

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, June 3 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)

Staff to advise Council of any item on the agenda that is to be deferred or tabled.

PRESENTATIONS - None

NOTICED HEARINGS

1. [City Budget and Financial Plan FY 2004 - 2007](#)

M. Compton, Administrative Services Director

Consider adoption of the proposed Budget and Financial Plan for Fiscal Years 2004 – 2007. (Council held two public budget workshops to review the proposed budgets. Council's ad hoc budget committee and staff have undertaken a lengthy review of the preliminary four-year financial plan, operating budget, and capital improvement projects budget. Given the State budget crisis, the adoption of a one-year budget is recommended, deferring consideration of a second year until the first quarter of 2004.)

OPTIONS:

- a. (1) Adopt Resolution No. 03-xx and approving revenue estimates and appropriations for operating and capital improvement project budgets; and
- (2) Introduce for First Reading Ordinance No. XXX N.S. modifying sewer user fees; and set June 17, 2003, as the date for adoption of said Ordinance.
- b. Provide direction to staff as to any further budget modifications and return June 17th for budget adoption action.
- c. Amend, modify or reject any of the above options.

ROLL CALL VOTE

2. [Specific Plan Amendment 03-002 for a Neighborhood Commercial Center – The Marketplace at River Oaks, Borkey Area Specific Plan \(Dick Willhoit, Estrella Associates, Inc.\)](#)

R. Lata, Community Development Director

Consider amending the Borkey Area Specific Plan (BASP) to allow a 10-foot building setback along Buena Vista Road instead of the prescribed 30-foot setback. (The approximately 5.45-acre Neighborhood Commercial Center site is located at the northwest corner of Buena Vista Drive and Experimental Station Road. The Planning Commission has recommended that Council approve the reduction of the setback.)

OPTIONS:

- a. (1) Adopt Resolution No. 03-xx issuing a Negative Declaration for the Specific Plan Amendment 03-002 to the Borkey Area Specific Plan.

- (2) Introduce for First Reading Ordinance No. XXX N.S. incorporating Specific Plan Amendment 03-002 into the Borkey Area Specific Plan, and set June 17, 2003, as the date for adoption of said ordinance. Under this option, the applicant's request for a 10-foot minimum building setback along Experimental Station Road would be approved.
- b. Direct that the existing 30-foot minimum building setback from Experimental Station Road be maintained. Under this option, the applicant's request would not be granted.
- c. Amend, modify or reject any of the above options.

ROLL CALL VOTE

3. [Code Amendment 03-004 – Second Units](#)

R. Lata, Community Development Director

Consider a City-initiated amendment to the Zoning Code to revise the regulations for second (dwelling) units. (On July 1, 2003, an amended Government Code Section 65852.2, which establishes regulations for second units, becomes effective. Under this law, the City cannot restrict occupancy of second units to seniors and persons related to the owner.)

OPTIONS:

- a. Introduce for First Reading Ordinance No. XXX N.S. amending the Zoning Code to establish regulations for second units; and set June 17, 2003, as the date for adoption of said ordinance.
- b. Introduce for First Reading Ordinance No. XXX N.S. amending the Zoning Code to establish regulations for second units, including the option to prohibit second units in the Orchard Bungalow area; and set June 17, 2003, as the date for adoption of said ordinance.
- c. Amend, modify or reject any of 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 4-11 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.**

4. [Approve City Council minutes of May 20, 2003](#)

D. Fansler, City Clerk

5. [Approve Warrant Registers: Nos. 40497 – 40651 \(5/16/03\) and 40652 – 40804 \(5/23/03\)](#)

M. Compton, Administrative Services Director

6. Receive and file Advisory Body Committee minutes as follows:
 Airport Advisory Committee meetings of [March 27](#) and [April 24, 2003](#)
 Housing Authority meeting of [May 13, 2003](#)
 Parks & Recreation Advisory Committee meeting of [April 8, 2003](#)
 Senior Citizen Advisory Committee meeting of [March 10](#) and [April 14, 2003](#)

7. [Adopt Resolution No. 03-xx awarding a construction contract for street maintenance and repair to A.J. Diani Construction of Santa Maria in the amount of \\$304,658.50.](#) (In March 2003, Council adopted the recommendation from the Streets & Utilities Committee analyzing the top 48 streets in the City requiring maintenance, and directed staff to prepare contract documents for bidding. Five bids were received at the Bid Opening on May 22nd, ranging from \$304,658.50 to \$409,883.)
 J. Deakin, Public Works Director

8. [Adopt Resolution No. 03-xx accepting the recordation of Tract 2472 \(Koman & Herrontown Properties, LLC\); approve execution of Subdivision Improvements Agreement authorizing deferred construction of the subdivision improvements; and adopt Resolution No. 03-xx annexing Tract 2472 into the Landscape and Lighting District \(L&LD\).](#) (Property is a 24-lot Planned Unit Development subdivision of a 2.87-acre site, located on the north side of Creston Road, between North Trigo Lane and Ivy Lane. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission in June 2002 have been satisfied.)
 R. Lata, Community Development Director

