

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 2, 2002 7:30 PM**

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

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**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)**

Agenda Item No. 2

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

### **PRESENTATIONS**

- 1. Introduction of New Fire Chief – Ken Johnson** (Mayor Frank Mecham)

## NOTICED HEARINGS

### 2. **Code Amendment Regarding Revisions to Oak Tree Preservation Ordinance**

R. Lata, Community Development Director

Open and continue public hearing on a revision to the City's Oak Tree Preservation Ordinance. CONTINUED FROM FEBRUARY 5, 2002.

#### OPTIONS:

- a. Continue the Public Hearing to consider a revision to the City's Oak Tree Preservation Ordinance to the Council meeting of April 16, 2002.
- b. Amend, modify, or reject the above option.

#### ROLL CALL VOTE

### 3. **Specific Plan Amendment (GPA 01-005, SPA 01-002 - City-initiated in Conjunction with Estrella Associates)**

R. Lata, Community Development Director

Consider an amendment to the City's General Plan (Circulation Element) and three streets within the Borkey Area Specific Plan (BASP), consisting of:

- a. Revision of the improvement standards in the BASP for a portion of Buena Vista Drive between Experimental Station Road and the north boundary of the Cuesta College North County Campus (initiated by the City);
- b. Reclassification of Clubhouse Drive in the General Plan and BASP from an "urban collector" to a "local" street and corresponding modifications of required design standards (initiated by Estrella Associates/Dick Willhoit); and
- c. The addition of a new industrial street in the BASP located south of and parallel to Tractor Way, between Golden Hill Road and Oakwood Street (initiated by the City).

(This three-part General Plan and BASP amendment is exempt from further California Environmental Quality Act [CEQA] review. On March 12, 2002, the Planning Commission unanimously recommended approval of the below separate actions.)

#### OPTIONS:

- a. **(1)** Adopt Resolution No. 02-xx approving General Plan Amendment 01-005 (modification to the Circulation Element and Circulation Components of the Borkey Area Specific Plan).
- (2)** Introduce for first reading Ordinance No. XXX N.S. that would amend three Circulation Components of the Borkey Area Specific Plan and set April 16, 2002, as the date for adoption of said Ordinance.
- b. Amend, modify or reject the above option.

#### ROLL CALL VOTE

## 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 4-11 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

4. Approve City Council minutes of March 5, 13 and 19, 2002.  
D. Fansler, City Clerk
5. Approve Warrant Register.  
M. Compton, Administrative Services Director
6. Receive and file Advisory Body Committee minutes as follows:  
Parks and Recreation Advisory Committee meeting of January 8 and February 12, 2002  
Library Board of Trustees meeting of February 14, 2002
7. Proclamation recognizing outstanding dedication of Reverend Ruben Tate, pastor to the Second Baptist Church for 17 years.  
Mayor F. Mecham
8. Adopt Resolution No. 02-xx awarding the Manhole Rehabilitation Project to low bidder Hi-Tech Pipeline Services, Inc., in the amount of \$20,985.22. (In 1993, the Sewer Master Plan identified the need to repair the lining of certain manholes in the Templeton Interceptor Line, and the Sewer Capital Improvement Program has set aside funding to rehabilitate manholes annually.)  
J. Deakin, Public Works Director
9. Confirm by formal action the appointments of Robert Gibson, Danna Stroud and Mike Ojeda to the Parks and Recreation Advisory Committee. (Council interviewed five applicants for three vacancies at the adjourned regular meeting of March 13, 2002.)  
B. Partridge, Library & Recreation Services Director
10. Approve an agreement with Chemron Corporation, Lubrizol Acquisition Co. and Lubrizol Corporation that permits the assignment by Chemron of its leasehold interest at the Municipal Airport to Lubrizol Acquisition Co. and amend certain terms of the lease. (Approval of the agreement will allow the continued operations on the premises and provide lease revenues. The amendments will enhance the protections for the City that the chemical manufacturing operations will be conducted in a safe manner.)  
I. Yang, City Attorney
11. Adopt Resolution No. 02-xx transferring \$65,000 from the General Plan update appropriation for the Downtown Parking and Circulation Analysis and Action Plan. (The funding will consist of the \$20,000 that was budgeted for this specific purpose, plus \$65,000 in savings from the General Plan update program.)  
R. Lata, Community Development Director

## ROLL CALL

**PUBLIC DISCUSSION**

**12. Tract 2350 (Weyrich Development): Appeal of Staff Determination that the Tentative Map has Expired**

R. Lata, Community Development Director

Consider an appeal filed by Weyrich Development (Subdivider) of a staff determination that the tentative map for Tract 2350 has expired. (This proposed subdivision is approximately 90 acres located between Golden Hill and Rolling Hills Roads. The Planning Commission approved a tentative map on November 23, 1999. As of November 23, 2001, the applicants had not filed a complete application for a final map, nor had the applicants filed a written request for a time extension for the tentative map. State Law provides that a tentative map shall expire 24 months after its approval, unless a complete application for a Final Map, or a written request for a time extension, have been filed with the City.)

