

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.

**AMERICANS WITH DISABILITIES ACT** Individuals who, because of a disability, need special assistance to attend or participate in this meeting, may request assistance by contacting the City Clerk's Office (805) 237-3960. Whenever possible, requests should be made 4 working days in advance.

## CITY COUNCIL AGENDA

**Tuesday, March 18, 2003 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. [Abandonment of Unimproved Portion of Vista Grande](#)

J. Deakin, Public Works Director

Consider formally abandoning an unimproved portion of Vista Grande. (In February 2001 Council directed staff to initiate proceedings to formally declare certain Orchard Bungalow Assessment District streets as public streets. A portion of Vista Grande between Union Road and Walnut Drive was never constructed; it is a “paper” road. Council adopted a Resolution of Intent to abandon this portion of Vista Grande on February 18<sup>th</sup>.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx formally abandoning the unimproved portion of Vista Grande between Union Road and Walnut Drive as a road easement.
- b. Amend, modify, or reject the above option.

**ROLL CALL**

2. [Code Amendment 02-011 – Employee Housing](#)

R. Lata, Community Development Director

Consider establishing employee housing as a conditionally-permitted use in residential, commercial, industrial, agricultural, and Parks and Open Space zoning districts. (At its meeting of February 18<sup>th</sup>, Council directed that the employee housing ordinance be returned to the Planning Commission for refinements. The ordinance has been revised to designate employee housing as a conditional use [subject to approval of a conditional use permit] in all zoning districts.) FIRST READING SEPTEMBER 17, 2002; SECOND READING CONTINUED FROM OCTOBER 1, 2002, AND FEBRUARY 18, 2003.

**OPTIONS:**

- a. (1) Adopt Resolution No. 03-xx approving a Negative Declaration for Code Amendment 02-011; and
  - (2) Introduce for first reading Ordinance No. XXX N.S. amending the zoning code to permit employee housing as a conditional use in residential, commercial, industrial, agricultural, and the Parks and Open Space zoning districts provided that employee housing shall be appurtenant to an approved commercial or industrial development; and subject to a provision that the ordinance shall sunset (expire) in 5 years; and set April 1, 2003, as the date for adoption of said Ordinance.
- b. (1) Adopt Resolution No. 03-xx approving a Negative Declaration for Code Amendment 02-011; and

- (2) Introduce for first reading Ordinance No. XXX N.S. amending the zoning code to permit employee housing as a conditional use in residential, commercial, industrial, agricultural, and the Parks and Open Space zoning districts provided that employee housing shall be appurtenant to an approved resort/lodging development and subject to a provision that the ordinance shall sunset (expire) in 5 years; and set April 1, 2003, as the date for adoption of said Ordinance.

c. Amend, modify or reject the foregoing 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 3-13 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

3. [Approve Warrant Registers: Nos. 38897 – 39029 \(2/28/03\) to 39030 – 39243 \(2/21/03\)](#)  
M. Compton, Administrative Services Director
4. [Recognition – The Armed Forces of the United States](#)
5. [Proclamation – Public Safety Center Cornerstone Ceremony – March 28, 2003](#)
6. [Recognition – Pat Butler – Recipient of Grace Mitchell Lifetime Achievement Award](#)
7. [Proclamation – Red Cross Month – March 2003](#)
8. [Proclamation – Absolutely Incredible Kid Day – March 20, 2003](#)
9. [Read, by title only, and adopt Ordinance No. xxx N.S. amending the Municipal Code to amend Title 11, Streets and Sidewalks, establishing in-lieu fees for sidewalk waivers and installation of partial street improvements \(Code Amendment 03-001\).](#) (Provides the decision-making body responsible for approving a new development project the authority to waive and/or modify required sidewalk and partial street improvements subject to payment of an in-lieu fee.) FIRST READING MARCH 4, 2003  
R. Lata, Community Development Director
10. [Adopt Resolution No. 03-xx approving a budget appropriation in the amount of \\$17,550 from the Economic Incentive Fund.](#) (Council previously approved economic incentive agreements with JIT Manufacturing. JIT has provided satisfactory documentation of net annual employment/job creation gains to substantiate this incentive payment.)  
M. Compton, Administrative Services Director
11. [Adopt Resolution No. 03-xx \(1\) accepting the recordation of Tract 2369-2; \(2\) approving the Subdivision Improvement Agreement for Tract 2369-2 authorizing deferred construction of the subdivision improvements, with an established deadline of March 18, 2004, to complete these improvements, and that the Mayor be authorized to execute the Agreement; and \(3\) adopt Resolution No. 03-xx annexing Tract 2369-2 into the Landscape and Lighting District.](#) (This is a 35-lot subdivision of a 15.6-acre site, located on Skyview Drive and