9. [Adopt Resolution No. 03-xx accepting the recordation of Parcel Map PR 01-355.](#) (Property is a 1-lot residential subdivision located at 1650 Kleck Road. Applicant is Margaret Pemberton. In May 2003, Council approved applicant's request to maintain a well on the property for agricultural purposes subject to recordation of constructive notice of termination of such approval upon sale or further development of the property. Said constructive notice has been submitted and will record with the parcel map.)
 R. Lata, Community Development Director

10. [Authorize execution of a Lease Option and Lease for real property, formerly Fire Station #1, to Children's Museum.](#) (Property is located at 623 13th Street. Council authorized negotiation of a non-profit lease to the newly formed Children's Museum. The 30-year lease has been negotiated within established parameters.)
 J. App, City Manager

11. [Adopt Resolution No. 03-xx approving an amendment for paying and reporting the value of employer paid member contributions for the California Public Employee Retirement System \(CalPERS\) "miscellaneous" group, effective the payroll period ending July 5, 2003.](#) (This retirement reporting benefit is required under adopted labor agreements and adoption will implement the wage-reporting requirement of these approved agreements.)
 M. Williamson, Assistant to the City Manager

ROLL CALL VOTE

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PUBLIC DISCUSSION

12. [Request to Remove One Oak Tree – 443 10th Street \(Mannen\)](#)

R. Lata, Community Development Director/ J. Deakin, Public Works Director

Consider a request from Alice Mannen to remove one 48-inch Coast Live Oak at 443 10th Street. (An Arborist Report submitted in May 2003 indicates that the tree is an immediate hazard and strongly recommends removal of the tree.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving the oak tree removal request based on the arborist report identifying that the tree has significant trunk and root rot and is an immediate hazard to the existing structures underneath the tree, and require replacement ratio of 12-inches of Coast Live Oaks, which shall be planted on site, in proper locations and proper techniques per the Arborist or other horticulture professional and/or donating trees to the City for future planting in a public area.
- b. Amend, modify or reject the above option.

ROLL CALL VOTE

13. [Use of Septic System – 1555 Lyle Lane \(Stark\)](#)

R. Lata, Community Development Director/ J. Deakin, Public Works Director

Consider a request to allow septic tank usage and replace an existing leach field at an existing single-family residence at 1555 Lyle Lane. (Property is north of Union Road, between Kleck Road and Prospect Avenue. Current Municipal Code only allows for construction of a septic tank if a sewer is not available. The nearest available sanitary sewer main is at the intersection of Kleck Road and Union Road, approximately 800 feet to the west. Adjacent lots in this area are serviced by septic systems.)

OPTIONS:

- a. Adopt Resolution No. 03-xxx authorizing continued usage of a septic system for an existing single family residence at 1555 Lyle Lane (APN 025-011-032/Stark) subject to Conditions “a” through “k” as stated in Municipal Code Section 14.08.070 K 4 “Conditions” and subject to the condition that the applicant connect to City water and abandon the existing well in accordance with the requirements of Municipal Code Section 14.06.048.
- b. Deny the request of continued use of a septic system at their property at 1555 Lyle Lane, and direct applicant to extend a sanitary sewer main from the intersection of Kleck Road and Union Road to the subject property.
- c. Amend, modify or reject the above options.

ROLL CALL VOTE

14. [Restaurant Lease – Airport Terminal](#)

J. Deakin, Public Works Director

Consider approving a Food Service Concession and Lease Agreement for the Airport Terminal restaurant. (A Council appointed ad hoc committee was formed in to review proposals to operate restaurant/food service in the Airport Terminal and negotiate with prospective operators. The committee reviewed the proposal submitted by Matthew Riley.)

OPTIONS:

a. Adopt Resolution No. 03-xx:

- (1)** Approving the lease agreement with Riley's Restaurant Corporation for restaurant service in the Airport Terminal; and
- (2)** Authorizing the City Manager to execute the Equipment Purchase Agreement (per lease clause 4.A) and the Tenant Improvements Agreement (per lease clause 4.B) in accordance with the lease provisions; and
- (3)** Directing staff to record the Memorandum of Lease.

b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

CITY MANAGER

15. [Schedule Date for Applicant Interviews/Appointments – Library Board of Trustees](#)

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Library Board of Trustees.

2 vacancies with 3-year terms expiring June 30, 2006; 3 applicants

Melanie T. Rys
I. Rudyard Stone (incumbent)
Denise E. Surber

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, 2nd Floor

a. Conference with Legal Counsel – Anticipated Litigation

Subdivision (c) of Government Code Section 54956.9

Initiation of Litigation

Number of cases: Three

b. 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

ADJOURNMENT: to THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JUNE 17, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR
COUNCIL MEETING IS JUNE 6, 2003***