

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, December 3, 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 item on agenda that is to be deferred or tabled.

PRESENTATIONS

1. [Results of Consolidated General Election – November 5, 2002](#)

Adopt Resolution No. 00-xxx reciting the facts of the Consolidated General Election held on November 5, 2002, declaring the result and such other matters as provided by law.
D. Fansler, City Clerk

ROLL CALL VOTE

2. [Oaths of Office – Newly Elected Mayor and Councilmembers](#)

Administer Oaths of Office to Mayor Frank Mecham and Councilmembers Duane Picanco and Jim Heggarty.

3. [Selection of Mayor Pro Tem, Redevelopment Agency Chairman and Redevelopment Agency Vice Chairman.](#)

Consider the selection of a Mayor Pro Tem, Redevelopment Agency Chairman and Redevelopment Agency Vice Chairman.

ROLL CALL VOTE

NOTICED HEARINGS

4. [New Design Standard for Olive Drive, between 4th and 6th Streets \(City-initiated\)](#)

R. Lata, Community Development Director

Consider a request to establish a new design standard for Olive Drive. (This portion of Olive Drive right-of-way was expanded to 40 feet. The current design standard [A-8] that would apply to Olive Drive requires a 50-foot right-of-way. The Planning Commission and staff have reviewed available topographical data and conducted field visits to ensure the proposed design is feasible and addresses the needs and concerns of the community.) THIS IS A CONTINUED OPEN HEARING FROM THE CITY COUNCIL MEETING OF NOVEMBER 5, 2002.

OPTIONS:

- a. Adopt Resolution No. 02-xx adopting the Olive Drive Design Standard as shown on Exhibit A as the City's Standard improvement requirements for Olive Drive, between 4th and 6th Streets within a 40-foot right-of-way.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

5. [Street Abandonment 99-010 and 99-011 \(Lujan and Thomas\)](#)

R. Lata, Community Development Director

Consider approving a street abandonment for an 80-foot wide unimproved piece of property east of Riverside and south of Pioneer Museum, between 18th and 19th Streets. (The abandonment request was submitted by Lupe Lujan and Chris Thomas. The purpose of request is to provide opportunity to more fully develop their properties. Although the Planning Commission has recommended approval of the abandonment and Caltrans has expressed no objection, consideration must be given regarding improvements to traffic circulation in this area.)

OPTIONS:

- a. Adopt Resolution No. 02-xx to deny the request to abandon an unimproved street as shown on Exhibits A and B based on the inability of the City Council to make the finding, as required by the Streets and Highways Code, that the right-of-way is unnecessary for present or future uses as a street.
- b. Adopt Resolution No. 02-xx to abandon an unimproved street as shown on Exhibits A and B as requested by the adjacent property owners.
- c. Amend, modify, or reject the above options.

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 6-14 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

6. [Approve Warrant Register: Warrant Nos. 36875-37023 \(11/15/02\) to 37024-37152 \(11/22/02\)](#)

M. Compton, Administrative Services Director

7. [Receive and file Advisory Body Committee minutes as follows:](#)

Housing Authority Board meeting of November 12, 2002
Library Board meeting of September 12, 2002
Parks & Recreation Advisory Committee meeting of October 8, 2002
Senior Citizen Advisory Committee meeting of October 14, 2002

8. [Dissolve the ad hoc committee formed May 7, 2002, to review Visitors & Conference Bureau and Main Street Association service contracts, as the work of the committee has been completed.](#)

J. App, City Manager

9. [Extend the duration of the ad hoc committee formed to review indemnification clauses in City contracts to March 18, 2003.](#)

J. Seitz, Deputy City Attorney

10. [Approve the project list for the Airport Capital Improvement Program \(ACIP\), as presented, and direct staff to forward it to the FAA.](#) (The ACIP Project List is updated and submitted annually to the FAA, providing the basis for grant funding. The List is consistent with that adopted by Council

on February 19, 2002, with the addition of Item No. 13, parallel taxiway extension. The Citizens Airport Advisory Committee recommends approval and forwarding to the FAA.)
J. Deakin, Public Works Director

