

All persons desiring to speak on agenda items are asked to fill out a *Speaker Information Card* and place it at the Staff Table prior to the start of discussion of the agenda item. Each individual speaker will be limited to a presentation total of three (3) minutes per person, per item.

CITY COUNCIL AGENDA

Tuesday, April 16, 2002 7:30 PM

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL
CONFERENCE CENTER, 1000 SPRING STREET**

**PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR
TO THE MEETING WITH A COPY TO THE CITY CLERK**

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham

PUBLIC COMMENTS

This is the time the public may address the Council on items other than those scheduled on the agenda. **PLEASE SPEAK DIRECTLY INTO THE MICROPHONE AND BEGIN BY STATING YOUR NAME AND ADDRESS. EACH PERSON AND SUBJECT IS LIMITED TO A 3-MINUTE DISCUSSION.** Any person or subject requiring more than three minutes may be scheduled for a future Council meeting or referred to committee or staff. Those persons wishing to speak on any item scheduled on the agenda will be given an opportunity to do so at the time that item is being considered.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

If applicable, staff to advise Council of any other item on the agenda that is to be deferred or tabled.

PRESENTATIONS

1. **National Volunteer Week Proclamation & Announcement of Bob Alesi Memorial Volunteer of the Year Award Recipient** (Mayor Frank Mecham)
2. **Recognition of Retiring Police Sgt. Michael Larsen** (Mayor Frank Mecham)
3. **Recognition of Retiring Fire Chief Doug Hamp** (Mayor Frank Mecham)

NOTICED HEARINGS

4. **Revisions to Oak Tree Preservation Ordinance (Section 10.01 of the Paso Robles Municipal Code)**

R. Lata, Community Development Director

Conduct a public hearing and consider Planning Commission's recommendations regarding revisions to the City's Oak Tree Preservation Ordinance. (Commission is recommending that [1] a 6-inch oak tree continue to be the threshold for Council review of oak tree removal requests; [2] a list of approved arborists be authorized to provide services to the City; [3] replace term "drip line" with Critical Root Zone; [4] level of enforcement to be increased; [5] Public Works Department to be responsible for approving tree trimming requests; [6] Community Development Department to be responsible for handling tree removal requests; and [7] City cost recovery for trimming and tree removal requests.)
CONTINUED FROM FEBRUARY 5 AND APRIL 2, 2002.

OPTIONS:

- a. Approve the approach recommended by the Planning Commission and
 - (1) Introduce for first reading Ordinance No. XXX N.S. amending Section 10.01 et seq. of the Municipal Code (Oak Tree Preservation Ordinance) and set May 7, 2002, for second reading of the ordinance.

ROLL CALL VOTE

- (2) Adopt Resolution No. 02-xx establishing processing fees to cover the cost of requests for City approval to prune oak trees of the specified size or to remove oak trees of the specified size.

ROLL CALL VOTE

- b. Approve the approach recommended by the Planning Commission, with certain changes, and
 - (1) Introduce for first reading Ordinance No. XXX N.S. amending Section 10.01 et seq. of the Municipal Code (Oak Tree Preservation Ordinance) and set May 7, 2002, for second reading of the ordinance, directing staff to modify the ordinance language to specify that City Council approval is required for removal of smaller sized oak trees, specifically for removal of 4-inch oaks for evergreen trees (e.g., Live Oaks) and 2-inch oaks for deciduous trees (e.g., Valley and Blue Oaks).

- (2) Adopt Resolution No. 02-xx establishing processing fees to cover the cost of requests for City approval to prune oak trees of the specified size or to remove oak trees of the specified size.

ROLL CALL VOTE

- c. Amend, modify, or reject the above options.