**OPTIONS:**

- a. Deny the appeal and uphold City staff's determination that the tentative map for Tract 2350 has expired and determine that in order to obtain approval of a Final Map for the proposed subdivision, the applicants need to first obtain re-approval of the tentative map following a public hearing before the Planning Commission.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**13. Request to Remove Oak Tree – 1405 Chestnut Street (Permit No. 02-03, June Ziegenbein)**

R. Lata, Community Development Director

Consider a request to remove one 10-inch diameter oak tree and trim two other oak trees in order to protect the future health of the trees and minimize potential hazards to existing structures. (Arborist report recommends the trimming of two trees in order to reduce pressure on the trees and reduce potential limb failure in future, and the removal of one tree growing under canopy of two larger trees and close to foundation of an existing structure.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx authorizing the removal of one 10-inch diameter oak tree (Tree B) and trimming two limbs on Tree C and one limb on Tree A on parcel located at 1405 Chestnut Avenue owned by June Ziegenbein, and requiring replacement oak trees conforming to Section 10.01.040 (E) of the Paso Robles Municipal Code.
- b. Amend, modify or reject the foregoing option.

**ROLL CALL VOTE**

**14. Request to Remove Oak Trees – 70 Fresno Street (Permit No. 02-04, Don Vaughn)**

R. Lata, Community Development Director

Consider a request to remove seven oak trees on a parcel located at 70 Fresno Street. (City policies strongly encourage oak tree preservation and states five factors to be considered when oak trees are proposed for removal. Sizes and conditions of trees proposed for removal are fully described in the staff report, along with facts regarding factors to be considered.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx authorizing the removal of seven (7) oak trees and the pruning of others, as recommended in the Arborist Report on the parcel owned by Don Vaughn and located at 70 Fresno Street, and requiring replacement oak trees for those trees six inches or greater in size conforming to Section 10.01.040 (E) of the Paso Robles Municipal Code.
- b. Amend, modify or reject the foregoing option.

**ROLL CALL VOTE**

**15. North County Air Market Study**

J. Deakin, Public Works Director

Receive the final draft of the San Luis Obispo Council of Governments' North County Air Market Study. SLOCOG will present the findings of Study.

**OPTIONS:**

- a. Receive and file the Air Market Study, as presented.
- b. Amend, modify or reject the above option.

**VOICE VOTE**

**16. Solid Waste Program Improvements**

J. Deakin, Public Works Director

Approve a plan to implement State-mandated solid waste diversion programs and associated cost increases. (In 1989, the State mandated a reduction of the amount of solid waste deposited in landfills by 50%. Agencies were directed to accomplish this diversion mandate by 2000. The City's diversion has not reached 50%, therefore action is required to expand residential, business & construction recycling. Rate increases are required to pay for the implementation of the State mandated programs. Approval of a plan to implement State mandated solid waste diversion [recycling] programs and associated landfill and curbside collection rate increases is indicated.)

**OPTIONS:**

- a. (1) Authorize staff to negotiate and the Mayor to sign a Joint Powers Agreement of the San Luis Obispo Integrated Waste Management Authority; and

- (2) Direct staff to develop and execute a modification to the Pacific Waste Services agreement to provide for and implement a woodwaste recycling pilot program at the Paso Robles landfill; and
- (3) Direct staff to develop and execute a modification to the Paso Robles Waste Disposal solid waste collection franchise agreement to authorize the rate increase to provide for and implement weekly pick-up of residential curbside recyclable and greenwaste items; and
- (4) Adopt Resolution No. 02-xx increasing disposal rates; and
- (5) Adopt Resolution No. 02-xx increasing authorized collection fees (charged by Paso Robles Waste Disposal).

b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**17. Wastewater Treatment Plant Solids Handling Facilities Expansion and Upgrades Project**

J. Deakin, Public Works Director

Consider amending the agreement with Carollo Engineers to add digester/control building and pump mixing design tasks to the Wastewater Treatment Plant Solids Handling Facilities Expansion and Upgrades Project. (On March 20, 2001, Council authorized a contract with Carollo Engineers to design specified solids handling facilities. On February 20, 2002, the City received a proposal from Carollo Engineers to add a new digester/control building and pump mixing to the project. The December 2000 Wastewater Treatment Plant Capacity Evaluation Study identified drying facilities as the highest priority. Next in priority is solids digestion – a new digester, as well as modernizing the mixing systems in the two existing digesters. The added digester will both increase the digestion process capacity and provide a facility to provide capacity during downtime for maintenance. These improvements will produce sludge [1] meeting disposal standards and [2] chemically stabilized to reduce plant odors.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx authorizing the City Manager to amend the agreement with Carollo Engineers for final design of the Wastewater Treatment Plant new digester/control building and pump mixing for a not-to-exceed fee of \$163,300.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**18. Appropriation for Traffic Analysis, Highway 46 West / Highway 101 Interchange**

