

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, June 4, 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 - None

NOTICED HEARINGS

1. Oak Tree Ordinance

R. Lata, Community Development Director

Consider a proposed update to the City's Oak Tree Preservation Ordinance. (Commission is recommending that [1] 6-inch trunk diameter 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] the level of oak tree protection measure enforcement be increased; [5] the Public Works Department be responsible for approving tree trimming requests; [6] the Community Development Department be responsible for processing tree removal requests; and [7] the City recover costs for processing tree trimming and 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 June 18, 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 to prune or remove oak trees.

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 June 18, 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 trunk diameter evergreen oaks (e.g., Live Oaks) and 2-inch trunk diameter deciduous oaks (e.g., Valley and Blue Oaks).
 - (2) Adopt Resolution No. 02-xx establishing processing fees to cover the cost of processing to prune or remove oak trees.

ROLL CALL VOTE

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

2. Annual Levy Report for the Landscape and Lighting District

J. Deakin, Public Works Director

Consider adopting resolutions to order collection of fiscal year 2002-2003 assessments for the Landscape and Lighting District (L&L). (The L&L provides a means to attend to development tract common-area facility and landscape maintenance. A single landscape maintenance contractor provides most services; the contract is awarded biannually. Each sub-area's costs are determined based upon the costs to maintain and/or operate landscape, lighting, and architectural amenities associated with the development tract.)

OPTIONS:

- a. (1) Hear and receive input from the public on the annual levy of the Landscape and Lighting District, tabulate the ballots for the new sub-areas, adopt Resolution No. 02-xx approving the Engineer's Annual Levy Report and Resolution No. 02-xx ordering the levy and collection of assessments.
- (2) Assign an ad hoc committee to work with staff to reconcile account balances in the Landscape & Lighting district, and to develop a balloting strategy for fiscal year 2004. The ad hoc committee would report back to the Council by December 17, 2002.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

3. Authorization to Purchase Property (Danner)

J. Deakin, Public Works Director

Consider authorizing the purchase of real estate, following procedural steps outlined in the staff report, and adopting a Negative Declaration of environmental impact. (Property is approximately 0.363 acres (15,813 square feet) of land located at 149 Creston Road. In accordance with Section 65402 of the California Government code, on May 14, 2002, the Planning Commission considered the purchase and concluded that purchasing the property would not conflict with the City's General Plan. The proposed acquisition would facilitate the widening of the 13th Street Bridge and adjacent roads.)

OPTIONS:

- a. (1) Adopt Resolution No. 02-xx approving a Negative Declaration for acquiring Assessor's Parcel No. 009-401-030 (property located at 149 Creston Road).
- (2) Adopt Resolution No. 02-xx accepting the Planning Commission's report that the acquisition does not conflict with the City's General Plan, authorizing the City Manager to execute the Acquisition Agreement.
- 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 4-9 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

4. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory meeting of March 28 and April 25, 2002
5. Approve Warrant Register.
M. Compton, Administrative Services Director
6. Recognition – Resident Katherine Christensen, 100th Birthday – June 24, 1902 - 2002
F. Mecham, Mayor
7. Adopt Resolution No. 02-xx accepting the recordation of Tract 2369-1, approving the Subdivision Improvement Agreement, and annexing Tract into the Landscape and Lighting (L&L) District as Sub-area No. 69A. (Property is a 71-lot subdivision of a 28.8-acre site, located on the north end of Kleck Road. Applicant is Fallingstar Homes, Inc., represented by Frank Arciero. Applicant has signed a Subdivision Improvement Agreement guaranteeing the construction of improvements within a one-year period; Payment and Performance Bonds have been submitted and are on file in the office of the City Engineer. Applicant has signed petition and voted in favor of annexation into the L&L District. Several items are still required from applicant prior to acceptance of the final map. It is expected that these items will be submitted prior to the Council meeting; should this not occur, staff requests that this item be continued to a future meeting.)
R. Lata, Community Development Director
8. Adopt Resolution No. 02-xx accepting recordation of Tract 2373, approving the Subdivision Improvement Agreement and annexing Tract 2373 into the Landscape and Lighting (L&L) District as Sub-area No. 67. (Property is a 22-lot subdivision located at the north end of Kleck Road, and the Offers of Dedication for Crown Way and Almendra Court. Applicant is Kelly Gearhart. Applicant has signed a Subdivision Improvement Agreement guaranteeing the construction of improvements within a one-year period. Payment and Performance Bonds have been submitted and are on file in the office of the City Engineer and applicant has signed a petition and voted in favor of annexation into the L&L District.)
R. Lata, Community Development Director
9. Extend ad hoc committee formed to review indemnification clauses in City contracts to September 17, 2002. (Work of committee is not yet complete.)
J. Seitz, Deputy City Attorney

ROLL CALL VOTE

PUBLIC DISCUSSION

10. Chandler Ranch Area Specific Plan: Workshop and Meeting Schedule

R. Lata, Community Development Director

Consider and confirm a hearing schedule for collection of public input, preparation, and consideration of a Chandler Ranch Area Specific Plan.

