

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, July 16, 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)**

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. Ordinance Establishing Maximum Vehicle Weight Limits on Residential Streets**

R. Lata, Community Development Director

Consider continuing the open public hearing regarding an ordinance establishing maximum vehicle weight limits on residential streets. (The City's ability to regulate the weights of trucks is currently in question. There is a pending court case that will clarify the situation, but it appears that it will not be resolved until later this year.) CONTINUED FROM FEBRUARY 5, 2002

**OPTIONS:**

- a. Continue the open public hearing to January 21, 2003.
- b. Amend, modify or reject the foregoing option.

**2. Code Amendment 02-004 (City-Initiated)**

R. Lata, Community Development Director

Consider an amendment to Chapter 21.31 of the Zoning Code to revise the ordinance regulating Adult Businesses to reflect recent changes in the laws. (At this time there are no adult businesses operating in the city of Paso Robles and there are no applications pending. In order to properly regulate any such proposal and to preclude adverse impacts on the community, the city needs to ensure that its adult business ordinance can withstand legal challenge. Unregulated adult businesses can have significant, adverse secondary impacts on neighborhoods within their immediate vicinity. The City has the dual responsibility to protect the public health, safety and general welfare, as well as to uphold the First Amendment right to free expression. This ordinance amendment is intended to facilitate both objectives.)

**OPTIONS:**

- a. (1) Adopt Resolution No. 02-xx granting a Negative Declaration Status to Code Amendment CA 02-004 (Adult Businesses).
- (2) Introduce Ordinance No. xxx N.S. amending Chapter 21.31 to make changes to the Adult Business Ordinance to create a licensing requirement, adopt findings for the regulation of such businesses, and permit such uses in the AP zone only; and set August 6, 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 3-20 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

3. Receive and file Advisory Body Committee minutes as follows:  
Citizens Airport Advisory meeting of May 23, 2002  
Pioneer Museum meeting of June 13, 2002
4. Approve Warrant Register – Warrant Nos. 33919 (6/28/01 – 34216 (7/5/02)  
M. Compton, Administrative Services Director
5. Recognition to Paso Robles Main Street Association and sponsors for successful presentation of *The Great Americana* Festival.  
F. Mecham, Mayor
6. Adopt Ordinance No. XXX N.S. amending the Borkey Area Specific Plan to include 117 acres along the northern boundary of the plan area, confirm land use and zoning designations for Subarea A of the plan area, change the zoning designation for a 23-acre parcel within Subarea A from Agriculture (AG) to Public Facilities with a Planned Development Overlay (PF-PD). FIRST READING JULY 2, 2002.  
R. Lata, Community Development Director
7. Adopt Ordinance No. XXX N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 01-006/Subarea A, Borkey Area Specific Plan, west of Buena Vista Road – City-initiated. FIRST READING JULY 2, 2002.  
R. Lata, Community Development Director
8. Adopt Ordinance No. XXX N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 02-003 / southeast corner of Serenade Drive and South River Road, changing the zoning designation from R2-PD (Low Density Multi-Family Residential - Planned Development) to R4-PD (High Density Multi-Family Residential - Planned Development). FIRST READING JULY 2, 2002.  
R. Lata, Community Development Director
9. Adopt Ordinance No. XXX N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 02-004 / Oak Creek Park that would change the zoning designation from R1 (Residential Single-Family) to POS (Parks and Open Space.) FIRST READING JULY 2, 2002.  
R. Lata, Community Development Director
10. Adopt Ordinance No. XXX N.S. adopting informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000 of the Public Contract Code. FIRST READING JULY 2, 2002.  
R. Lata, Community Development Director
11. Adopt Ordinance No. XXX N.S. amending the Street Furniture Code. (Chapter 11.30 of City's Municipal Code.) FIRST READING JULY 2, 2002.  
R. Lata, Community Development Director

