

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, January 7, 2003 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. [Appeal of Amendment to Planned Development 97001 \(Vince Lavorgna on Behalf of Rosemarie Van Rijn\)](#)
R. Lata, Community Development Director

Consider an appeal filed by Vince Lavorgna on behalf of Rosemarie Van Rijn regarding the Planning Commission's approval of an Amendment to Planned Development 97001 on November 12, 2002. (Project site is the Firestone-Walker Brewery located at 1400 Ramada Drive. The appeal concerns the nature and extent of the City's review process for any potential pretreatment facilities, not an objection to the construction of the warehouse.)

OPTIONS:

- a. Adopt Resolution No. 03-xx denying the appeal, upholding the Planning Commission's approval of the Amendment to PD 97001, based on the requirement for potential onsite pretreatment facilities being consistent with the purpose and intent of PD 97001 and necessary for protection of public health and safety.
- b. Provide an alternative decision and direct staff to return to the Council with a corresponding resolution.
- c. Amend, modify or reject the above options.

ROLL CALL VOTE

**ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY,
REDEVELOPMENT AGENCY & CITY COUNCIL**

PUBLIC HEARING

2. [Oak Park Child Development Center](#)
R. Lata, Community Development Director

Conduct a public hearing on a request from the San Luis Obispo County Office of Education (COE) to use redevelopment pass-through funds deposited in a trust fund for COE to construct a new Child Development Center at the present CDC site at 3150 Park Street (at the Oak Park Public Housing). (The proposed replacement of the existing CDC appears to be an appropriate use of pass-through funds as spelled out in Redevelopment Law. At its meeting of December 4th, the Redevelopment Project Area Committee reviewed COE's request and unanimously recommended its approval by the Redevelopment Agency. If approved, it is anticipated that the Agency and COE will execute an agreement under which COE's expenses for the project would be reimbursed over time as pass-through funds are received by the City following the bi-annual collection of property taxes.)

OPTIONS:

- a. Adopt Resolution No. RA 03-xx making the findings required by Health and Safety Code Section 33445 and approve the use of current and future pass-through funds for replacement of the Child Development Center.
- b. Amend, modify or reject the foregoing option.

ROLL CALL VOTE (REDEVELOPMENT AGENCY)

DISCUSSION

3. [Participation Agreement for Oak Park Senior Housing](#)

R. Lata, Community Development Director

Consider a Participation Agreement with the Paso Robles Nonprofit Housing Corp. (NPHC) regarding the use of Low and Moderate Income Housing (LMIH) Funds to assist in the Development of Oak Park Senior Housing. (This project is a proposed 40 unit apartment complex for low-income seniors, to be located on the northeast corner of 28th and Park Streets. Funds are requested to offset the estimated \$520,000 in City building and development fees.)

OPTIONS:

- a. Approve NPHC's request and adopt Resolution No. RA 03-xx approving a Participation Agreement and Affordability Covenant in conjunction with a grant of Redevelopment Low and Moderate Income Housing funds to assist the development of affordable senior housing by the Paso Robles Nonprofit Housing Corp. and appropriating funds for said grant.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE (REDEVELOPMENT AGENCY)

4. [Redevelopment Agency Annual Report](#)

M. Compton, Administrative Services Director

Consider adopting a resolution approving the Redevelopment Agency annual Report for fiscal year 2002. (California Redevelopment Law requires that the Agency Board present an annual report to the City Council. The Annual Report was presented to the Agency's Project Area Committee on December 18, 2002, and they recommended acceptance of the report as presented.)

OPTIONS:

- a. Adopt Resolution No. RA 03-xx approving the Redevelopment Agency Annual Report for fiscal year 2002.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE (REDEVELOPMENT AGENCY)

ADJOURN TO CITY COUNCIL MEETING

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 5-16 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

