



council agenda
CITY OF SAN LUIS OBISPO
CITY HALL, 990 PALM STREET

Tuesday, December 15, 2009

7:00 P.M.

REGULAR MEETING

Council Chamber
990 Palm Street

CALL TO ORDER: Mayor Dave Romero

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

PLEDGE OF ALLEGIANCE

PRESENTATION

PROCLAMATION. (ROMERO – 5 MINUTES)

OATH OF OFFICE – NEW CITY ATTORNEY. (STANWYCK/CANO – 5 MINUTES)

APPOINTMENT

A1. APPOINTMENT TO THE TOURISM BUSINESS IMPROVEMENT DISTRICT (TBID) BOARD. (CARTER/ROMERO – 5 MINUTES)

RECOMMENDATION: As recommended by Council Liaison Subcommittee Member Andrew Carter and Mayor Dave Romero, appoint Dave Brown to the Tourism Business Improvement District (TBID) Board effective December 15, 2009.



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Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection in the City Clerk's office located at 990 Palm Street, San Luis Obispo, during normal business hours.

PUBLIC COMMENT PERIOD FOR ITEMS NOT ON THE AGENDA (not to exceed 15 minutes total)
The Council welcomes your input. You may address the Council by completing a speaker slip and giving it to the City Clerk prior to the meeting. At this time, you may address the Council on items that are not on the agenda or items on the Consent Agenda. Time limit is three minutes. State law does not allow the Council to discuss or take action on issues not on the agenda, except that members of the Council or staff may briefly respond to statements made or questions posed by persons exercising their public testimony rights (Gov. Code Sec. 54954.2). Staff may be asked to follow up on such items. Staff reports and other written documentation relating to each item referred to on this agenda are on file in the City Clerk's Office in Room 4 of City Hall.

CONSENT AGENDA
The Consent Agenda is approved on one motion. Council Members may pull consent items to be considered after Business items. The public may comment on any item on the Consent Calendar.

C1. MINUTES. (STANWYCK/CANO)

RECOMMENDATION: Waive oral reading and approve as presented.

C2. APPOINTMENT OF CITY MANAGER. (ROMERO/CARTER)

RECOMMENDATION: 1. Appoint Katie E. Lichtig as City Manager. 2. Approve contract of employment with Ms. Lichtig and authorize the Mayor to sign. 3. Authorize the Director of Finance and Information Technology to adjust appropriate accounts to reflect the compensation changes.

C3. APPOINTMENT OF CITY ATTORNEY. (ROMERO/CARTER)

RECOMMENDATION: 1. Appoint J. Christine Dietrick as City Attorney. 2. Approve contract of employment with Ms. Dietrick and authorize the Mayor to sign. 3. Authorize the Director of Finance and Information Technology to adjust appropriate accounts to reflect the compensation changes.

C4. ANNUAL STATEMENT OF DEVELOPMENT IMPACT FEES. (STATLER/MALICOAT)

RECOMMENDATION: Receive and file annual statements of revenues and expenditures from development impact fees for 2008-09 (water, wastewater and transportation).

C5. FINAL ADOPTION OF ORDINANCE NO. 1537 (2009 SERIES) AMENDING MUNICIPAL CODE CHAPTER 8.16 TO BAN SMOKING AND ALL FORMS OF TOBACCO PRODUCTS FROM CITY-OWNED OUTDOOR RECREATION AREAS. (STANWYCK/ELKE)

RECOMMENDATION: Adopt Ordinance No. 1537 (2009 Series).

C6. REQUEST FOR PROPOSALS – 2009-11 PAVEMENT DEFLECTION TESTING, SPECIFICATION NO. 90993. (WALTER/GUZMAN)

RECOMMENDATION: 1. Approve the Request for Proposals to provide pavement deflection testing and analysis services. 2. Authorize Staff to advertise for proposals. 3. Authorize the City Manager to execute an agreement with the selected consulting firm if the consultant's proposed fees are less than \$50,000.

C7. 2010 STANDARD SPECIFICATIONS AND ENGINEERING STANDARDS.
(WALTER/HORN)

RECOMMENDATION: Adopt a resolution approving the 2010 City Standard Specifications and Engineering Standards and rescind the previous resolution.