OPTIONS:

- a. Confirm Chandler Ranch Area Specific Plan program hearing schedule attached to the staff report.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

11. Request to Remove an Oak Tree – Downtown City Park

R. Lata, Community Development Director

Consider request to remove one (1) 36-inch California Live Oak tree located within the Downtown City Park. (Arborist report, dated May 14, 2002, indicates that the tree has declined to a condition that cannot be remedied. The tree is subject to branch failure and dangerous to the public.)

OPTIONS:

- a. Adopt Resolution No. 02-xx approving the removal of the 36-inch California Live Oak tree based on the Arborist's determination that the tree is a hazard to the public.
- b. Amend, modify or reject the foregoing option.

ROLL CALL VOTE

12. Airport Road Alignment Study

R. Lata, Community Development Director

Consider distribution of a Request for Proposals (RFP) to prepare an alignment study for Airport Road in the vicinity of Highway 46 East. (The location and manner in which Airport Road will intersect with Highway 46 East is uncertain. If the City distributes an RFP at this time, the long process of determining the future location of the intersection and seeking Caltrans approval for the necessary improvements can begin.)

OPTIONS:

- a. Authorize staff to prepare and distribute an RFP to prepare a project program and preliminary design for the intersection of Airport Road and Highway 46 East, including a bridge over the Huer Huero Creek and obtaining Caltrans approval for a signalized intersection as an interim improvement at that location. Also direct staff to work with the City Attorney to prepare options for allocating the study costs to property owners who will benefit from the study.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

13. Homeless Housing Project's Proposed Spending Plan for 2002 Community Development Block Grant (CDBG) Funds

R. Lata, Community Development Director

Consider a request made by the Homeless Housing Project to allow certain expenses related to their 2002 CDBG-funded Motel Voucher Program to be considered "program" vs. administrative (overhead) expenses. (The Project indicates that the late disbursement date for CDBG funds [which are often not available until October] and the disbursement system, which considers all non-motel room rental expenses to be administrative, result in the Project operating with little or no reserve funds.)

OPTIONS:

- a. Direct staff to draft the grant agreement for 2002 CDBG funds to allow for the Homeless Housing Project to be reimbursed for gas and oil, cell phone, and a program operator's stipend for the Motel Voucher administrator as program expenses, up to a maximum of \$3,100 (13% of the grant amount), and reduce the amount of administrative expenses (e.g. office rent, insurance, electricity) from \$4,800 (20% of the grant amount) to \$2,400 (10% of the grant amount).
- b. Limit the 2002 administrative expenses to the same \$2,400 provided for in the 2001 program year and continue to consider expenses for gas and oil, cell phone, and a program operator's stipend as administrative expenses.
- c. Amend, modify, or reject the foregoing options.

ROLL CALL VOTE

14. Programming Use of Barney Schwartz Park Soccer Fields

B. Partridge, Library and Recreation Services Director

Consider approving a one-time use request for Barney Schwartz Park soccer fields for dates prior to the approved opening day. (The California Youth Soccer Association [CYSA], Southern Region, has requested the use of Barney Schwartz Park soccer fields during the week of August 5-9, 2002, for the purpose of holding a soccer camp conducted by the former United States Men's National Team Coach Steve Sampson.)

OPTIONS:

- a. Approve use of Barney Schwartz Park soccer fields for the week of August 5-9, 2002, for the CYSA soccer camp.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

15. Special Event Sponsorship Criteria

B. Partridge, Library and Recreation Services Director

Consider establishing criteria by which the City may consider financial sponsorship of special events. (At their May 14th meeting, the Parks & Recreation Advisory Committee discussed and established suggested criteria.)

OPTIONS:

- a. Approve criteria recommended by the Parks & Recreation Advisory Committee by which the City may consider financial sponsorship of special events.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

16. Code Enforcement Program Report

D. Cassidy, Chief of Police

Review Code Enforcement Program statistics for the period of January through March 2002.

OPTIONS:

- a. Receive and file.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

17. Centennial and Sherwood Tennis Court Repairs

J. Deakin, Public Works Director

Consider appropriating funds from the City Facility Repair Fund to resurface and rehabilitate the tennis courts at Centennial and Sherwood Parks. (The City owns and operates four asphalt tennis courts at Sherwood Park. It has been over ten years since the courts were resurfaced and they are in severe disrepair. The four courts at Centennial Park are in better condition, but need patching, painting and general rehabilitation.)