5. [Receive and file Advisory Body Committee minutes as follows:](#)
Library Board of Trustees meeting of November 14, 2002
Parks & Recreation Advisory Committee meeting of November 12, 2002
Senior Citizen Advisory Committee meeting of November 18, 2002
6. [Approve Warrant Register – Warrant Nos. 37408-37557 \(12/13/02\), 37558-37691 \(12/20/02\) and 37692-37827 \(12/27/02\).](#)
M. Compton, Administrative Services Director
7. [Adopt Ordinance No. XXX N.S. amending Title 21 of the City's Zoning Code regarding Resort/Lodging Zoning Overlay \(Code Amendment 02-014 – City-initiated.\)](#) (This amendment to the Zoning Code, related to Part A of General Plan Amendment 02-03, would define what is permitted or conditionally permitted within a Resort/Lodging overlay area.)
FIRST READING HELD DECEMBER 17, 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 02-009 / Municipal Landfill, north of the intersection of Union Road and Highway 46 East.](#) (This amendment to the Zoning Code, related to Part B of General Plan Amendment 02-03, establishes a “Public Facilities” zoning designation for the City’s Municipal Landfill. This action is proposed because the record does not reflect that a zoning designation was established when the property was annexed to the City in 1972.) FIRST READING HELD DECEMBER 17, 2002.
R. Lata, Community Development Director
9. [Adopt Ordinance No. XXX N.S. amending the Borkey Area Specific Plan to expressly address and allow development of the Bastide Village Project.](#) (Project site is located at the northeast corner of Buena Vista Drive and Experimental Station Road in Subarea D of the Borkey Area Specific Plan, and consists of an 80-room destination resort/spa hotel and ancillary/related land uses surrounded by a 17-lot single-family residential subdivision.) FIRST READING HELD DECEMBER 17, 2002.
R. Lata, Community Development Director

10. [Adopt Ordinance No. XXX N.S. amending the City's Zoning Map to rezone the site as RSF 1 \(Residential Single Family – One Acre\) with a PD Overlay \(Planned Development\) and R/L Overlay \(Resort/Lodging\).](#) (Project site is located at the northeast corner of Buena Vista Drive and Experimental Station Road in Subarea D of the Borkey Area Specific Plan, and consists of an 80-room destination resort/spa hotel and ancillary/related land uses surrounded by a 17-lot single-family residential subdivision. The site is currently zoned R1 B4 [residential Single-family – 1.0 acre minimum lot size] with a PD Overlay [Planned Development]. FIRST READING HELD DECEMBER 17, 2002.
R. Lata, Community Development Director
11. [Adopt Resolution No. 03-xx accepting the Redevelopment Agency annual Report for fiscal year 2002.](#) (California Redevelopment Law requires that the Agency Board present an annual report to the City Council. The Annual Report was presented to the Agency's Project Area Committee on December 18, 2002, and they recommended acceptance of the report as presented.) SEE AGENDA ITEM NO. 4
M. Compton, Administrative Services Director
12. [Receive and file the Annual Transit Report for fiscal year ended June 30, 2002.](#) (The Transit Annual Report includes fare revenues, operating expenses and ridership statistics for all City transit services—Fixed-route and Dial-a-Ride.)
M. Compton, Administrative Services Director
13. [Set 7:00 p.m. on Thursday, January 16, 2003, as the date for an adjourned regular meeting/workshop to review the development impact fee study.](#) (Under discussion will be pending adjustments to the City's Development Impact Fees, pursuant to State Assembly Bill 1600. Development impact fees would pay for infrastructure [roads and other facilities] that would be needed to accommodate future growth and development. Fees would be applied to new developments to pay for their proportionate shares of these infrastructure costs.)
M. Compton, Administrative Services Director
14. [Adopt Resolution No. 03-xx approving an amendment to the Compensation and Benefit Plan for the Paso Robles Professional Firefighters, effective April 1, 2002, to March 31, 2006.](#) (A tentative agreement has been ratified by the Paso Robles Professional Firefighters [previously a "non-represented" work group] 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
15. [Adopt Resolution No. 03-xx approving a Job Classification and Salary Range for Information Systems \(IS\) Technician.](#) (Creation of the new job classification within the S.E.I.U. employee group provides the ability for the City to fill an existing budget position on a regular full-time basis, rather than contract. The IS Technician position is created with pay and benefits comparable to the City's defined labor market and is internally aligned with the balance of the City work force. The S.E.I.U. bargaining group has concurred with the Job Specifications and salary range that was independently determined through a Human Resource Specialist.)
M. Williamson, Assistant to the City Manager

16. [Adopt Resolution No. 03-xx approving the Ground Lease with the County of San Luis Obispo for 940 Spring Street for the purpose of construction and use as a Superior Court facility and authorizing the Mayor to execute the Lease upon acceptance by the County of San Luis Obispo.](#) (The lease has been drafted and reviewed by both City and County counsel. The City, County and Superior Court staff are in concurrence over the language and terms contained in the lease. It has designed to make the project fiscally and logistically feasible for the County and the Court, while maintaining City land use control and design oversight for a key commercial parcel within the community. Project design and environmental analysis will take place in conjunction with future development application processing.)
M. Williamson, Assistant to the City Manager

