

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 19, 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)

Agenda Items No. 1 and 2; staff to advise Council of any additional items on the agenda that are to be deferred or tabled.

PRESENTATIONS - None

PUBLIC HEARINGS

1. [Continue Hearing - Code Amendment 02-007 - Signs](#)

R. Lata, Community Development Director

Consider continuing this item regarding an update of the City's sign ordinance. (In light of legal issues, complexity and other pending projects, additional time is needed to refine the text of the proposed Ordinance.) CONTINUED FROM MAY 6, 2003

OPTIONS:

- a. Accept public testimony and continue the open public hearing to the Council's regular meeting on February 3, 2004.
- b. Amend, modify, or reject the above option.

ROLL CALL

2. [Continue Hearing - Code Amendment Regarding Limitation on Vehicle Weights in Residential Zones](#)

R. Lata, Community Development Director

Consider continuing a public hearing to establish vehicle weight limits on residential streets. (During the summer of 2002 Council discussed options to limit the weight of trucks within residential zoned areas. Further action was deferred pending a court decision that could impact the City's ability to enforce vehicle weight restrictions. Subsequently, the City Attorney advised that the City could proceed with consideration of an Ordinance. CONTINUED FROM MAY 6, 2003

OPTIONS:

- a. Accept public testimony and continue the open noticed hearing regarding vehicle weight restrictions in residential areas to February 3, 2004, in order to have adequate time to assemble the related information and analyze the City's options.
- b. Amend, modify or reject the foregoing 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 3 – 20 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

3. [Approve City Council minutes of July 29 and August 5, 2003.](#)
D. Fansler, City Clerk
4. [Approve Warrant Registers: Nos. 41981 – 42138 \(8/1/03\) and 42139 – 42271 \(8/8/03\)](#)
M. Compton, Administrative Services Director
5. [Proclamation: California History Week, September 7 - 13, 2003](#)
F. Mecham, Mayor
6. [Read, by title only, and adopt 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 \(APN 025-431-031\) – Rezone 03-004.](#) (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.) FIRST READING AUGUST 5, 2003
R. Lata, Community Development Director
7. [Read, by title only, and adopt Ordinance No. XXX N.S. 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 \(Code Amendment 03-006\).](#) (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.) FIRST READING AUGUST 5, 2003
R. Lata, Community Development Director
8. [Adopt Resolution No. 03-xx accepting the recordation of Parcel Map PR 02-277, a two-lot residential subdivision located at 524 7th Street.](#) (Applicants: Kevin and Jo Anne Taylor. Parcel Map was tentatively approved by the Planning Commission on October 22, 2002. All conditions imposed by the Planning Commission have been satisfied.)
R. Lata, Community Development Director
9. [Adopt Resolution No. 03-xx accepting the public improvements of Tract 1632-9, Lots 290-319, 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 \\$61,267.](#) (This subdivision is located on Larkfield Place and Riata Court, north of Sycamore Canyon Drive and west of Airport Road. Public improvements, which the developer was required to install, have been constructed to the satisfaction of the City.)
R. Lata, Community Development Director