Christina Court, north of Union Road along the south side of Montebello Oaks Drive. Applicant is Fallingstar Homes, Inc. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied. Acceptance of public improvements and release of the securities occurs only after these improvements have been constructed to the satisfaction of the City Engineer.)

R. Lata, Community Development Director

12. [Adopt Resolution No. 03-xx \(1\) accepting the recordation of Tract 2404; \(2\) approving the Subdivision Improvement Agreement for Tract 2404, authorizing deferred construction of the subdivision improvements, with an established deadline of March 18m, 2004, to complete these improvements, and that the Mayor be authorized to execute the Agreement; and \(3\) adopt Resolution No. 03-xx annexing Tract 2404 into the Landscape and Lighting District.](#) (Applicant Oak Creek Commons has requested that Tract 2404 be accepted by the City for recordation. This tract is a 31-unit condominium subdivision, along with five single-family lots [total of 36 units] of a 13.8-acre site, located on Nicklaus Drive, south of Niblick Road. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied. Acceptance of public improvements and release of the securities occurs only after these improvements have been constructed to the satisfaction of the City Engineer.)

R. Lata, Community Development Director

13. [Adopt Resolution No. 03-xx declaring intent to abandon the old Hilltop Drive sewer line and setting a Public Hearing for the abandonment proceedings.](#) (Re-routing of the sewer line along Hilltop Road was approved as part of a Capital Improvement Project and Council authorized staff in November 2002 to award the construction contract to Raminha Construction. When the work is completed, the City could then abandon whatever interest it could be considered to have in the old sewer line, following all required notice and hearing procedures.)

#### **ROLL CALL VOTE**

#### **PUBLIC DISCUSSION**

14. [Downtown Diagonal Parking](#)

J. Deakin, Public Works Director

Consider adding diagonal parking areas on downtown streets and appropriating the funds needed to accomplish the project work. (In October 2002, Council directed staff to study downtown streets and return with a plan to implement diagonal parking in the downtown core. The plan was reviewed by the Streets and Utilities Committee and recommended for presentation to Council.)

#### **OPTIONS:**

- a. Adopt Resolution No. 03-xx authorizing the appropriation of \$6,000 to mark approximately 40 additional diagonal parking spaces in the downtown core area.
- b. Amend, modify or reject the above option.

#### **ROLL CALL VOTE**

15. [2003 Annual Street Maintenance Program](#)

J. Deakin, Public Works Director

Consider a recommendation from the Streets and Utilities Committee for the 2003 Annual Street Maintenance Program. (On February 28<sup>th</sup>, the Streets and Utilities Committee considered two options regarding utilization of approximately \$400,000 street maintenance funds for 2003 and selected Option B, choosing to perform annual street maintenance on several streets rather than just one.)