CONSENT CALENDAR

ITEMS ON THE CONSENT CALENDAR ARE CONSIDERED ROUTINE, NOT REQUIRING SEPARATE DISCUSSION. However, if discussion is wanted or if a member of the public wishes to comment on an item, the item may be removed from the Consent Calendar and considered separately. Councilmembers may ask questions of clarification without removing an item from the Calendar. INDIVIDUAL ITEMS 5-19 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

5. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meeting of February 21, 2002
Housing Authority meeting of March 12, 2002
Pioneer Museum Board meeting of March 14, 2002
6. Approve Warrant Register.
M. Compton, Administrative Services Director
7. Adopt Ordinance No. XXX N.S. amending three Circulation Components of the Borkey Area Specific Plan. (First reading April 2, 2002.)
R. Lata, Community Development Director
8. Certificate of Recognition - Barbie Butz, 2002 Woman of the Year.
Mayor F. Mecham
9. Certificate of Recognition – San Luis Obispo County Cattlemen’s Association.
Mayor F. Mecham
10. Certificate of Recognition & Welcome – Wayne Justus, Featured Artist at 12th Annual Cattlemen’s Western Art Show and Sale, April 5, 6 & 7, 2002.
Mayor F. Mecham
11. Proclamation – National Public Safety Telecommunicator’s Week April 14 - 20, 2002.
Mayor F. Mecham
12. Proclamation – Month of the Young Child, April 2002.
Mayor F. Mecham
13. Authorize design modification/exception from the Borkey Area Specific Plan and City street standards as requested by Estrella Associates (Dick Willhoit). (Subject area is located west of Club House Drive. Applicant is seeking authorization to modify the design of the entry street into a portion of his development by adding a landscaped center median and widen parkway areas on either side of the street.)
R. Lata, Community Development Director

14. Adopt Resolution No. 02-xx authorizing the Mayor to accept an Offer of Dedication – Tract 2281-1 Shadow Canyon. (Shadow Canyon is a residential subdivision project located at the corner of Creston and Golden Hill Road. Planning Commission approved the project with the condition that Developer dedicates certain properties for open space landscaping purposes.)
R. Lata, Community Development Director
15. Adopt Resolution No. 02-xx authorizing the Mayor to grant an easement to PG&E for that portion of the property owned by the City – Tract 2281-1 Shadow Canyon. (Shadow Canyon is a residential subdivision project located at the corner of Creston and Golden Hill Road. There is an existing PG&E overhead line parallel to the tract's southerly boundary. Planning Commission approved the project with the condition that Developer remove the overhead PG&E lines and install underground.)
R. Lata, Community Development Director
16. Adopt Resolution No. 02-xx authorizing the replacement of the septic system at the single-family home at 908 Walnut Drive. (Applicant Charnley-Gustason Development noted through a routine septic system inspection that the existing system is at or near point of failure. When a future source of sewer service is constructed, applicant will be required to pay applicable connection fees, abandon the septic system and connect to the new sewer facilities.)
R. Lata, Community Development Director
17. Adopt Resolution No. 02-xx approving a lease between the City and the Federal Aviation Administration [FAA] for the location of an Automated Surface Observing System [ASOS] at the Airport. (In November 1993 the City entered in a license agreement with the National and Atmospheric Administration, National Weather Service, for the location of an ASOS. The National Weather Service sold the ASOS equipment to the FAA, who now operates and maintains the system. The subject lease is annually renewable, for a period not to exceed 20 years.)
J. Deakin, Public Works Director
18. Adopt Resolution No. 02-xx annexing PD 01-003 into the Landscape and Lighting District. (This is a proposed development filed by Hampton Inn proposing a three-story, 81-unit hotel and suites facility on an approximate 2.3 acre site on the west side of Theater Drive adjacent Highway 46 West. Adoption of this resolution is required in order to include property maintenance in the L&L District. Once construction is complete, this property will be believed annual L&L District assessment fees.)
J. Deakin, Public Works Director
19. Adopt Resolution No. 02-xx granting a public utility easement to Pacific Gas and Electric for the purpose of maintaining the utilities undergrounded in Undergrounding District No. 2. (In conjunction with the construction of a new Senior Center and Veteran's buildings, an Undergrounding District was created along the south side of Scott Street from Creston to San Fernando Road. Granting a 10-foot utility easement is consistent with the development standards applied to private development. Additionally, PG&E cannot energize the underground utilities without a guaranteed ability to access them for maintenance or repair.)
D. Monn, Building Official

ROLL CALL

PUBLIC DISCUSSION

20. **Request to Remove Oak Tree – 1233 Chestnut Street (Dumas)**

R. Lata, Community Development Director

Consider a request by Rachel Dumas to remove a 12-inch diameter oak, double trunk Coast Live Oak located at 1233 Chestnut Street. (Arborist report accompanying applicant's request estimated the tree at 95% dead and recommended removal.)