OPTIONS:

- a. Adopt Resolution No. 02-xx approving a budget appropriation of \$150,000 for the repair and rehabilitation of the eight City tennis courts located at Centennial and Sherwood Parks.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

18. South River Road Bike Path – Niblick to Creston

J. Deakin, Public Works Director

Provide direction regarding the South River Road Bike Path from Veterans Memorial Bridge to Creston Road. (The City applied for and received a grant from San Luis Obispo Council of Governments to fund the costs of preparing Plans, Specifications and Estimates (PS&E) for a bike path beginning underneath Veterans Memorial Bridge and ending at the 13th Street Bridge. The Streets and Utilities Committee recommended an alternative design: beginning underneath the Veterans Memorial Bridge, along Woodland Plaza II and ending at the vacant property behind Woodland Plaza II. In lieu of continuing to the north, the committee proposed that the bike path proceed to the east across River Road and tie into an existing path at Navajo.)

OPTIONS:

- a. Direct staff to proceed with the preparation of the Plans, Specifications & Estimates of the S. River Road bike path in accordance to the 1998 Feasibility Study and as described in the SLOCOG grant application.
- b. Direct staff to proceed with the preparation of the Plans, Specifications & Estimates for only that portion of the path underneath the Veterans Memorial Bridge to the property located directly north of Woodland Plaza I, formerly known as the “meat plant” property. The path would then continue and tie into an existing Class I path east of River Road at Navajo.
- c. Amend, modify or reject the above options.

ROLL CALL VOTE

19. Solid Waste Annual Report and Time Extension Request

J. Deakin, Public Works Director

Review the schedule for the California Integrated Waste Management Board’s (CIWMB) hearings regarding the City request for a time extension for compliance with the source reduction requirements of AB 939. (Council took action in April 2002 to provide support for a time extension request by improving City programs and developing investment funding for needed improvements. A time extension is needed to meet the year 2000 50% diversion mandate and would exempt the City from enforcement and fines for two years, providing needed time to implement solutions to meet the diversion mandate. This two-year extension would require the City to meet the 50% mandate in calendar year 2002.

OPTIONS:

- a. Direct staff to attend the CIWMB Committee meeting on June 11, 2002, and determine the need for City support before the full CIWMB Board of Directors on June 18-19, 2002.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

20. Adoption of Uniform Public Cost Accounting Act

J. Deakin, Public Works Director

Consider adopting the Uniform Public Construction Cost Accounting Act, Section 22000 et seq., of the Public Contract Code. (The Cost Accounting Act provides for a higher threshold for force account projects, providing more flexibility to City crews in accomplishing routine minor projects.)

OPTIONS:

- a. Adopt Resolution No. 02-xx adopting the Uniform Public Cost Accounting Act and direct staff to notify the State Controller of this adoption.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

21. Upgrade of Lift Station No. 7

J. Deakin, Public Works Director

Award design contract to North Coast Engineering (NCE) to repair and upgrade Lift Station No. 7. (Lift Station No. 7 is located north of First Street, between Oak and Spring Streets. Council adopted the Capital Improvement Program for fiscal year 2004 in anticipation of the need to upgrade the station to accommodate future development.)

OPTIONS:

- a. Adopt Resolution No. 02-xx directing the City Manager to enter a Consultant Services Agreement with North Coast Engineering to design the upgrade of Lift Station No., 7 in the amount of \$27,040.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

22. Off-Highway Vehicles and Equipment

D. Cassidy, Chief of Police

Consider authorizing the purchase of two (2) Police Department all-terrain vehicles (ATV's), complete with emergency response equipment and a trailer to transport the ATV's for off-road enforcement activities.

OPTIONS:

- a. Authorize the Police Department to purchase two (2) ATV's, emergency and safety equipment and one (1) trailer.
- b. Amend, modify or reject the foregoing option.

ROLL CALL VOTE

CITY MANAGER - None

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS - None

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. Conference with Labor Negotiator

Government Code Section 54957

City Negotiator: James App, City Manager

Employee Organization: Service Employees International Union (SEIU)

Police Officers Association (P.O.A.)

Unrepresented Fire

b. Public Employee Performance Evaluation

Government Code Section 54957

Title: City Manager

ADJOURNMENT: to THE GENERAL PLAN PUBLIC WORKSHOP ON THURSDAY, JUNE 6, 2002, AT 7:00 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE BARNEY SCHWARTZ PARK OPENING ON SATURDAY, JUNE 8, 2002, AT BARNEY SCHWARTZ PARK (HIGHWAY 46 AND UNION ROAD; AND TO THE REGULAR CITY COUNCIL MEETING ON TUESDAY, JUNE 18, 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 JUNE 7, 2002***