C8. 2010 SAN LUIS BASEBALL STADIUM USE AGREEMENTS. (KISER/BREMER)

RECOMMENDATION: As recommended by the Advisory Committee on Joint Use of Recreational Property: 1. Authorize the Mayor to execute an amendment to the agreement between the City of San Luis Obispo and Rattlers Baseball Development Group, INC. for use of San Luis Obispo Baseball Stadium for the 2010 season. 2. Authorize the Mayor to execute an amendment to the agreement between the City of San Luis Obispo and the San Luis Obispo Baseball Alliance, LLC for use of San Luis Obispo Baseball Stadium for the 2010 season.

C9. REIMBURSEMENT TO UNITED RENTALS FOR WATER MAIN CONSTRUCTION ON TANK FARM ROAD. (MATTINGLY/HENDERSON)

RECOMMENDATION: 1. Approve the reimbursement of \$284,000 to United Rentals Northwest, Inc. for the cost of constructing a master planned water main in Tank Farm Road. 2. Approve the reimbursement agreement and authorize the Mayor to execute the agreement.

C10. RAILROAD SAFETY TRAIL PHASE 4A, THE ROTARY SUPPORTED "MISSING LINK." (WALTER/VAN BEVEREN)

RECOMMENDATION: 1. Approve Plans and Specifications for the Railroad Safety Trail Phase 4A, Specification No. 90821 and authorize staff to advertise for bids. 2. Approve the transfer of \$60,011 from the Railroad Safety Trail Phase 4 project and \$250,000 from the State Highway Account (SHA) into this project's account. 3. Authorize the City Manager to award a construction contract if the lowest responsible bid is within the engineer's estimate of \$600,000.

BUSINESS ITEMS

1. AMENDMENT OF ELECTION CAMPAIGN REGULATIONS. (LOWELL/CANO – 20 MINUTES)

RECOMMENDATION: Introduce an ordinance 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.

2. COMPREHENSIVE ANNUAL FINANCIAL REPORT FOR 2008-09.
(STATLER/MALICOAT – 15 MINUTES)

RECOMMENDATION: Review and discuss the Comprehensive Annual Financial Report and ending financial results for 2008-09.

3. APPROVAL OF GRANT AGREEMENT WITH THE LAND CONSERVANCY OF SAN LUIS OBISPO COUNTY IN SUPPORT OF THE PURCHASE OF AN AGRICULTURAL CONSERVATION EASEMENT AT THE 189 ACRE O'CONNOR RANCH ON O'CONNOR WAY. (STANWYCK/HAVLIK – 20 MINUTES)

RECOMMENDATION: 1. Adopt a resolution approving payment of \$107,500 to First American Title Company from the City's Open Space Fund in support of the purchase of an agricultural conservation easement by the Land Conservancy of San Luis Obispo County at the 189 acre O'Connor Ranch on O'Connor Way in the City's Greenbelt area. 2. Authorize the Mayor to sign an agreement with the Land Conservancy of San Luis Obispo County memorializing the payment and conditions under which the payment will be made.

4. AMENDMENTS TO THE CITY'S SIDEWALK CAFÉ ORDINANCE (TA 52-08).
(MANDEVILLE/DUNSMORE – 45 MINUTES)

RECOMMENDATION: As recommended by the Planning Commission, introduce an ordinance that incorporates text amendments to Municipal Code Chapter 5.50 relating to sidewalk cafés and approve a negative declaration (Attachment 1) for the project.

5. DOWNTOWN PARKING SPACE CONVERSION PROCESS. (WALTER/HORCH/P. MANDEVILLE – 30 MINUTES)

RECOMMENDATION: Adopt a resolution establishing procedures for Downtown parking space conversions.

COUNCIL LIAISON REPORTS (not to exceed 15 minutes)
Council Members report on conferences or other City activities. Time limit—3 minutes.

COMMUNICATIONS (not to exceed 15 minutes)
At this time, any Council Member or the City Manager may ask a question for clarification, make an announcement, or report briefly on his or her activities. In addition, subject to Council Policies and Procedures, they may provide a reference to staff or other resources for factual information, request staff to report back to the Council at a subsequent meeting concerning any matter, or take action to direct staff to place a matter of business on a future agenda. (Gov. Code Sec. 54954.2)

ADJOURN.