

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, August 20, 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 item on the agenda that is to be deferred or tabled.

## **PRESENTATIONS – None**

## **NOTICED HEARINGS**

### **1. Code Amendment 02-007 - Signs**

R. Lata, Community Development Director

Open and continue the noticed public hearing for Code Amendment 02-007. (This Code Amendment is designed to update the City's sign ordinance to reflect current legal parameters for all types of signs, including, but not limited to, those of a non-commercial nature.)

#### **OPTIONS:**

- a. Open the noticed public hearing, accept public testimony, and continue the open public hearing to November 19, 2002.
- b. Amend, modify or reject the foregoing option.

### **2. Downtown Design Guidelines – Final Components**

R. Lata, Community Development Director

Consider approving an expanded set of development design guidelines for areas of the downtown. (Design guidelines divide the Downtown District into four sub-components: Historic Districts "A" and "B", the Riverside Avenue District, and the Spring Street District. Council adopted guidelines for the first two districts in 1994 and 1999 respectively and drafts of the final two components were reviewed by the Development Review Committee and Planning Commission in July 2002.)

#### **OPTIONS:**

- a. Adopt Resolution No. 02-xx approving the Spring Street and Riverside Avenue Design Guidelines and the appendix common to all districts (with amendments as recommended by the Planning Commission) to complete the final components of the downtown Design Guidelines.
- b. Amend, modify or reject the foregoing option.

**3. Petition for Partial Cancellation of California Land Conservation Act Contract (Williamson Act) – Kiessig Family Trust**

R. Lata, Community Development Director

Consider a request by Steve Gregory, acting on behalf of the Kiessig Family Trust, for a partial cancellation of an agricultural contract (Williamson Act) and its associated environmental impact negative declaration. (Property currently held under land conservation contracts is a 117-acre site located east of North River Road, west of Buena Vista Road and immediately south of the City's northern boundary. Applicants have filed a Planned Development Conceptual Master Plan application, which is a phased resort development designed to be completed over an approximate 10-year period. To facilitate the early phases of the Master Plan, a partial cancellation of two portions of the contract land is necessary. The first portion is approximately 4.97 acres, proposed for development of 20 cottage units during Phase 1; the second portion is approximately 2.47 acres and is proposed to be developed with a portion of a convention center and parking during Phase 3 of the proposed Master Plan.)

**OPTIONS:**

- a. Approve the applicant's request, including the following three components:
  - (1) Adopt Resolution No. 02-xx approving Negative Declaration status for the proposed cancellation request.
  - (2) Adopt Resolution No. 02-xx certifying the cancellation fee to the County auditor and granting tentative cancellation status for 7.44 acres under Land Conservation Contract.
  - (3) Approve the signing and recordation of the Notice of Tentative Partial Cancellation signed and recorded with the County Recorder.
- b. Amend, modify or reject the foregoing option.

**4. Rezone 02-005 and Code Amendment 02-010 – Hastings/Food 4 Less**

R. Lata, Community Development Director

Consider a series of options regarding appropriateness of drive-through uses for property at the northeast corner of Sherwood Drive and Creston Roads. (In July 2002, Council approved General Plan Amendment 02-001(2), which changed the designation of the property from NC [Neighborhood Commercial] to CC [Community Commercial]. In conjunction with GPA 02-001 (2), Rezone 02-002 was before the Council to change the zoning of the property from CP [Neighborhood Commercial] to C2 [Highway Commercial] in order to provide for drive-through uses. Council denied the rezone request and asked staff to return with additional options.)