11. [Adopt Resolution No. 02-xx directing staff to enter a Design Services Contract with Penfield & Smith in the amount of \\$26,270 to prepare Plans, Specifications and Estimates \(PS&E\) for the South River Road Bikepath.](#) (In February 2002 Council adopted the Bikeway Master Plan and the City received a grant from the San Luis Obispo Council of Governments to prepare PS&E for the bikepath. Council directed staff in June 2002 to submit a revised project description, extending the bikepath from the Riverbank Tract through Woodland Plaza I & II. Staff issued a Request for Proposals to several engineering design firms to prepare PS&E. Penfield & Smith provided the most favorable proposal based upon consideration of technical capability, approach and fee.)
J. Deakin, Public Works Director
12. [Adopt Resolution No. 02-xx accepting dedication for "Alexa Court" and authorizing recordation of the Irrevocable Offer of Dedication and related public utility and water main easements.](#) (Property is a 2.36-acre parcel located near the southwest corner of Theatre Drive and State Highway 46. The project is an 81-room Hampton Inn. All streets and underground utilities have been constructed in accordance with the conditions of approval of PD 00-003, the approved improvement plans and all applicable City standards.)
R. Lata, Community Development Director
13. [Adopt Resolution No. 02-xx accepting the public improvements of PD 00-003 \(Alexa Court\) into the City's maintenance system.](#) (The property is located on Theatre Drive at the southwest corner of the intersection with State Highway 46. The new Hampton Inn, currently under construction, occupies one of the building pads. The public improvements on Alexa Court and Theatre Drive have been constructed satisfactorily.)
R. Lata, Community Development Director
14. [Adopt Resolution No. 02-xx awarding the construction contract for completion of Phase V Improvements of the North County Transportation Center to Souza Construction, Inc. in the amount of \\$197,853.](#) (City has received grants totaling \$250,000 for Phase V Improvements to install pedestrian improvements and enhancements to the corridor between the Transportation Center and the Downtown District. Because portions of this project are funded with a Federal Grant, the City is required to award 6% of the contract amount to a Disadvantaged Business Enterprise [DBE]. Staff solicited construction bids to implement the design plan developed by architect Steven P. Caminiti. Seven bids were received. Low bidder Souza Construction submitted documentation that 6% of their contract will be provided by a certified DBE firm, thereby meeting the grant requirement.)
J. Deakin, Public Works Director

ROLL CALL VOTE

PUBLIC DISCUSSION

15. [Request to Remove One Oak Tree - 95 West 12th Street \(Krijakin\)](#)

R. Lata, Community Development Director

Consider a request to remove one 32-inch Blue Oak tree. (Applicant Ralph Krijakin requests removal of on Blue Oak on his lot located at 95 West 12th Street. An Arborist Report performed by Arbor Tree Surgery categorizes the tree as structurally weak and recommends removal.)

OPTIONS:

- a. Adopt Resolution No. 02-xx approving the oak tree removal request based on the Arborist Report; and require applicant to plant eight 1.5-inch Blue Oak trees or another combination totaling 8 inches in an appropriate location for the species on-site and/or within a public park area, as determined by a horticulture professional.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

16. [Request to Remove One Oak Tree - Tract 2269 \(Erskine\)](#)

R. Lata, Community Development Director

Consider a request to remove one 35-inch Valley Oak tree. (Applicant Tom Erskine requests removal of a Valley Oak located within Golden Hill Road, adjacent to Tract 2269, Golden Hill Industrial Park. An Arborist Report performed by Jack Brazeal categorizes the tree as structurally weak and recommends removal. Mr. Brazeal has indicated that the tree has declined to a point where it is unsafe along a public street.)

OPTIONS:

- a. Adopt Resolution No. 02-xx approving the oak tree removal request based on the Arborist Report; and require applicant to plant nine 1.5-inch Valley Oak trees or another combination totaling 9 inches in an appropriate location for the species of tree on-site and/or within a public park area, as determined by a horticulture professional.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

17. [2003 Community Development Block Grant \(CDBG\) Program](#)

R. Lata, Community Development Director

Identify which applications for the City's 2003 Community Development Block Grant funds should be recommended in the Draft One-Year Action Plan. (The City's 2003 allocation of CDBG funds is expected to total approximately \$318,000. The City has received 21 applications for funds, totaling over \$1,124,000. In January 2003, the County will publish a Draft Consolidated Plan, which will list all of the activities that are recommended for consideration by the various city councils and Board of Supervisors at public hearings to be held in February and March 2003.)

OPTIONS:

Subject to public testimony, identify the following applications to be listed in the Draft One- Year Action Plan as being recommended for funding:

- a. Carnegie Library Rehabilitation (existing CDBG-funded project)\$ 90,100
 - Alley Improvements (existing CDBG-funded project)\$ 8,000
 - LED-lighted Crosswalks (existing CDBG-funded project)\$ 26,000
 - 28th Street Improvements.....\$102,400
 - EOC Senior Health Program\$ 4,000
 - EOC 40 Wonderful Program\$ 2,000
 - EOC Teen Academic Parenting.....\$ 3,600
 - Boys & Girls Club operations\$ 5,000
 - Literacy Council Program.....\$ 2,500
 - Big Brothers/Big Sisters Mentoring\$ 6,000
 - Lifestyles Recovery Center\$ 4,800
 - Administration\$ 63,600
 - \$318,000