10. [Adopt Resolution No. 03-xx accepting the public improvements of Tract 2369-1, Lots 1 - 71, 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 \\$445,529.](#) (This subdivision is located on Kleck Road and Montebello Oaks Drive, north of Union Road. Public improvements, which the developer was required to install, have been constructed to the satisfaction of the City.)
R. Lata, Community Development Director
11. [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
12. [Adopt Resolution No. 03-xx \(1\) accepting for recordation of Tract 2254-3 a 55-lot subdivision located at the northwest corner of Creston Road and Beechwood Drive, and \(2\) approving the Subdivision Improvement Agreement for Tract 2254-3, authorizing deferred construction of the subdivision improvements, with an established deadline of August 19, 2004, to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopting Resolution No. 03-xx annexing Tract 2254-3 into the Landscape and Lighting District.](#) (Tract 2254-3 was originally approved by the Planning Commission on January 12, 1999. With the exception of the construction of the public improvements, all condition imposed by the Planning Commission have been satisfied.)
R. Lata, Community Development Director
13. [Adopt Resolution No. 03-accepting the Grant of Avigation Easement from the Stephenson Living Trust for property located at 3600 Dry Creek Road.](#) (Property was developed under PD 01-009, a commercial-industrial building development. Property owners John and Brenda Stephenson have provided a Grant of Avigation Easement for the purposes of making all future owners of the Stephenson property aware of the potential of noise associated with the proximity of the Airport and to provide clearance for the continued operation of the Airport as required by the Planning Commission as a condition of development.)
R. Lata, Community Development Director
14. [Adopt Resolution No. 03-xx approving a salary adjustment for the City Manager in accordance with the City Manager Employment Contract.](#) (Based on the annual review of the City Manager's performance recently conducted by the City Council, and in accordance with the terms of the Contract, the annual base salary of the City Manager will increase to \$122,156 effective September 1, 2003.)
I. Yang, City Attorney
15. [Adopt Resolution No. 03-xx accepting the California State Supplemental Law Enforcement Service funds \[SLESF\] in the amount of \\$100,000 \[maximum\], which will be used for future purchasing of technological equipment and software upgrades.](#) (With the acceptance of the SLESF funds, additional needed technological equipment/software can be purchased to interface with or replace existing equipment and enhance existing capabilities, allowing better utilization of systems now in place.)
D. Cassidy, Chief of Police
16. [Dissolve the ad hoc committee formed in January 2003 to review the 2-year Budget/4-year Financial Plan.](#) (As the budget for fiscal year 2004 was adopted by Council on June 3, 2003, the work of the committee is finished.)
M. Compton, Administrative Services Director

17. [Extend the ad hoc committee formed in July 2001 to review proposals for an Airport Terminal restaurant operator to November 1, 2003.](#) (Although, a lease has been signed with the restaurant operator, minor issues remain in negotiating peripheral agreements associated with this operation.)
J. Deakin, Public Works Director
18. [Extend the ad hoc committee formed in January 2003 to review proposals for airport development and the airport leasing policy to December 1, 2003.](#) (The committee has reviewed a number of lease proposals and initiated review work on airport policy. Additional work is required before bringing recommendations back to the full Council.)
J. Deakin, Public Works Director
19. [Extend the ad hoc committee formed in June 2001 to review the Airport Master Plan and the Airport Land Use Plan revision project to December 1, 2003.](#) (Work on the Master Plan and Airport Land Use Plan has progressed significantly and the City is now entering the public comment and final adoption phases. The Committee is proposed to be retained in order to complete the review and adoption process.)
J. Deakin, Public Works Director
20. [Extend the ad hoc committee formed in March 2003 to work with staff in preparing an outreach and mapping project for the Salinas River to December 16, 2003.](#) (The Committee is recommended to be retained, as the work of the committee is not yet completed.)
J. Deakin, Public Works Director

ROLL CALL VOTE

PUBLIC DISCUSSION

21. [Kinetics Services, Inc. – Energy Conservation Proposal](#)
J. Deakin, Public Works Director

Consider a proposal from Kinetics Services, Inc., to design and build energy saving systems for City facilities. (Kinetics Services, Inc. presented an unsolicited proposal to the City to design and build energy retrofit projects. The projects could be installed to conserve and/or generate energy for City facilities.)

OPTIONS:

- a. Assign a two-member ad hoc committee, with staff support, to further develop the proposal submitted by Kinetics Services, Inc. into an agreement that is tentatively acceptable to both the City and Kinetics, and to return to Council by November 18, 2003, for a decision to accept or deny the proposed agreement
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

22. [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.) CONTINUED FROM AUGUST 5, 2003

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

23. [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.) CONTINUED FROM AUGUST 5, 2003

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

24. [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.) CONTINUED FROM AUGUST 5, 2003

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

25. [Airport Master Plan and Land Use Plan](#)