**OPTIONS:**

- a. (1) Adopt Resolution No. 02-xx adopting a Negative Declaration for Rezone 02-005 applications; and

- (2) Introduce Ordinance No. XXX N.S. approving Rezone 02-005 changing the Zoning designation from CP-PD (Neighborhood Commercial - Planned Development) to C1-PD (General Commercial - Planned Development); and set September 3, 2002, as the date for adoption of said Ordinance. This option would not permit drive-through uses.
  - b.
    - (1) Adopt Resolution No. 02-xx adopting a Negative Declaration for Rezone 02-005 and Code Amendment 02-010 applications;
    - (2) Introduce Ordinance No. XXX N.S. approving Rezone 02-005 changing the Zoning designation from CP-PD (Neighborhood Commercial - Planned Development) to C1-PD (Highway Commercial - Planned Development); and set September 3, 2002, as the date for adoption of said Ordinance; and
    - (3) Introduce Ordinance No. XXX N.S. approving Code Amendment 02-010 changing Section 21.16.200 of the Zoning Code to allow drive through uses in the C1 zone with the approval of a Conditional Use Permit; and set September 3, 2002, as the date for adoption of said Ordinance.
  - c.
    - (1) Adopt Resolution No. 02-xx approving a Negative Declaration for Rezone 02-005 application; and
    - (2) Introduce Ordinance No. XXX N.S. approving Rezone 02-005 that would change the Zoning designation from CP-PD (Neighborhood Commercial - Planned Development) to C2-PD (Highway Commercial - Planned Development); and set September 3, 2002, as the date for adoption of said Ordinance. This option would also permit drive-through uses (subject to a Conditional Use Permit approval).
  - d. Amend, modify or reject the foregoing options.

**5. Specific Plan Amendment (SP 02-003) – City-initiated**

R. Lata, Community Development Director

Consider an amendment to the Borkey Area Specific Plan and its associated Negative Declaration. (This 2-part amendment relates to (1) modification of the 75-foot landscaped setback from Highway 476 East, within Subarea E of the BASP and (2) amendment of development height restrictions, including the 825-foot elevation restriction within Subarea D of the BASP. The proposed changes are consistent with the provisions of the City's General Plan and Zoning Code.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx approving Negative Declaration status for Specific Plan Amendment 02-003.
- b. Introduce for first reading Ordinance No. xxx N.S. amending the Borkey Area Specific Plan; and set September 3, 2002, as the date for adoption of said Ordinance.
- c. Amend, modify or reject the foregoing option.

## 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 6-18 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

6. Approve City Council minutes of July 2 and July 16, 2002.  
D. Fansler, City Clerk
7. Receive and file Advisory Body Committee minutes as follows:  
Library Board of Trustees meetings of June 13 and July 11, 2002
8. Approve Warrant Register – Warrant Nos. 34673 (8/2/02) – 34926 (8/9/02)  
M. Compton, Administrative Services Director
9. Adopt Ordinance No. XXX N.S. amending the zoning titles of the Municipal Code regarding front yard setbacks (Code Amendment 02-008). FIRST READING AUGUST 6, 2002.  
R. Lata, Community Development Director
10. 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). FIRST READING AUGUST 6, 2002.  
R. Lata, Community Development Director
11. Extend duration of ad hoc committee formed May 7, 2002, to review service contracts of Visitor/Conference Bureau and Main Street Association to October 22, 2002.  
J. App, City Manager
12. Adopt Resolution No. 02-xx approving an amendment to the Compensation and Benefit Plan for Confidential, Professional and Management employees effective April 1, 2002, through March 31, 2006. (Confidential, professional and management employees have ratified a tentative agreement amending the compensation and benefit plan over 4 years.)  
J. App, City Manager
13. Adopt Resolution No. 02-xx adopting a Disadvantaged Business Enterprise (DBE) Program. (In order to satisfy the Federal requirement to have a DBE Program, a DBE program has been drafted after the model Caltrans program. Upon adoption, staff will solicit public comments through advertising in the local newspaper.)  
J. Deakin, Public Works Director
14. Award a professional services contract to Cannon Associates of San Luis Obispo to design a ferric chloride storage tank at Lift Station No. 12 for a not-to-exceed fee of \$23,000. (Sewer odors from the Airport interceptor are associated with gaseous sulfur compounds, a typical wastewater issue. Adding ferric chloride to the collection system will reduce odors and help in the treatment process. A Request for Proposal for design services for this project was issued; two consultants responded and submitted a proposal. Staff determined that Cannon Associates had the broader technical expertise for this type of work, employing both civil engineers and mechanical engineers on full-time staff.)  
J. Deakin, Public Works Director