OPTIONS:

- a. Adopt Resolution No. 02-xx authorizing the removal of one 12-inch diameter oak as identified in the arborist's report, dated 10 November 2001, and requiring two replacement oak trees conforming to Section 10.01.040 (E) of the Municipal Code for each tree removed, either on the subject parcel, or elsewhere in the City at the direction of the Street Superintendent. Said replacement oak trees shall be planted or furnished to the City within 30 days of removal of the tree in question.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

21. **Request to Remove Oak Tree – 215 24th Street (Tidwell)**

R. Lata, Community Development Director

Consider a request by Robbin Tidwell to remove one double-trunk (9-inch and 8.5-inch diameters), California Live Oak located at 215 24th Street to accommodate the construction of a new house. (Arborist report accompanying applicant's request indicates that with the development of the site there will be long-term detrimental impact on the tree's health.)

OPTIONS:

- a. Adopt Resolution No. 02-xx rejecting the request to remove the proposed double-trunk (9-inch and 8.5-inch diameters) California Live Oak tree based on the determination of the arborist report that there are tree protection measures and guidelines that could be followed to insure the survivability, health and structure of the subject tree with the construction of the residence.
- b. Adopt Resolution No. 02-xx authorizing the removal of one double-trunk (9-inch and 8.5-inch diameters) California Live Oak as identified in the arborist's report dated 18 March 2002 indicating that site development will have a long term adverse effect on the tree; and requiring two (2) replacement oak trees conforming to Section 10.01.040 (E) of the Municipal Code for each tree removed, either on the subject parcel, or elsewhere in the City at the direction of the Street Superintendent. Said replacement oak trees shall be planted or furnished to the City within 30 days of removal of the tree in question.
- c. Amend, modify or reject the above options.

ROLL CALL VOTE

22. Request to Remove Oak Trees (Food 4 Less)

R. Lata, Community Development Director

Consider a request to remove two blue oak trees on the 9-acre parcel of the proposed Food 4 Less project, East Village. (SKW & Associates is requesting the removal of two of four oak trees on this property: one 18-inch diameter tree to be removed for street improvements along Sherwood Road and one 19-inch diameter tree to be removed for construction of the Food 4 Less building.)

OPTIONS:

- a. Adopt Resolution No. 02-xx authorizing the removal of one (18-inch diameter blue oak tree and one 19-inch diameter blue oak tree on the property located on the northeast corner of Sherwood Road and Creston Road; and requiring two replacement oak trees conforming to Section 10.01.040 (E) of the Paso Robles Municipal Code for each tree removed, either on the subject parcel, or elsewhere in the City at the direction of the Street Superintendent. Said replacement oak trees shall be planted or furnished to the City within 30 days of removal of the trees in question.
- b. Amend, modify or reject the foregoing option.

ROLL CALL VOTE

23. Budget Appropriation – Salinas River Clearing

J. Deakin, Public Works Director

Consider appropriating funds to implement river vegetative growth clearing in the Salinas River, using livestock browsing (goats). (A low estimate for the regulatory process using permitted mechanical clearing for the Salinas River, including permits, studies, and restoration would exceed \$800,000. Animal browsing clearing offers the option for a more definite and predictable course of action, as there are no permits, studies or restoration required. Depending upon Council's option selection, the impact could be as low as \$16,000 or as high as \$300,000 depending upon competitive bidding. The chosen option will be funded from General Fund Reserves.)

OPTIONS:

- a. Adopt Resolution No. 02-xx appropriating \$64,000 in FY02, to the Public Works Streets Budget to use goats to clear vegetation for flood protection in the Salinas River and direct staff to solicit bids for 20 acres of clearing, and designating the north starting location; or
- b. Adopt Resolution No. 02-xx appropriating \$160,000 in FY02/03, to the Public Works Streets Budget to use goats to clear vegetation for flood protection in the Salinas River and direct staff to solicit bids for 50 acres of clearing, designating the north starting location; or
- c. Adopt Resolution No. 02-xx appropriating \$16,000 in FY02, to the Public Works Streets Budget to use goats to clear vegetation for flood protection in the Salinas River and direct staff to solicit bids for 5 acres of clearing, and designating the north starting location; or
- d. Adopt Resolution No. 02-xx appropriating \$200,000 in FY02/03, to the Public Works Streets Budget to use goats to clear vegetation for flood protection in the Salinas River, and direct staff to design the permanent fencing, solicit bids for 50 acres of clearing, and designate the north starting location.