J. Deakin, Public Works Director

Review the draft Airport Master Plan update and the proposed Airport Land Use Plan amendment, consider the concerns and comments from the Airport Advisory Committee, the Planning Commission, and any interest public, and direct staff to forward the documents to outside agencies for review, comment and/or adoption, as appropriate. (The Airport Master Plan provides a blueprint for the long-term development of aviation related facilities at the Municipal Airport through the year 2020. The Master Plan is not designed to address non-aviation [e.g., commercial and industrial] land uses in the vicinity of the Airport. Although the Airport Master Plan will be referred to the County Airport Land Use Commission for their review and comment, the adoption of the City's Master Plan is the jurisdiction of the City Council. Along with the update of the Airport Master Plan, the City contracted for preparation of a Draft Airport Land Use Plan. This document complements the City's Airport Master Plan, but is intended to be adopted by the County Airport Land Use Commission.)

OPTIONS:

- a. Approve the draft Airport Master Plan update and the proposed Airport Land Use Plan amendment as suitable for public review and comment, and direct staff to forward the documents to outside agencies for review, comment and/or adoption, as required.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

26. [Master Plan for Blackburn Area](#)

R. Lata, Community Development Director

Consider approving a recommendation of the Planning Commission to adopt a Master Plan for development in the vicinity of Blackburn Street, east of Grove Street. (In 2002, Council authorized preparation of a study of development opportunities in this area. Results of the study were presented at a public workshop held on July 22nd and comments were received from interested property owners and the public in attendance. The comments were not in conflict with the study recommendations.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving the recommendations of the Blackburn Area Study as a Master Plan for development within the geographic area addressed by the Study.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

27. [South River Road Turning Lane](#)

J. Deakin, Public Works Director

Consider installation of a turning lane on South River Road, from Serenade Drive to Charolais Road. (In July 2003, the Streets and Utilities Committee voted to deny a request from residents of the Riverbank Tract to install stop signs on South River Road at either Bridgegate Lane or Riverbank Lane, and chose instead to endorse the design and installation of a new two-way turn lane striping. The design of striping should be provided by a Traffic Engineer. Total cost of design and installation is estimated to be \$5,000 and would be funded from the City's Gas Tax Fund.)

OPTIONS:

- a. Adopt Resolution No. 03-xx (1) approving the design and installation of new two-way turn lane striping on South River Road, from Serenade Drive to Charolais Road and (2) approving a one-time budget appropriation of \$5,000 from Gas Tax Funds to Budget Account No. 200-310-5224-162 for design and installation of the turning lane.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

28. [Parking Restrictions \(Red Curb\) on Theater Drive](#)

J. Deakin, Public Works Director

Consider parking restrictions (red curb) on Theater Drive. (A study of Theater Drive, south of the Highway 46 intersection to the City limits, reveals unsafe traffic conditions. If cars are parked on the street near the entry/exit points, traffic ingress and egress site distance is considerably less than the 400 feet considered safe entry into traffic traveling at speeds in excess of 45 mph. To mitigate this site line problem, restricted parking [red curbs] is recommended.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving parking restrictions (red curbs) on Theater Drive as follows:
 - 50 feet of red curb north of the north Big Oak Auto Center entry/exit (on Pete Johnston's frontage)
 - Solid red curb along the entire San Luis Bay Motors frontage
 - Solid red curb along the entire frontage of Boatman's Furniture frontage
 - Solid red curb along the entire frontage of Durand's property
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

29. [All-Way Stop at Intersection of 8th Street and Oak Street](#)

J. Deakin, Public Works Director

Consider installation of traffic controls (stop signs) at the intersection of 8th and Oak Streets. (This intersection is currently controlled by stop signs at 8th Street on the east and west sides of Oak. Two sightline obstructions—a hedge and a large oak tree—are located at the southeast corner. At their July 27th meeting, the Streets and Utilities Committee recommended installation of an all-way stop as the best option to meet the need for safety enhancement, while retaining the on-street parking for area businesses.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving the installation of an all-way stop at the intersection of 8th Street and Oak Street.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

30. [All Way Stop at Intersection of South River Road and Charolais Road](#)