15. Adopt Resolution No. 02-xx appropriating \$10,000 to Budget Account No. 114-710-5226-217 to cover the cost of education of Building/Engineering Personnel for fiscal year 2002/03. (The Building Division collects development fees to cover the cost of this state-mandated program. The collected fees are accrued until they are appropriated by Council to the Building Division Budget, where they are used to offset the cost of education in a specific fiscal year.) R. Lata, Community Development Director
16. Adopt Resolution No. 02-xx accepting the public improvements of Tract 2281-5 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$56,257. (This subdivision is located on Grand Canyon Drive, east of Creston Road. The developer has completed all required public improvements to the satisfaction of City staff, with the exception of the submittal of final landscape plans. Further, the City will retain a Maintenance Bond for a period of one year as warranty for the improvements installed.)  
R. Lata, Community Development Director
17. Adopt Resolution No. 02-xx accepting the public improvements of Tract 2223-2 (Sub-phase 3) into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$133,571.70. (This subdivision is located west of Prospect Avenue and south of Highway 46. The developer [Bella Vista Estates, LLC] has completed all required public improvements to the satisfaction of City staff. Further, the City will retain a Maintenance Bond for a period of one year as warranty for the improvements installed.) R. Lata, Community Development Director
18. Adopt Resolution No. 02-xx approving a budget appropriation in the amount of \$66,500 from General Fund reserves for the incentive payment to the Chamber of Commerce/Visitor & Conference Bureau. (In May 1999, the City and Chamber of Commerce entered into a 4-year agreement that became effective 7/1/98. The agreement calls for a base annual payment, plus an incentive payment, based upon transient occupancy tax collections. Based on TOT collections for FY 2002, the VCB is eligible to receive \$66,423.)  
M. Compton, Administrative Services Director

## ROLL CALL VOTE

## PUBLIC DISCUSSION

19. **Second Baptist Church's Homeless Ministry: Proposed Change of Use for 2001 Community Development Block Grant (CDBG) Funds**

R. Lata, Community Development Director

Consider a request made by the Second Baptist Church to allow the full amount of the \$36,150 in CDBG funds to support their homeless ministry programs to be used for purchasing equipment, supplies and food. (In March 2001, Council approved an allocation of CDBG funds for the Church to expand their kitchen and dining room facilities [where meals would be provided to the homeless] and to purchase a new range/oven and refrigerator. Federal CDBG regulations place very strict limitations on the use of funds by churches, even when the CDBG funds are used for a secular purpose. These regulations would present difficult administrative and financial consequences for the Church. Additionally the City's Streets and Sidewalks Code requires that any addition valued at more than \$10,000 would trigger installation of curbs, gutters and sidewalks along the 19<sup>th</sup> Street frontage of the property. It was determined that the cost of compliance with federal regulations and City Code requirements to construct improvements make the proposed kitchen and dining room expansion project infeasible.)

**OPTIONS:**

- a. Approve Second Baptist Church's request to use the \$36,150 in 2001 CDBG funds for the purchase of equipment, supplies and food for their homeless ministry.
- b. Deny Second Baptist Church's request to use the \$36,150 in 2001 CDBG funds, in whole or in part, for the purchase of equipment, supplies and food for their homeless ministry, and direct staff to include all or a portion of the \$36,150 among CDBG funds to be eligible for 2003 CDBG applications.
- c. Amend, modify or reject the above options.

