

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, September 2, 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. 2 and 3; staff to advise Council of any additional items on the agenda that are to be deferred or tabled.

PRESENTATIONS

1. [Recognition of Greg Welch](#) – In appreciation for voluntary service on the City Parks and Recreation Advisory Committee (F. Mecham, Mayor)

PUBLIC HEARINGS

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

R. Lata, Community Development Director

Consider continuing the public hearing for Rezone 03-002 proposing 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. Accept public testimony and continue the open public hearing to a specific date, such as the Council's next regular meeting on September 16, 2003.
- b. Accept public testimony, request additional information/analysis identifying what is needed, and continue the open public hearing to a specific date, such as the Council's next regular meeting on September 16, 2003.
- c. Amend, modify, or reject the above options.

ROLL CALL VOTE

3. [Continue Hearing – Specific Plan Amendment 03-004 \(Borkey Area Specific Plan Fee Update for Sub-area “B”\)](#)

R. Lata, Community Development Director

Consider continuing a public hearing for Specific Plan Amendment 03-004 to update the Borkey Area Specific Plan Fee Update for Sub-area “B.”

OPTIONS:

- a. Accept public testimony and continue the open noticed hearing to a specific date, such as the Council's next regular meeting on September 16, 2003.

- b. Accept public testimony, request additional information/analysis identifying what is needed, and continue the open public hearing to a specific date.
- c. Amend, modify, or reject the above options.

ROLL CALL VOTE

4. [Determination of Historic or Architectural Significance of an Existing Garage at 1732 Spring Street for Demolition/Reconstruction Permit Applicant \(Judith Summers\)](#)

R. Lata, Community Development Director

Consider a request from Judith Summers to demolish/reconstruct an existing garage at 1732 Spring Street using the same architectural style as the existing structure, while bringing the building into compliance with the Uniform Building Code. (The garage is situated on a site that is included on the 1981-1984 Historic Resources Survey, but the Survey does not address the garage.)

OPTIONS:

- a. Determine that the existing garage is not of historic or architectural significance and direct that the demolition permit application be processed.
- b. Determine that the existing garage is of historic or architectural significance and delay processing of the demolition permit application for six months.
- c. Request additional information/analysis after identifying what is needed and continue the open public hearing to a specific date, such as the next regularly scheduled meeting on September 16, 2003.
- d. 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 5-10 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

5. [Approve City Council minutes of July 23, August 1 and August 19, 2003.](#)

D. Fansler, City Clerk

6. [Approve Warrant Registers: Nos. 42272 – 42396 \(8/15/03\) and 42397 – 42534 \(8/22/03\)](#)

M. Compton, Administrative Services Director

7. Receive and file Advisory Body Committee minutes as follows:
[Citizens Airport Advisory committee meeting of July 24, 2003](#)
[Housing Authority meeting of August 12, 2003](#)
[Library Board of Trustees meeting of July 10, 2003](#)

8. Extend the relationship with Country Real Estate for one year for all City properties. (Country Real Estate has been the City's official real estate broker since the first contract award in March 1999. It was extended in 2001 and 2002, and the current contract expired June 30, 2003. County Real Estate has requested that their relationship with the City be extended for an additional year.)
M. Compton, Administrative Services Director

9. Adopt Resolution No. 03-xx approving an appropriation limit for the fiscal year 2003-04 operating and maintenance budget. (Article XIII B of the State Constitution requires state and local governments to annually adopt an appropriations limit. The limit may be adjusted annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local non-residential construction.)
M. Compton, Administrative Services 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, with the exception of the seal coat of the street paving, which developer has requested be deferred and completed during the one-year maintenance period.) CONTINUED FROM AUGUST 19, 2003
R. Lata, Community Development Director

ROLL CALL VOTE

PUBLIC DISCUSSION

11. Sherwood Park Master Plan
J. Deakin, Public Works Director

Consider adopting the final master plan for Sherwood Park. (Community Design Group, a landscape architect/park planner, was hired in December 2002 to develop a Sherwood Park Master Plan and design replacement play equipment.)

OPTIONS:

- a. Adopt the final Master Plan for Sherwood Park as presented.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

12. [Nacimiento Water Project Draft EIR Comments](#)

M. Williamson, Assistant to the City manager

Consider comments on the Nacimiento Water Project Draft Environmental Impact Report (EIR). (The comments are not indicative of the City's future decision regarding project participation, but focus on whether the EIR document adequately addresses the potential impacts of the project.)

OPTIONS:

- a. Authorize the Mayor to execute the comment letter on the Draft EIR for the Nacimiento Water Project to the County of San Luis Obispo.
- b. Amend, modify or reject any of the above option.

ROLL CALL VOTE

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

J. Deakin, Public Works Director

Consider repair/replacement of damaged tactile tiles at the North County Transportation Center. (The damaged tiles are a public safety hazard. Council is requested to declare this an emergency [as allowed under current Public Contract Code] and authorize the letting of a contract to repair the tiles.) CONTINUED FROM AUGUST 19, 20030

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 Real Property Negotiator – Property Acquisition

Government Code Section 54956.8

Property: 17 acres within Tract 2369 located north of Union Road and south of Highway 46 East in the Union/46 Specific Plan Area

Parties: Owner/Negotiator Arciero & Sons, Inc.

City Negotiator: James L. App, City Manager

Under negotiation: Price and terms of payment to purchase 17 acres within the Tract to facilitate construction of a school and park

b. Conference with Real Property Negotiator – Property Acquisition

Government Code Section 54956.8

Property: 1356 Railroad Street - southeast corner of 13th & Railroad (APN 009-048-001)

Parties: Owner/Negotiator Anthony Hunter

City Negotiator: James L. App, City Manager

Under negotiation: Price and terms of payment

c. Conference with Legal Counsel – Anticipated Litigation

Subdivision (c) of Government Code Section 54956.9

Initiation of Litigation

Number of cases: One

d. Public Employee Performance Evaluation

Government Code Section 54957

Title: City Manager

ADJOURNMENT: to THE LEAGUE OF CITIES ANNUAL CONFERENCE SEPTEMBER 7-10, 2003, AT THE SACRAMENTO CONVENTION CENTER, SACRAMENTO; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 16, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR
COUNCIL MEETING IS SEPTEMBER 5, 2003***