R. Lata, Community Development Director

Consider funding a portion of the costs of preparing a traffic analysis for the Highway 46 West/Highway 101 Interchange. (The Planning Commission recently considered a proposal for a McDonald's Restaurant and a car wash on Ramada Drive in this interchange area. The Commission called for additional traffic analysis before consideration of a Negative Declaration and project approval. Funding the subject study would address Commission, applicant and public questions regarding the traffic handling capacity of the subject interchange. The scope of work also calls for identification of mitigation measures that could be considered in order to accommodate further development in the subject area.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx appropriating \$15,200 to complete the scope of work contained in the attached Exhibit "A" and authorize the City Manager to enter into an agreement with ATE (Associated Transportation Engineers).
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**19. Exemption of Southwest Reservoir from County Building and Zoning Ordinances**

M. Seitz, Deputy City Attorney

Conduct a public hearing and make a determination that the Southwest Reservoir project is exempt from San Luis Obispo County building and zoning ordinances pursuant to Government Code § 53091. (Previous Council action determined that Site 13, located west of Highway 101 and the Salinas River, is the best location for the purchase, construction and erection of Southwest Reservoir because the site has fewer uncertainties regarding project design and would not require additional permitting and design requirements for the river crossing. The purchase of Site 13 and the construction of the Reservoir are exempt from County zoning and building ordinances pursuant to the cited Government Code. )

**OPTIONS:**

- a. Adopt Resolution No. 02-xx declaring that the purchase of property for, and the construction of, the Southwest Reservoir at Site 13, located west of U.S. Highway 101 and the Salinas River, is exempt from County building and zoning ordinances pursuant to Government Code § 53091; and direct staff to give notice to the County of San Luis Obispo of this action by the City Council.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**CITY MANAGER** - None

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION - None**

**AD HOC COUNCIL BUSINESS**

**20. Processing Fees – Ad Hoc Committee**

R. Lata, Community Development Director

Consider formation of an ad hoc committee to work with the Community Development Department staff on updating fees for services in Building, Engineering, and Planning Divisions.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee regarding Community Development Department fees for services and report back to the full Council by August 2, 2002.
- b. Amend, modify or reject the above option.

**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, 2<sup>nd</sup> Floor

**CITY COUNCIL BUSINESS**

**a. Conference with Real Property Negotiator\***

Government Code Section 54956.8

City Negotiator: James L. App, City Manager

Property: 301 Creston Road, Paso Robles (APN 009-410-024)\*

Owner/Negotiator: Dianna Lynn West and Craig Warren West

Provide City Negotiator with authority regarding purchase, price, and terms of payment

\*RE 13<sup>TH</sup> STREET BRIDGE WIDENING PROJECT

**b. Conference with Real Property Negotiator\***

Government Code Section 54956.8

City Negotiator: James L. App, City Manager

Property: 101 Creston Road, Paso Robles (APN 009-401-018)\*

Owner/Negotiator: Walter N. and Donna L. Heer

Provide City Negotiator with authority regarding purchase, price, and terms of payment

\*RE 13<sup>TH</sup> STREET BRIDGE WIDENING PROJECT

**c. Conference with Real Property Negotiator\***

Government Code Section 54956.8

City Negotiator: James L. App, City Manager

Property: 1401 N. River Road, Paso Robles (APN 025-501-014)\*

Owner/Negotiator: B. W. The Plumbing Company (Bruce White)

Provide City Negotiator with authority regarding purchase, price, and terms of payment

\*RE 13<sup>TH</sup> STREET BRIDGE WIDENING PROJECT

**d. Conference with Legal Counsel - Initiation of Litigation**

Subdivision (c) of Government Code Section 54956.9

Initiation of Litigation

Number of Cases: One

**e. Conference with Labor Negotiator**

Government Code Section 54957

City Negotiator: James App, City Manager

Employee Organization: Police Officers Association (P.O.A.)

**REDEVELOPMENT BUSINESS**

**a. Pursuant to Government Code Section 54956.8 – Property Sale**

Property: 801 4<sup>th</sup> Street, Paso Robles

Parties: Property Owner: Paso Robles Redevelopment Agency

Negotiator/Purchaser: Robert Gilson

City Negotiator: James L. App, City Manager

Under Negotiation: Terms and Conditions

**ADJOURNMENT:** to THE PLANNING COMMISSION FIELD TRIP, SATURDAY, APRIL 6, 2002, 8:00 AM, DEPARTURE FROM THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO REGULAR MEETING ON TUESDAY, APRIL 16, 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 5, 2002***