**ROLL CALL VOTE**

**20. Contract Concessionaire Award for Barney Schwartz Park**

B. Partridge, Library and Recreation Services Director

Consider awarding concessionaire contract for operation of concession stands at Barney Schwartz Park. (Requests for Proposals for operation of concession stands at BSP were solicited. Three were returned. A committee reviewed and ranked the proposals in order of preference. On August 6<sup>th</sup>, Council directed staff to return to Council with their concession selection recommendation. Staff rates Brett Butterfield as best overall proposer, based on food service experience, understanding of the City's request for service, and past experience working with City staff.)

**OPTIONS:**

- a. Direct staff to negotiate and execute a contract agreement with Brett Butterfield for the operation of concession stands at Barney Schwartz Park.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**21. Street Names for New Union Road and North River Road Configuration**

R. Lata, Community Development Director

Review two options for naming the streets in conjunction with the new configuration of North River Road and Union Road. (With the 13<sup>th</sup> Street bridge-widening project, the intersection of Union Road and North River Road will be reconfigured and Council direction is needed in naming the streets.)

**OPTIONS:**

- a. Direct staff to process a street name change that would change the name of the portion of the street that intersects with 13<sup>th</sup> Street to Union Road, as shown on Exhibit "A."
- b. Leave the street names of Union Road and North River Road as shown on Exhibit "B," and direct staff to take no further action on the mater.
- c. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**22. Request to Remove Oak Tree – 2501 Beechwood (City-initiated)**

R. Lata, Community Development Director

Consider removal of one 28-inch Native Blue Oak tree located at 2501 Beechwood (Virginia Peterson School). (Arborist report dated June 2002 indicates that the tree has irreversibly declined to a point of non-viability. The tree is on the line between the street right-of-way and the school property. City and School District plan to share the cost of tree removal.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx approving the oak tree removal request (based on the arborist's determination that the tree's health is in decline) to remove the 28-inch diameter Native Blue Oak tree located at 2501 Beechwood Drive, and install seven 1.5-inch diameter Blue Oak Trees (or equivalent, based on no tree less than 1.5-inch caliper) on School District property and City property as determined by the Parks Supervisor and representatives from the School District.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**23. Request to Remove Oak Tree – Lot 121 of Tract 2281 – 517 Grand Canyon Drive (Ron Gentry)**

R. Lata, Community Development Director

Consider a request from Ron Gentry to remove one double-stem 16-inch Native Blue Oak tree. (Applicant requests removal of the tree to accommodate the construction of a new house on the parcel. Arborist report rates the tree as a 1 on a scale of 1-10. The tree is reported to be in very poor condition.)

**OPTIONS:**

- a. Based on applicant's request to construct a single story home of greater than 1500 square feet and the fact that there are eight other trees on the lot that will be preserved, adopt Resolution No. 02-xx approving the request to remove the 16-inch Native Blue Oak and install "like species" at a replacement ratio of 4 inches, e.g. 25 percent of the diameter of the tree proposed for removal.
- b. Deny the request to remove the 16-inch Blue Oak and require the applicant to design a home in a manner to avoid all oak trees.
- c. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**24. Request to Remove Oak Tree – Lot 122 of Tract 2281 – 519 Grand Canyon Drive (Gary Mulholland)**

R. Lata, Community Development Director

Consider a request from Gary Mulholland to remove one 14-inch Native Blue Oak tree to accommodate the construction of a new house on the parcel located on Lot 122 of Tract 2281. (Subject property is approximately 21,150 square feet and has approximately 21 oak trees that are greater than 6 inches in diameter. Arborist report identifies the tree as being 64 percent, or in good condition.)