ROLL CALL VOTE

PUBLIC DISCUSSION

17. [Request to Remove Oak Tree – 2041 Riverside Avenue \(Dieser\)](#)

R. Lata, Community Development Director

Consider a request from Mr. John Dieser to remove one 30-inch Valley Oak from the property located at 2041 Riverside Avenue. (Tree extends over neighboring property at 2027 Riverside, owned by Lennon and Rosie Wesley, and is causing damage to the house at that location. An Arborist determined that the tree has damaged the two adjacent buildings, including foundations, chimneys, and roofs, as well as damage to sidewalks. One branch of the tree recently fell on the Wesley residence causing significant damage. The Arborist recommends removing the subject tree.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving the oak tree removal request based on the findings, conclusions and recommendation of the Arborist Report identifying that the tree is structurally weak and the removal is necessary to prevent further damage to the existing residences; and require replacement ratio of 7.5-inches of Valley Oaks to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional (e.g., Valley Oaks should be planted in a non-irrigated environment).
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

18. [Quail Run Mobile Home Park: Request for Reimbursement of Sewer and Water Connection Fee Increase](#)

R. Lata, Community Development Director

Consider a request filed by Fred Strong, on behalf of Mike Pender, developer of Quail Run Mobile Home Park, for reimbursement of increased amounts of sewer and water connection fees. (This condominium development is located on the north side of Sherwood Road, easterly of the intersection of Sherwood and Creston Roads. Developer is petitioning the City to charge his project the 1986 connection fees rather than the 2002 increased fees. Providing a reimbursement would result in a \$178,185 loss of revenue to the City.)

OPTIONS:

- a. Reject the request for reimbursement of increased amounts for sewer and water connection fees for Quail Run Mobile Home Park.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

19. [Building Inspection: Temporary Contract Services](#)

R. Lata, Community Development Director

Consider funding for temporary building inspector position during an absence of the City's Building Inspectors. (Because the Building Division has experienced the temporary loss of a Building Inspector as the result of a work-related injury, building inspections are currently being accomplished by reducing the staff time normally attributed to plan review and permit issuance. This shift of resources is impacting plan review and extending the time required to secure building permits. In order to provide for inspection coverage until the Building Inspector returns, the City issued a Request for Proposal to companies known to provide contract services. Only JAS Corp. agreed to provide the city with candidates for interview.)

OPTIONS:

- a. Adopt Resolution No. 03-xx appropriating \$47,000 to retain building inspections service from JAS Corporation from January 7, 2003, to June 30, 2003, as necessary.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

20. [Annual Development Impact Fee Report](#)

M. Compton, Administrative Services Director

Presentation of the Annual Development Impact Fee Report for fiscal year ending June 30, 2002, for City Council consideration. (The Annual Report contains historical and current year data relative to all City development impact fees.)

OPTIONS:

- a. Receive and file the Annual Development Impact Fee Report.
- b. Amend, modify or reject the above 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. Property Acquisition*

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

b. Conference with Legal Counsel – Anticipated Litigation

Subdivision (b) of Government Code Section 54956.9

Initiation of Litigation

Number of cases: One

c. Conference with Legal Counsel – Anticipated Litigation

Subdivision (c) of Government Code Section 54956.9

Initiation of Litigation

Number of cases: Two

d. Conference with Legal Counsel – Existing Litigation

Subdivision (a) of Government Code §54956.9

San Luis Obispo Tribune, a division of Monterey Newspapers, Inc. (Plaintiff) vs. City of El Paso de Robles (Defendants)

Case No. CV 000591

e. Pursuant to Government Code Section 54956.8 – Property Sale

Property: 801 4th Street, Paso Robles

Parties: Property Owner: City of Paso Robles
Negotiator/Purchaser: Jim Saunders, PMD (Pacific Management & Development)
City Negotiator: James L. App, City Manager

Under Negotiation: Terms and Conditions

ADJOURNMENT: to THE DEVELOPMENT IMPACT FEES WORKSHOP AT 7:00 PM ON THURSDAY, JANUARY 16, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JANUARY 21, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

FUTURE MEETINGS

- GOAL SETTING WORKSHOP, 7:00 PM ON **THURSDAY, JANUARY 23, 2003**, AT LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- GOAL SETTING WORKSHOP, 9:00 AM ON **SATURDAY, FEBRUARY 1, 2003**, AT LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- **TENTATIVE** GOAL SETTING WORKSHOP, 9:00 AM ON **SATURDAY, FEBRUARY 8, 2003**, AT LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS JANUARY 10, 2003