- e. Amend, modify or reject the foregoing options.

ROLL CALL VOTE

24. Request for Family Fun Day and Fun Run Sponsorship

B. Partridge, Library and Recreation Services Director

Consider a recommendation from the Parks and Recreation Advisory Committee that the City participate as a presenting sponsor of the 2002 Heritage Oaks Bank Family Fun Day and Fun Run. (Heritage Oaks Bank is seeking a City sponsorship of \$10,000 for this event, which includes California's only USA track and field sanctioned 10K race.

OPTIONS:

- a. Adopt Resolution No. 02-xx approving a one-time budget appropriation from the General Fund in the amount of \$10,000 for fiscal year 2002 to the Department of Library and Recreation Services Budget No. 100-411-5235-181 for the sponsorship of the Heritage Oaks Family Fun Run and Fun Day Presented by the City of Paso Robles.
- b. Amend, modify or reject the above option.

ROLL CALL

CITY MANAGER - None

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

25. Joint Meeting - City Council & Planning Commission

R. Lata, Community Development Director

Consider holding a joint meeting with the Planning Commission at 7:30 PM on Tuesday, April 30, 2002, at the Library/City Hall Conference Center, 1000 Spring Street.

VOICE VOTE

26. Orchard Bungalow Assessment District (OBAD) – Ad Hoc Committee

J. Deakin, Public Works Director

Consider extending the duration of an ad hoc committee to oversee OBAD projects (surveying, engineering and legal work required to properly describe and map the streets recommended for change).

OPTIONS:

- a. In order to allow adequate time to prepare the final resolution, extend the duration of the OBAD ad hoc committee to October 2002.
- b. Amend, modify or reject the above option.

VOICE VOTE

27. Urban Water Management Plan Implementation – Ad Hoc Committee

J. Deakin, Public Works Director

Consider extending the duration of the Urban Water Management Plan (UWMP) Implementation an ad hoc committee formed on January 3, 2002, to review the City's 2000 UWMP and develop an implementation schedule for the 18 best management practices.

OPTIONS:

- a. Extend the duration of the UWMP ad hoc committee to July 31, 2002.
- b. Amend, modify or reject the above option.

VOICE VOTE

28. Air Market Analysis – Ad Hoc Committee

J. Deakin, Public Works Director

As a final report was presented to Council at the April 2nd Council meeting, consider closing out the Air Market Analysis (aka Air Services Analysis) ad hoc committee formed in September to review interim reports and sit on the multi-agency committee formed by SLOCOG to provide oversight during the analysis.

OPTIONS:

- a. Close out the Air Market Analysis ad hoc committee.
- b. Amend, modify or reject the above option.

VOICE VOTE

29. Solid Waste Issues – Ad Hoc Committee

J. Deakin, Public Works Director

Consider extending or closing out the original Solid Waste Issues ad hoc committee formed October 2001 to work with staff and oversee solid waste issues.

OPTIONS:

- a. Extend the Solid Waste Issues ad hoc committee to June 30, 2002, to work on the IWMA agreement and associated solid waste issues; or

- b. Close out the existing Solid Waste Issues ad hoc committee and appoint a new two-member ad hoc committee to work on the IWMA agreement and associated solid waste issues.
- c. Amend, modify or reject the above options.

VOICE VOTE

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

- a. **Public Employee Performance Evaluation**
Government Code Section 54957
Title: City Manager
- b. **Conference with Legal Counsel - Initiation of Litigation**
Subdivision (c) of Government Code Section 54956.9
Initiation of Litigation
Number of Cases: One

ADJOURNMENT: to THE PLANNING FESTIVAL ON SATURDAY, APRIL 13, 2002, AT 8:00 AM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO A JOINT MEETING WITH THE PLANNING COMMISSION ON TUESDAY, APRIL 30, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER; AND TO THE REGULAR MEETING ON TUESDAY, MAY 7, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS APRIL 26, 2002