

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, August 5, 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

PUBLIC HEARINGS

1. [Code Amendment 03-006: Allow Zero Setbacks for Buildings along Spring Street between 1st and 9th Streets \(Culver\)](#)

R. Lata, Community Development Director

Consider a change in the Zoning Code of the Municipal Code to amend Table 21.16.210 to allow zero setbacks for buildings along Spring Street, south of 9th Street. (Current Code requires a 15-foot landscaped setback for buildings along Spring Street, except for the area between 9th and 16th Streets, where no setbacks are required. Applicant Mitchell Culver is proposing the construction of a building having a zero setback on the vacant parcel located at 724 Spring Street. The bottom floor of the 4,200 square foot building would be commercial/retail and the upper floor would be residential/caretaker.)

OPTIONS:

- a. **(1)** Adopt Resolution No. 03-xx adopting a Negative Declaration for Code Amendment 03-006.
 - (2)** Introduce for first reading Ordinance No. XXX N.S. approving Code Amendment 03-006 amending Title 21 of the Zoning Code of the Municipal Code to amend Table 21.16.210 to allow zero setbacks for buildings along Spring Street between 1st and 9th Streets; and set August 19, 2003, as the date for adoption of said Ordinance.
- b. Request additional information and analysis.
- c. Amend, modify or reject the above option.

ROLL CALL VOTE

2. [Rezone 03-002: Zone Change for 935 Creston Road \(Bernard\)](#)

R. Lata, Community Development Director

Consider a zone change of the approximate one-acre property located at 935 Creston Road to bring the zoning into conformity with its General Plan land use designation of RMF-L (Residential Multiple Family – Low, up to 8 units/acre). (Property is situated generally to the west of Orchard Drive. Applicant Nanci Bernard is seeking to change the present zoning of R1 [Single-family Residential] to R2 PD [Duplex/Triplex Planned Development].)

OPTIONS:

- a. Introduce for first reading Ordinance No. XXX N.S. amending Title 21 of the Zoning Code of the Municipal Code approving a zoning map change for 935 Creston Road (Assessor Parcel No. 009-641-002) from R1 (Single-family Residential) to R2 PD (Duplex/Triplex Planned Development); and set August 19, 2003, as the date for adoption of said Ordinance.
- b. Request additional information and analysis.
- c. Amend, modify or reject the above option.

ROLL CALL VOTE

3. [Rezone 03-004: Zone Change for 2500 Dry Creek Road \(Hogue, Inc.\)](#)

R. Lata, Community Development Director

Consider amending Title 21 of the Municipal Code to apply an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road. (Property is approximately 102 acres at the southwest corner of Airport Road and Dry Creek Road, adjacent to the Paso Robles Municipal Airport. Applicant Aaron Hogue made application for a zone change to accommodate continued agricultural operation of his vineyard and allow use of a gravel [versus asphalt] drive for access to a caretaker's unit. At its July 8th meeting, the Planning Commission recommended approval of this zone change.)

OPTIONS:

- a. Introduce for first reading Ordinance No. XXX N.S. amending Title 21 of the Zoning Code of the Municipal Code to apply an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road (APN 025-431-031); and set August 19, 2003, as the date for adoption of said Ordinance.
- b. Amend, modify or reject the above option.

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

4. [Approve City Council minutes of \[May 14\], \[May 21\], \[June 3\], \[June 17\], \[June 24\], \[July 9\], and \[July 15\], 2003.](#)

D. Fansler, City Clerk

5. [Approve Warrant Registers: Nos. 41568 – 41691 \(7/10/03\), 41692 – 41857 \(7/17/03\) and 41858 – 41980 \(7/25/03\)](#)