- b. Carnegie Library Rehabilitation (existing CDBG-funded project)\$ 90,100
 - Alley Improvements (existing CDBG-funded project)\$ 8,000
 - LED-lighted Crosswalks (existing CDBG-funded project)\$ 26,000
 - Muni Pool Changing Room Rehab (existing CDBG-funded project)\$ 71,100
 - Boys and Girls Club Dark Room\$ 1,500
 - Fountain Fence Replacement.....\$ 10,000
 - EOC Senior Health Program\$ 5,000
 - EOC 40 Wonderful Program\$ 2,000
 - EOC Teen Academic Parenting.....\$ 3,600
 - Boys & Girls Club operations\$ 10,000
 - Literacy Council Program.....\$ 3,000
 - Big Brothers/Big Sisters Mentoring\$ 9,500
 - Lifestyles Recovery Center\$ 14,600
 - Administration\$ 63,600
 - \$318,000

c. Amend, modify or reject the foregoing options.

ROLL CALL VOTE

- 18. [Consolidated Plan Amendment](#)
R. Lata, Community Development Director

Consider recommendations to the County Board of Supervisors regarding proposed amendments to the Consolidated Plan. (The Consolidated Plan is a 5-year planning document mandated by the federal government for guiding expenditure of funds from the Community Development Block Grant [CDBG], Home Investment Partnership Act [HOME], and Emergency Shelter Act [ESG] programs. The amendments being considered incorporate the County’s assessment to give first priority to rental housing and second priority to home ownership activities, and the City’s proposal to re-allocate all of the 2001 CDBG funds for the Second Baptist Church homeless ministry to public services uses [equipment, supplies and operating expenses] and to re-program 2002 CDBG funds originally allocated to the Boys and Girls Club to the Municipal Pool Changing Room Project.)

OPTIONS:

- a. Adopt Resolution No. 02-xx recommending that the County Board of Supervisors approve an amendment to the Consolidated Plan to consist of the following components:
 - (1) Amend the Affordable Housing Strategy in Park III to give first priority to “increase availability of affordable and decent rental housing for low and very low income persons or families” and second priority to “increase first-time homeownership opportunities for low- and moderate-income households.”
 - (2) Amend the 2001 Annual Action Plan to provide that all \$36,150 allocated to the Second Baptist Church for their homeless ministry may be spent for public services uses.
 - (3) Amend the 2002 Annual Action Plan to provide that the \$20,000 allocated to the Boys and Girls Club may be re-allocated to the Municipal Pool Changing Room Project.
- b. Amend, modify or reject the above options

ROLL CALL VOTE

19. [General Plan Level of Service \(LOS\) Designation, Highway 46 West/101 Interchange](#)

R. Lata, Community Development Director

Consider directing staff to initiate a General Plan Amendment to consider modifying the Level of Service (LOS) standard for the Highway 101/46 West Interchange area until the interchange can be reconstructed. (The City Council and Planning Commission appointed ad hoc committees are recommending approval of this Amendment. The proposal is to modify the General Plan LOS standard for a limited geographic area and for an interim period of time. An Amendment would be subject to public hearings before both the Planning Commission and City Council.)

OPTIONS:

- a. Direct staff to initiate a General Plan Amendment that would consider a modification to the City’s LOS standard for an interim period and only for the Highway 46 West / 101 Interchange area. The change in standard would be from “C” to “D” and the interim period would be until a Project Study Report is adopted and implemented in a manner designed to provide LOS “C” for the subject interchange. Project specific matters would be deferred to the Planning Commission, and staff would seek the City Attorney’s assistance to formulate participation agreements that would ensure that the set of feasible short-term mitigation measures, including extension of the southbound Highway 101 off-ramp, would be implemented.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

20. [Traffic Analysis of Theater Drive](#)

R. Lata, Community Development Director

Consider authorizing a traffic analysis of the width of Theater Drive and re-allocating available funds to pay for the analysis. (Theater Drive was annexed to the City in 1986. A number of properties along the south end of Theater Driver installed street improvements pursuant to

County standards prior to the Annexation. As City street width standards are different from the County standards, there is a need to transition from one to the other and to determine the transition location. In order to ensure thorough examination of the options, a proposal to analyze the alternative street widths has been requested from Associated Transportation Engineers.)