12. Adopt Resolution No. 02-xx approving budget appropriations totaling \$124,000 from the General Fund to accelerate implementation of the Emergency Services Growth Management Plan and add Police personnel. (Financial projections indicate that operating revenues will exceed operating expenditures by \$1 million + during FY 2004-2006. Budget modifications will increase staffing to 18 line firefighters by 1/1/03, providing 3 firefighters at both the main station and Sherwood Station, 24 hours per day, 7 days per week. Modifications proposed for Police services will improve operating efficiency and enhance traffic enforcement.)  
M. Compton, Administrative Services Director
13. Adopt Resolution No. 02-xx authorizing the City Manager to enter into a Cooperative Agreement with the National Park Service in establishing de Anza Trail markers.  
R. Lata, Community Development Director
14. Adopt Resolution No. 02-xx and Resolution No. 02-xx 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. On June 4, 2002, the City Council approved the recordation of the final map for this tract.); and adopt Resolution No. 02-xx annexing Tract 2369-1 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. (On June 4, 2002, the City Council approved the recordation of the final map for this tract.)  
R. Lata, Community Development Director
15. Adopt Resolution No. 02-xx accepting public improvements for Planned Development 99002 (Paso Robles Hot Springs) and authorizing release of the payment and performance bonds. (This project is located on Buena Vista Drive north of River Oaks Drive. Public improvements have been constructed to the satisfaction of City Staff.)  
R. Lata, Community Development Director
16. Adopt Resolution No. 02-xx accepting public improvements for Tract 2005 and authorizing release of the payment and performance bonds. (This subdivision is located on Dallons Drive, west of Golden Hill Road. Applicant J.M. Wilson Development. Public improvements have been constructed to the satisfaction of City Staff.)  
R. Lata, Community Development Director
17. Adopt Resolution No. 02-xx accepting the grant deed to perfect the lot line adjustment and offering a grant deed for the same purpose from and to Bella Vista Estates, LLC. (Council accepted Tract 2223-2 for recordation in September 2000. Lot 105 of the subdivision was accepted for public use in fee simple as part of that action. The Community Development Department approved a lot line adjustment between lots 62, 63, 64 and 105 in April 2001. The purpose of the lot line adjustment was to allow relocation of an access road to a wastewater pump station, minimizing impact on oak trees and site disturbance. Acceptance of the grant deeds will perfect the lot line adjustment to these parcels.)  
R. Lata, Community Development Director
18. Adopt Resolution No. 02-xx appropriating \$7,000, which will be reimbursed by U.S. Fish and Wildlife Service (USFWS); and authorize the City Manager to enter into a modification of the Cooperative Agreement with USFWS, and a Consultant Services Agreement with the San Luis Obispo County Land Conservancy. (Entering into this agreement with the San Luis Obispo County Land Conservancy would be consistent with the purpose and intent of the cooperative agreement with USFWS and the City's long-standing commitment to work with both the California Department of Fish and Game and the USFWS to prepare a Habitat Conservation Plan [HCP] for the endangered Kit Fox.)  
R. Lata, Community Development Director

19. Adopt Resolution No. 02-xx approving a Cooperation Agreement between the City and County of San Luis Obispo to establish joint participation in the Federal Community Development Block Grant (CDBG), Home Investment Partnerships (HOME) and Emergency Shelter Grant (ESG) programs. (In 1993, 1996 and 1999 the City entered into 3-year cooperation agreements with the County regarding CDBG, HOME and ESG funds. In order to continue the urban county relationship [which enables the City to periodically receive additional CDBG funds from the Special Urban Projects Fund and to have “non-competitive” access to HOME and ESG funds], the cooperation agreement needs to be renewed. This agreement provides that, even though the City would defer its entitlement to an urban county, the city will receive the same share of federal CDBG funds [about \$290,000] than it would otherwise receive had it not so deferred. Additionally, the City will have the opportunity to compete for an extra \$150,000 via the Special Urban Projects Fund.)  
R. Lata, Community Development Director
20. Adopt Resolution No. 02-xx approving an amendment to the Compensation and Benefit Plan for Service Employees International Union (S.E.I.U) effective April 1, 2002, to March 31, 2006. (The S.E.I.U. bargaining group has ratified a tentative agreement that will establish pay and benefits that are comparable to the City’s defined labor market and are internally aligned with the balance of the city work force.)  
M. Williamson, Assistant to the City Manager

#### ROLL CALL VOTE

#### PUBLIC DISCUSSION

21. **Oak Tree Ordinance – Municipal Code Amendment 2001-001**

R. Lata, Community Development Director

Consider a proposed update to the City’s Oak Tree Preservation Ordinance. (The Planning Commission has recommended 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.) FIRST READING JUNE 4, 2002

#### OPTIONS:

- a. Adopt Ordinance No. XXX N.S. amending Section 10.01 et seq. and related provisions of the Municipal Code (Municipal Code Amendment 2001-001 – Oak Trees.).
- b. Amend, modify or reject the above option.