M. Compton, Administrative Services Director

6. Receive and file Advisory Body Committee minutes as follows:
[Housing Authority meeting of July 8, 2003](#)
[Library Board meeting of June 12, 2003](#)
[Parks & Recreation Advisory Committee meeting of June 10, 2003](#)
[Pioneer Museum Board of Directors meeting of June 12, 2003](#)
[Senior Citizen Advisory Committee meeting of June 9, 2003](#)
7. Proclamation: *Fifth Annual Relay for Life Day – August 23 and 24*
 F. Mecham, Mayor
8. Read, by title only, and adopt Ordinance No. XXX N.S. amending the Zoning Code of the Municipal Code to establish regulations for Residential Density Bonuses. (The California Government Code requires local governments to grant density bonuses and other incentives for housing projects that are affordable to moderate-, low-, and very low-income households. At its meeting of June 10, 2003, the Planning Commission conducted a public hearing and unanimously recommended that the Council approve the draft ordinance.) FIRST READING JULY 15, 2003
 R. Lata, Community Development Director
9. Adopt Resolution No. 03-xx approving an Operator's Agreement and authorize the Mayor to execute the Agreement. (At its April 15th meeting, Council approved a Memorandum of Understanding [MOU] with the regional transit planning agency, San Luis Obispo Council of Governments (SLOCOG). This action represented the first step towards submission of an application for Federal Transit Administration 5307 funding. The approved MOU called for the execution of an operator's agreement within 180 days of the adoption of the MOU.)
 M. Compton, Administrative Services Director
10. Adopt Resolution No. 03-xx authorizing the filing of applications for Federal Transit Administration (FTA) 5307 funding and giving the City Manager or his designee the authority to execute said applications. (Council approved Resolution No. 03-102 on June 17th authorizing the filing of applications for FTA funding. Subsequently, the FTA advised that the words "or his designee" needed to be included in all three of the resolution paragraphs designating signatory authority.)
 M. Compton, Administrative Services Director
11. Adopt Resolution No. 03-xx approving a Sublease Agreement between B. Kim Lilly (Airport Rental & Leasing) and Marguerite Nunn for property on the Municipal Airport. (The City currently holds a long-term property lease, in good standing, with Airport Rental & Leasing at 4720 Wing Way, and the requested sublease is consistent with the provisions of this lease.)
 J. Deakin, Public Works Director
12. Authorize the City Manager to sign contracts for plan review services with firms currently under contract with the City, including Naffa, Inc. (The Building Division uses outside sources for contract plan review, and it is periodically necessary to update these contracts.)
 R. Lata, Community Development Director
13. Adopt Resolution No. 03-xx allocating the City's allotment of 2003 Community Development Block Grant (CDBG) funds. (Council adopted resolutions in March and April 2003 determining which activities were to be funded with the City's 2003 CDBG funds. The City needs to make appropriations for the projects.)
 R. Lata, Community Development Director

14. [Receive and file a request to rescind approval for Parcel Map PR 01-266, as the map was recorded in the Office of the County Recorder on July 11, 2003, and no further action on the part of Council is required.](#) (Property is a 3-lot subdivision located on the east side of Golden Hill Road, north of Rolling Hills Road and south of Gilead Lane. Parcel Map PR 01-266 was tentatively approved by the Planning Commission on July 24, 2001, and accepted by Council on May 20, 2003.)
R. Lata, Community Development Director
15. [Adopt Resolution No. 03-xx accepting the public improvements of Tract 2350 Phases 1 & 2 \(Lots 1-91\) 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 \\$500,000.](#) (This subdivision is located on Golden Hill Road and Rolling Hills Road, north of Creston Road. Public improvements, which the developer was required to install, have been constructed to the satisfaction of the City.)
R. Lata, Community Development Director
16. [Dissolve the ad hoc committee formed in April 2003 to work with Community Development on updating fees for services in Building, Engineering and Planning Divisions, as the work of the committee has been completed.](#)
R. Lata, Community Development Director

ROLL CALL VOTE

PUBLIC DISCUSSION

17. [Request to Remove Oak Tree – 130 17th Street \(Cardelli\)](#)
R. Lata, Community Development Director

Consider a request from Warren Cardelli to remove one 30-inch Blue Oak at 130 17th Street. (An Arborist Report performed by Arbor Tree Surgery on June 9th indicates that the tree is diseased beyond correction. As the tree trunk is divided into two scaffolds and is structurally weak and dangerous, the arborist recommends removal of the tree.)

OPTIONS:

- a. Adopt Resolution No. 03-xx (1) approving the oak tree removal request based on the arborist report identifying the tree as diseased beyond correction, because the trunk is divided into two scaffolds and the tree is structurally weak and dangerous; and (2) based on the decline of the tree not being the property owner's fault, waiving the requirement for replacement trees.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

18. [Request to Remove Oak Tree – 1683 Bella Vista Court \(Wise\)](#)
R. Lata, Community Development Director

Consider a request from Cindy and Larry Wise to remove one 31-inch Blue Oak at 1683 Bella Vista Court. (An Arborist Report performed on June 29, 2003 indicates that the tree is diseased beyond correction and recommends removal of the tree.)

OPTIONS:

- a. Adopt Resolution No. 03-xx (1) approving the oak tree removal request based on the arborist report identifying the tree as being in severe decline, with no signs of recovery; and (2) waiving the requirement for replacement trees based on the Arborist's finding that the decline of the tree is not the property owner's fault.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

19. [Request for Service with Septic Systems – Tract 2521 \(Bertoni\)](#)

R. Lata, Community Development Director

Consider a request from John Bertoni to service nine lots (including two with existing houses on septic systems) with septic systems, as part of the development of Tract 2521. (Tract 2521 is located at 75 21st Street and is a subdivision of two existing lots into nine lots. The property consists of 11.9 acres, with each lot proposed to be at least one acre in size. In lieu of approving septic systems, the Public Works Department is recommending that the subdivider extend the sewer in 21st Street to serve the subdivision.)

OPTIONS:

- a. Adopt Resolution No. 03-xx denying a request for use of septic systems for lots in Tract 2521.
- b. Adopt Resolution No. 03-xx authorizing use of septic systems for lots in Tract 2521.
- c. Amend, modify or reject any of the above options.