OPTIONS:

- a. Authorize the City Manager to enter into an agreement with Associated Transportation Engineers (ATE), per the attached Scope of Work, and authorize use of \$8,600 from the General Plan Program for this purpose.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

21. [Sherwood Park Master Plan Implementation](#)

J. Deakin, Public Works Director; R. Lata, Community Development Director; B. Partridge, Library and Recreation Services Director

Consider hiring a landscape architect/park planner to review the Sherwood Park Master Plan, provide for a community participation process to update the Master Plan, and design a rehabilitated replacement for the play area currently at Sherwood Park. (Staff issued a Request for Proposals for the Sherwood Park play area enhancement and seven firms submitted proposals. The top candidates for the project expressed the need to first determine the Park Master Plan before siting and designing a new playground. Community Design Group was determined the best designer and planner for the City's needs. They offer the combined ability to study the Master Plan options, to create a public participation process that involves the neighborhood and community in the planning process, and to take the final plan to a design phase to implement the project.)

OPTIONS:

- a. Adopt Resolution No. 02-xx directing the City Manager to enter a Service Agreement with Community Design Group to assist the City in reviewing the Sherwood Park Master Plan, to develop and implement a community participation program, and to site and design a playground/play area rehabilitation project within Sherwood Park/Oak Creek Park.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

22. [Southwest Reservoir Design](#)

J. Deakin, Public Works Director

Consider and approve a design concept for the Southwest Reservoir. (July 2001, Boyle Engineering presented several site location options and Council directed staff to proceed with a design for the reservoir west of Highway 101 and north of Highway 46 West. In September 2002, Council approved revising the reservoir design to an elevation of 870 feet above sea level and directed staff to begin negotiations to acquire property needed to construct the reservoir. Public concern has been expressed at the impact to the view shed of the surrounding property owners. To address this concern, staff is proposing that a buried concrete water tank be installed.)

OPTIONS:

- a. Direct staff to add the element of a buried water tank to the approved design concept.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

23. [Landscape and Lighting District FY 2003-2004 Levy](#)

J. Deakin, Public Works Director

Consider approving balloting within the Landscape and Lighting (L&L) District. (The L&L District provides a collective means to attend to common-area facility and landscape maintenance. Maintenance services are separated into geographic locations—sub-areas—and each sub-area is intended to be an independently funded project within the L&L District. Expense and Revenue Accounting has been analyzed for each sub-area in the District and numerous sub-areas created before Proposition 218 are in deficit [costs exceed the maximum levy]. To correct this deficit, the Committee recommends that ballot proceedings be initiated to increase the L&L District levies.)

OPTIONS:

- a. Direct staff to initiate ballot proceedings for each sub-area in the Landscape & Lighting District that is operating in deficit, timing the proceedings such that the results would be incorporated into the annual Levy for fiscal year 2003/2004.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

CITY MANAGER - None

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

24. [Advisory Committee ByLaws – Ad Hoc Committee Formation](#)

J. Deakin, Public Works Director

Consider formation of a two-member ad hoc committee to review draft by law language and to work with staff on consistent language for all committees, as well as specific language covering the operations specific to each committee.

OPTIONS:

- a. Appoint a two-member ad hoc committee to review and revise Advisory Committee bylaws, returning to the full Council with a report by June 17, 2003.
- b. Amend, modify or reject the above option.

VOICE VOTE

25. [Downtown Parking and Circulation – Ad Hoc Committee Formation & Termination](#)

R. Lata, Community Development Director

Consider closing out an existing ad hoc committee and appointing a new two-member ad hoc committee to work with staff in formulating a budget and other implementation strategies related to Downtown Parking and Circulation.

OPTIONS:

- a. Accept the completion of the work by prior ad hoc committee regarding parking (Councilmembers Picanco and Finigan) and designate two Councilmembers to a new ad hoc committee to work with staff to pursue budget proposals and related policy options for Downtown parking and circulation, reporting back to the full Council by September 30, 2003.
- b. Amend, modify or reject the above option.

VOICE VOTE

26. [Annual Investment Policy Review – Ad Hoc Committee](#)

M. Compton, Administrative Services Director

Consider formation of a two-member ad hoc committee for an annual review of the City's Investment Policy.

OPTIONS:

- a. Appoint a two-member ad hoc committee for the annual review of the City's Investment Policy, reporting back to the full Council by January 7, 2003.
- b. Amend, modify or reject the above option.

VOICE VOTE

27. [Banner Policy – Ad Hoc Committee](#)
B. Partridge, Library and Recreation Services Director

Consider formation of a two-member ad hoc committee to review the City's banner application and permit policies.

OPTIONS:

- a. Appoint a two-member ad hoc committee to review current City banner policies, reporting back to the full Council by January 15, 2003.
- b. Amend, modify or reject the above option.

VOICE VOTE

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 Legal Counsel – Anticipated Litigation**
Subdivision (c) of Government Code Section 54956.9
Initiation of Litigation
Number of cases: One

ADJOURNMENT: to THE REGULAR CITY COUNCIL MEETING 7:30 PM ON TUESDAY, DECEMBER 17, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS DECEMBER 6, 2002