**OPTIONS:**

- a. Accept the recommendation from the Streets and Utilities Committee to perform street maintenance for 2003 on the streets indicated by lines 5, 7, 8, 10, 14, 16 and 17 of the exhibit attached to the staff report.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

16. [4th Street Underpass Alternative Alignments](#)

J. Deakin, Public Works Director

Consider a recommendation from the Streets and Utilities Committee regarding conceptual design for the future re-configuration of the 4<sup>th</sup> Street Underpass. (The underpass is located at the southerly end of both Pine Street and Riverside Avenue, providing access to the southbound on and southbound off "hook ramps" at Highway 101. URS Corporation developed three alternative alignments to re-configure the underpass. The Committee recommends that Alternative No. 2 be adopted as the official "plan line" for the Underpass.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx
  - (1) Accepting the Streets and Utilities Committee recommendation that Alternative No. 2 be adopted as the favored "plan line" for the re-configuration of the 4<sup>th</sup> Street Underpass; and
  - (2) Appropriating a budget of \$154,000 under Budget Account No. 120-910-5452-676 to complete a Project Study Report..
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

17. [Temporary Road Closure \(Sherwood Road, D. Spurr Excavating\)](#)

R. Lata, Community Development Director

Consider allowing the temporary closure of westbound Sherwood Road from Creston Road to Commerce Way. (Applicant has formally requested this temporary closure for a period of ten working days to facilitate road construction associated with the development of new Food 4 Less store. Closure is proposed between the hours of 7:00 AM to 4:00 PM each day of the construction period.)

**OPTIONS:**

- a. Allow the temporary closure of westbound Sherwood Road, in accordance with the proposal by Dave Spurr Excavating.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**18. [Governmental Accounting Standards Board Station No. 34](#)**

M. Compton, Administrative Services Director

Presentation to Council regarding implementation of Governmental Accounting Standards Board Statement No. 34 (GASB 34) and its impact upon the City's financial statements. (GASB 34 is a fundamental change in the financial reporting model for government entities and must be implemented by the City beginning with the current fiscal year.)

**OPTIONS:**

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

**VOICE VOTE**

**19. [Council Advisory Bodies, Boards & Commission Bylaws](#)**

J. App, City Manager

Consider standard bylaws for all City Council Advisory Bodies, Boards and Commissions. (Council adopted policies in 2001 that govern Council-related activities. Pursuant to adoption of the Policies, Council requested development of standard bylaws for all such bodies, and in December 2002, an ad hoc committee was formed to work with staff in preparing standard bylaws.)

**OPTIONS:**

- a. Authorize distribution of the standardized bylaws for review and comment by each Council Advisory Body, Board and Commission.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**20. [Special Event Appropriations](#)**

M. Compton, Administrative Services Director

Consider providing budget appropriations for City staff special event overtime. (In fiscal year 2002, Council appointed an ad hoc committee for the purpose of reviewing options for recouping the cost of City services provided for special events. The recommendation of the committee was to continue subsidizing the special events. Council agreed with the committee's recommendation, but also agreed to allocate additional budget appropriations from General Fund reserves to cover direct departmental costs.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx approving a budget appropriation in the amount of \$40,600 from General Fund reserves.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**CITY MANAGER**

**21. [Transit Advisory Committee – Appointment to Fill Vacated Term](#)**

J. App, City Manager

Consider making an appointment to fill a vacancy on the Transit Advisory Committee. (Advertising to solicit applicants was published with local newspaper. One application has been received.)

**OPTIONS:**

- a. Appoint Chris Iversen as a regular member to the Transit Advisory Committee to complete the vacated regular term expiring 10/31/05 created by the resignation of Lydia Francis.
- b. Re-advertise for a specified length of time for additional applications.
- c. Amend, modify or reject the above option.

**ROLL CALL 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

Initiation of Litigation

Number of cases: Three

**b. Conference with Real Property Negotiator**

Government Code Section 54956.8

Property: 801 4<sup>th</sup> Street (4<sup>th</sup> & Pine)

Negotiating Party: Tom Erskine

City Negotiator: James App, City Manager

Under Negotiation: Sale price, terms and conditions

**ADJOURNMENT:** to the PLANNERS INSTITUTE, MARCH 19 – 22, 2003, AT THE HYATT REGENCY, SAN DIEGO MARINA; TO THE PUBLIC SAFETY CENTER CORNERSTONE CEREMONY AT 11:00 AM ON FRIDAY, MARCH 28, 2003, AT 900 PARK STREET, PASO ROBLES; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, APRIL 1, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR  
COUNCIL MEETING 21, 2003***