**OPTIONS:**

- a. Based on applicant's request to construct a single story home of greater than 1500 square feet and the fact that there are eight other trees on the lot that will be preserved, adopt Resolution No. 02-xx approving the request to remove the 16-inch Native Blue Oak and install "like species" at a replacement ratio of 4 inches, e.g. 25 percent of the diameter of the tree proposed for removal.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**25. Templeton Sewer Re-bid**

J. Deakin, Public Works Director

Consider awarding a contract for the Templeton Interceptor Sewer Upgrades, Reaches 2 & 4 and Calle Propano – Project No. 01-01. (In January 2001, Council hired Cannon Associates to design improvements to the Templeton Interceptor. Using Cannon's completed design package, the City advertised for bids and all bids received were opened on March 7, 2002. The City subsequently received bid protests related to the apparent low bidder's compliance with the experience requirement. On April 30, 2002, Council approved the rejection of all bids and directed staff to re-advertise, directing staff to modify the contract documents to clarify the requirements for utilizing third parties to help satisfy the experience requirement. On June 20, 2002, bids were opened on the re-advertised project. Bid protests were again filed. The City Attorney's office reviewed the bid protests and bid materials and has made recommendations as reflected in the Option A below.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx granting the protests of the bid submitted by John Madonna Construction, rejecting the bid submitted by John Madonna Construction, rejecting all other bid protests and awarding the Templeton Interceptor Sewer Project to Specialty Construction in the amount of \$2,062,475.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**26. Award Contract for Improvements to Sludge Beds**

J. Deakin, Public Works Director

Consider awarding a contract for constructing improvements to the Wastewater Treatment Facility sludge drying area. (The December 2000 Capacity Evaluation Study determined the need to provide additional and improved sludge treatment and handling facilities. The City advertised for bids and all bids received were opened on July 25, 2002. The apparent low bidder was Papich Construction. Viborg Sand & Gravel, Inc., the second low bidder, filed a protest of the Papich bid. The City Attorney's office reviewed the issues of the bid protest and has made recommendations as reflected in the Option A below.)

**OPTIONS:**

- a. Adopt Resolution No. 02-xx granting the protest filed by Viborg Sand & Gravel, Inc., rejecting the bid submitted by Papich Construction, and awarding a contract to upgrade the sludge beds to Viborg Sand and Gravel, Inc. of Paso Robles in the amount of \$251,302.50.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**CITY MANAGER**

**27. Highway 46 West / 101 Interchange – Ad Hoc Committee**

R. Lata, Community Development Director

Consider forming an ad hoc committee to work with Community Development and Public Works Department staff on traffic capacity and design issues relating to the Highway 46 West / Hwy. 101 Interchange. The scope would include potential modifications to the current multi-agency Cooperative Agreement relating to the Interchange.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to work with Community Development and Public Works Department staff on traffic capacity and design issues relating to the Highway 46 West / Hwy. 101 Interchange, including possible modifications to the current Cooperative Agreement; and report back to the full City Council by February 18, 2003.
- b. Amend, modify or reject the above option.

**VOICE VOTE**

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

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

Subdivision (b) of Government Code Section 54956.9

Significant exposure to litigation (facts and circumstances not known to adverse party)

Number of cases: Three

**b. Conference with Real Property Negotiator**

Government Code Section 54956.8

Property: 944 Pine Street

Negotiating Party: Hayward Lumber

City Negotiator: James App, City Manager

Under Negotiation: Lease Agreement - lease amount and terms

**ADJOURNMENT:** TO THE YOUTH COMMISSION & PARKS AND RECREATION ADVISORY INTERVIEWS AT 7:00 PM ON **THURSDAY, AUGUST 22, 2002**, LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO A CLOSED SESSION RE CITY MANAGER PERFORMANCE EVALUATION 3:00-6:00 PM ON **FRIDAY, AUGUST 23, 2002**, IN THE 2<sup>ND</sup> FLOOR CONFERENCE ROOM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

**FUTURE MEETINGS**

- GENERAL PLAN ALTERNATIVES WORKSHOP AT 7:30 PM ON **TUESDAY, AUGUST 27, 2002**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- CHANDLER RANCH HEARING AT THE PLANNING COMMISSION MEETING AT 7:30 PM ON **TUESDAY, AUGUST 29, 2002**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.
- REGULAR CITY COUNCIL MEETING AT 7:30 PM ON **TUESDAY, SEPTEMBER 3, 2002**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS AUGUST 23, 2002***