J. Deakin, Public Works Director

Consider installation of traffic controls (stop signs) at the intersection of South River Road and Charolais Road. (This is a tee intersection of two arterial streets, with predominant traffic flows southbound South River Road turning left to eastbound Charolais Road and westbound Charolais Road turning right to northbound South River Road. In response to concerns of residents regarding safe left turning movement at this intersection, the Streets and Utilities Committee has recommended installation of the all-way stop for a test period of six months.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving the installation of an all-way stop at the intersection of South River Road and Charolais Road.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

31. [All Way Stop at Intersection of 12th Street and Fresno Street](#)

J. Deakin, Public Works Director

Consider installation of traffic controls (stop signs) at the intersection of 12th Street and Fresno Street. (Eastbound 12th Street is 50 feet wide and has a substantial downhill grade as it enters the City and continues downhill to the Vine Street intersection. In response to concerns of residents regarding speeding motorists and sight line challenges at this intersection, the Streets and Utilities Committee has recommended installation of an all-way stop to mitigate these safety issues in this residential area.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving the installation of an all-way stop at the intersection 12th Street and Fresno Street.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

32. [Request to Close 11th Street from Spring to Park Streets for Country Farm and Craft Market \(Suschke\) – Miscellaneous 03-005](#)

R. Lata, Community Development Director

Consider a request from Judy Ann Suschke on behalf of Country Farm and Craft to close the portion of 11th Street between Spring and Park Streets for a Farm and Craft Market. (Closure is requested on Saturdays from 7:30 a.m. to 12:45 p.m. The market would start at 8:00 a.m. and end at noon. Main Street recommends approving the request, as it would encourage residents to come into the Downtown area on Saturday mornings.)

OPTIONS:

- a. Adopt Resolution No. 03-xx allowing the closure of 11th Street between Spring and Park Streets for a Farm and Craft Market for specified times, subject to the rules and regulations and condition of approval.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

33. [CalHome First-time Homebuyers Loan Program – Maximum Loan Amounts](#)

R. Lata, Community Development Director

Consider establishing a maximum loan amount for deferred-payment (“silent”) second mortgage loans to first-time homebuyers under the City’s CalHome Loan Grant. (In 2001, the City received a grant from the State of California CalHome Program for the purpose of making silent second mortgage loans to first-time homebuyers. State regulations at that time specified that the maximum loan amount would be \$30,000. In July 2003, the State Department of Housing and Community Development [HCD] informed the City that state regulations had been amended to remove the maximum loan amount.)

OPTIONS:

- a. Establish a maximum loan amount of \$90,000 for CalHome deferred-payment second mortgage loans to first-time homebuyers.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

34. [North County Transportation Center Platform Tactile Tiles](#)

J. Deakin, Public Works Director

Consider appropriating \$25,000 to repair or replace damaged tactile tiles at the North County Transportation Center. (The damaged tiles are a public safety hazard. Staff is requesting that Council authorize the letting of a contract to repair the tiles without bid and declare the work as being required under emergency work as allowed under current Public Contract Code.)

OPTIONS:

- a. Adopt Resolution No. 03-xx approving a one-time budget appropriation of \$25,000 to Budget Account No. 206-140-5221-240 and declaring the work to be done without bid in accordance with Public Contract Code Section 22050.
- b. Amend, modify or reject any of 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. Conference with Labor Negotiator

Government Code Section 54957

City Negotiator: James App, City Manager

Employee Organizations: Service Employees International Union (S.E.I.U.)

Police Officers Association (P.O.A.)

International Association of Firefighters (I.A.F.F.)

Unrepresented Management

a. Conference with Real Property Negotiator

Government Code Section 54956.8

Property: Paso Robles Municipal Airport
4912 Wing Way, Paso Robles

City Negotiator: James App, City Manager

Under negotiation: Terms of Leases

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; TO THE PLANNING COMMISSION MEETING (OPPORTUNITY FOR PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT REPORT ON THE GENERAL PLAN) AT 7:30 PM ON TUESDAY, AUGUST 26, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 2, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR
COUNCIL MEETING IS AUGUST 22, 2003***