#### ROLL CALL VOTE

**22. Request to Remove an Oak Tree – Lot 95 of Tract 2223-2 (Frank Arciero/Ken Buchanan)**

R. Lata, Community Development Director

Consider a request to remove one 19-inch Native Blue Oak tree located near the extreme west end of Mesa Road. (The subject tree was identified in a January 2000 arborist report as being in poor condition and likely to be further impacted by the proposed grading. The tree, however, was preserved and a retaining wall was installed in order to attempt to save the tree. An arborist report, dated May 14<sup>th</sup>, indicates that the original mitigation has failed and the tree is in continuous decline.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx approving the oak tree removal request (based on the arborist's determination that mitigation attempts were made to preserve the tree, but the tree's health is in decline) to remove the 19-inch Native Blue Oak tree on Lot 95 of Tract 2223-2.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**23. Request to Remove an Oak Tree – 1402 Spring Street**

R. Lata, Community Development Director

Consider a request to remove one 6-inch diameter oak tree at 1402 Spring Street. (A recent court decision has instructed the applicant's neighboring property owner to relocate its existing utility lines through the recorded easement along the northern property line where the subject tree is located.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx approving the removal of one 6-inch diameter oak tree located at the rear of the business located at 1402 Spring Street, and requiring replacement oak trees conforming to Section 10.01.040 (E) of the Paso Robles Municipal Code, either on the subject parcel or elsewhere in the City at the direction of the Streets Superintendent.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**24. Salinas Riverbed Clearing**

J. Deakin, Public Works Director

Consider awarding a service contract to low bidder Bob Blanchard/Mitch Roth of Paso Robles for clearing the Salinas Riverbed using goats. (Vegetative clearing was identified as a means to mitigate flooding and enhance Salinas River flow. Council expressed support for clearing the river to mitigate flood potential and directed staff to solicit bids for animal browsing. Two proposals were received at the public Bid Opening on June 20, 2002, and Blanchard/Roth submitted the low bid. The proposal is responsive.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx awarding a non-professional services contract to Bob Blanchard/Mitch Roth of Paso Robles in the amount of \$75,000 for Salinas Riverbed clearing using goats.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**25. "Bert"**

J. Deakin, Public Works Director

Consider relocating the Pioneer Statue "Bert" from the City Park to the Pioneer Museum.

**OPTIONS:**

- a. Authorize moving "Bert" from the City Park to the Pioneer Museum grounds.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**26. Downtown Trash Receptacles**

J. Deakin, Public Works Director

Consider purchasing trash receptacles for the downtown commercial area. (During the past several years the downtown core has been revitalized in several ways. These change have produced a substantial increase in foot traffic, requiring additional containment capacity for trash.)

**OPTIONS:**

- a. Defer for consideration to the next budget, i.e., spring 2003
- b. Direct staff to prepare a resolution approving a budget appropriation of \$35,000 for the purchase of 41 decorative steel trash receptacles for the downtown shopping area.
- c. Amend, modify or reject the above options.

**ROLL CALL VOTE**

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**27. Airport Ad Hoc Committee Report**

J. Heggarty, Councilmember

Receive verbal report from Airport ad hoc committee.

**OPTIONS:**

- a. Receive and file verbal report from Airport ad hoc committee.
- 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

**a. 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

**b. 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

**c. Conference with Legal Counsel – Anticipated Litigation**

Subdivision (c) of Government Code Section 54956.9

Initiation of Litigation

Number of cases: One

**ADJOURNMENT:** to THE GENERAL PLAN PUBLIC WORKSHOP AT 7:00 PM ON THURSDAY, JULY 18, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE MAYORS & COUNCILMEMBERS EXECUTIVE FORUM, JULY 24-27, 2002, AT THE MONTEREY CONFERENCE CENTER; TO THE CHANDLER RANCH ALTERNATIVES WORKSHOP AT 7:00 PM ON TUESDAY, JULY 30, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, AUGUST 6, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

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