopt Resolution No. 10140 (2010 Series) denying the appeal, and upholding the Planning Commission's action to allow a subdivision creating three conforming lots from one in the Low-density residential zone (R-1), subject to conditions and to also include a full ARC review to parcel #1 and a minor and incidental review for parcels #2 and #3; motion carried 5:0.

Council recessed at 9:01 p.m. and reconvened at 9:11 p.m. with all members present.

---

**BUSINESS ITEMS**

**2. WATER RELIABILITY RESERVE AND SUPPLEMENTAL WATER SUPPLY POLICIES.**

Utilities Director Mattingly introduced this item, following which Water Division Manager Henderson presented the agenda report and responded to questions.

Public Comments

There was no public comment.

---end of public comments---

**ACTION:** Moved by Settle/Ashbaugh to: 1. Receive a report regarding clarification of policies related to the City's water reliability reserve and secondary supply requirements, as outlined in the City Charter, General Plan and Municipal Code. 2. Pursue improved clarification of the policies through modification to the General Plan and Municipal Code (but not through a Charter amendment), with a specific City Council recommendation developed in collaboration with the Planning Commission; motion carried 5:0.

**3. GOLF COURSE BEST PRACTICE REVIEW.**

Parks & Recreation Director Kiser introduced this item, following which Recreation Manager Fitzgerald and Golf Course Supervisor Bunte presented the agenda report

Public Comments

Mary Parker, Laguna Ladies Golf Group, spoke in support of working with staff to help continue the success of the golf course.

---end of public comments---

Council discussion ensued during which they discussed the pros and cons regarding alcohol sales, the six-month pilot program, including evaluation of the increase in play and course conditions, and the different types of food vendors, including cart service.

**ACTION:** Moved by Settle/Marx to: 1. Receive best practice report on golf course revenue initiatives, evaluation of alcohol sales at Laguna Lake Golf Course and feasibility of establishing a fundraising group for the golf course. 2. Direct staff to implement by February 1, 2010, the following best practice initiatives: a. An off peak rate of \$10.00/round for regular golfers from 12-3 p.m. Monday through Thursday. b. A six month pilot program to offer an unlimited play card valid from 12 p.m.-close Monday through Thursday at a cost of \$109/month. c. Offer a loyalty reward program to frequent users. d. Pursue a food and beverage concessionaire through the request for proposal process without the intent to add alcohol sales at Laguna Lake Golf Course. e. Work with interested individuals and groups at Laguna Lake Golf Course to form a "Friends of Laguna Lake Golf Course" fundraising group; motion failed 2-3 (Romero, Ashbaugh, Carter opposed).

**ACTION:** Moved by Carter/Ashbaugh to: 1. Receive best practice report on golf course revenue initiatives, evaluation of alcohol sales at Laguna Lake Golf Course and feasibility of establishing a fundraising group for the golf course. 2. Direct staff to implement by February 1, 2010, the following best practice initiatives: a. An off peak rate of \$10.00/round for regular golfers from 12-3 p.m. Monday through Thursday. b. A six month pilot program to offer an unlimited play card valid from 12 p.m.-close Monday through Thursday at a cost of \$109/month. c. Offer a loyalty reward program to frequent users. d. Pursue a food and beverage concessionaire through the request for proposal process with the intent to add alcohol sales at Laguna Lake Golf Course. e. Work with interested individuals and groups at Laguna Lake Golf Course to form a "Friends of Laguna Lake Golf Course" fundraising group; motion carried 3-2 (Marx and Settle opposed).

Council Members Marx and Settle opposed the motion because of the addition of alcohol sales at the Golf Course.

---

### **COUNCIL LIAISON REPORTS**

Council Member Marx reported on her attendance at the Census Committee meeting on December 18th.

Vice Mayor Carter reported on his attendance at the Economic Development Collaboration Committee.

Council Member Settle reported on his attendance at the PAC Facilities Committee meeting.

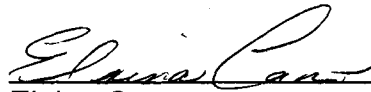
---

### **COMMUNICATIONS**

Council Member Ashbaugh requested that a presentation regarding the renovation of the octagon barn be agendized for a future meeting. Council concurred.

---

There being no further business to come before the City Council, Mayor Romero adjourned the meeting at 10:35 p.m.



Elaina Cano  
City Clerk

APPROVED BY COUNCIL: 02/16/10