ROLL CALL VOTE

20. [Speed Zone Survey – Five Year Update](#)

D. Cassidy, Chief of Police

Review and consider acceptance of the Speed Zone Survey completed by Omni-Means. (The City is required to complete a speed zone study every five years in order to comply with the State Vehicle Code for enforcement by use of radar. 52 roadway segments were surveyed in the Speed Zone Survey project. The Police Department has reviewed the data and recommends ratification and adjustment of speed limit signs recommended by Omni-Means.)

OPTIONS:

- a. Adopt Resolution No. 03-xx accepting the Speed Zone Surveys and authorizing the update and enforcement of posted speed limits within the City of Paso Robles.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

21. [Traffic-Calming Measures – Rambouillet Road/Nicklaus Drive Corridor](#)

J. Deakin, Public Works Director

Consider speed-reducing road design alternatives (traffic-calming measures) in the Rambouillet Road/Nicklaus Drive corridor. (Omni Means Traffic Engineers completed a Traffic Calming Study for this corridor in June 2002. After a review by the Streets and Utilities Committee in July 2003, the Committee recommended presentation of the traffic-calming alternatives and their related costs to the full Council.)

OPTIONS:

- a. Receive and file report on traffic-calming measures in the Rambouillet Road/Nicklaus Drive corridor; and select a two-member ad hoc committee to analyze and report on traffic-calming alternatives to the Streets and Utilities Committee, reporting back to the full Council by December 31, 2003.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

22. [Lead Abatement Remediation – 13th Street Bridge Widening Project](#)

J. Deakin, Public Works Director

Consider entering an agreement with Portney Construction to perform lead abatement/remediation measures for the 13th Street Bridge Widening project. (The City needs to demolish existing structures on the former “White/Dodd” property in order to convert the property to its intended use—open space, passive use. Prior to demolition, lead abatement/remediation on the structures must be performed.)

OPTIONS:

- a. Adopt Resolution No. 03-xx directing the City Manager to enter into a Professional Services Agreement with Portney Construction to perform lead abatement/remediation services based on Proposal No. 1 identified in the staff report, for a not-to-exceed fee of \$40,025.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

23. [North County Transit Study – Review Scope of Work](#)

M. Compton, Administrative Services Director

Review and comment on proposed Scope of Work for a Request for Proposals to be distributed by San Luis Obispo Council of Governments (COG) for a North County Transit Study. (North County transit providers agreed to a one-time allocation of monies from Federal Transit Administration 5307 funds for COG to undertake this study.)

OPTIONS:

- a. Provide feedback to the San Luis Obispo Council of Governments relative to the Scope of Work for the North County Transit Study.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

CITY MANAGER

24. [Council Advisory Bodies – Term Limits](#)

J. App, City Manager

Clarify policy intent regarding the implementation of term limits for Advisory Body members. (Council Policies & Procedures were adopted by Council in December 2001. The Policies include provisions limiting Advisory Body members to three consecutive terms of service. At the time of Policy adoption, implementation details were not examined. Since adoption, some re-appointments have been, or may be, considered that require clarification of policy intent.)

OPTIONS:

- a. Clarify Policy intent regarding application of term limits for Advisory Body membership.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION – None

AD HOC COUNCIL BUSINESS

25. [Federal Transit Administration \(FTA\) 5307 Memorandum of Understanding \(MOU\) - Committee Appointments](#)

M. Compton, Administrative Services Director

Consider appointing committee members to the North County Transit Technical Committee and the North County Transit Policy Committee. (In April 2003, Council approved an MOU with the City of Atascadero, County of San Luis Obispo, San Luis Obispo Council of Governments and San Luis Obispo Regional Transit Authority regarding the “planning” aspect of FTA 5307 funding. A section of the MOU relating to “governance” establishes two aforementioned committees.)

OPTIONS:

- a. Adopt Resolution No. 03-xx appointing committee members to the North County Transit Technical Committee and the North County Transit Policy Committee.
- b. Amend, modify or reject the above option.

VOICE VOTE

26. [Newsrack Ordinance Amendment - Appointment of Ad Hoc Committee](#)

R. Lata, Community Development Director

Consider forming an ad hoc committee to discuss amendments to the City's newsrack ordinance and to discuss possible adoption of a City-standard newsrack enclosure.

OPTIONS:

- a. Appoint a two-member ad hoc committee to discuss amendments to the City's newsrack ordinance and to discuss possible adoption of a City-standard newsrack enclosure, and report back to the full City Council by December 31, 2003.
- b. Amend, modify or reject the above option.

VOICE VOTE

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: Two

b. Public Employee Performance Evaluation

Government Code Section 54957

Title: City Manager

ADJOURNMENT: to THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) GENERAL PLAN WORKSHOP AT 9:00 AM ON THURSDAY, AUGUST 21, 2003, IN THE CHAMBERS OF THE COUNTY BOARD OF SUPERVISORS, 1035 PALM STREET, SAN LUIS OBISPO; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, AUGUST 19, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR
COUNCIL MEETING IS AUGUST 8, 2003***