

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, February 3, 2004 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)**

## PRESENTATIONS

### 1. [Briefing on, and Confirmation of, Continuing Local Emergency](#)

J. App, City Manager

Receive verbal briefing on status of emergency and community recovery. Consider approving a resolution to continue local emergency. (State law requires Council to review the need for continuing the local emergency at its regularly scheduled meetings until the local emergency is terminated. Council is required to proclaim the termination of the local emergency "at the earliest possible date that conditions warrant.")

#### OPTIONS:

- a. Adopt Resolution No. 04-xx determining that a local emergency continues to exist.
- b. Amend, modify or reject the above option.

#### ROLL CALL VOTE

## PUBLIC HEARINGS

### 2. [Determination of Historic or Architectural Significance of a Severely Damaged Commercial Building at 739-745 12th Street and a Request to Process a Pending Demolition Permit Application \(Marlow / Camera Corner Building – Applicant: Mark Mastagni\)](#)

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of a building at 739-745 12th Street that was severely damaged in the December 22, 2003, San Simeon earthquake. (Council has the discretion to make a final determination as the subject building's historic or architectural significance prior to the processing of a demolition permit.)

#### OPTIONS:

- a. Determine (1) that the building in its present condition is no longer a historic resource and is therefore not subject to Section 15064.5 of the Guidelines for implementing the California Environmental Quality Act (CEQA), and that a Categorical Exemption under Section 15301(l)(3) would apply; and (2) that the existing building is also not a historic resource by virtue of not being eligible for inclusion in the National Register; and (3) that the subject building presents an imminent threat to the public of bodily harm and damage to adjacent property (in the context of State Resources Code Section 5028). Based on the foregoing, direct that the demolition permit application be processed, subject to the property owner providing a three (3) week opportunity from the date of Council approval of the Demolition Permit for businesses that formerly occupied the structure to remove any of their inventory, fixtures or possessions that can be accomplished in a manner that would preserve public health and safety. Any replacement structure will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.
- b. Amend, modify, or reject the above option.

#### ROLL CALL VOTE

3. [Determination of Historic or Architectural Significance of a Severely Damaged Commercial Building at 801-807 12th Street / 1214-1220 Park Street and a Request to Process a Pending Demolition Permit Application \(Blackburn / Clock Tower / Acorn Building – Applicant: Mark Mastagni\)](#)

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of a building at 801-807 12th Street / 1214-1220 Park Street that collapsed in the December 22, 2003, San Simeon earthquake. (Council has the discretion to make a final determination as the subject building's historic or architectural significance prior to the processing of a demolition permit.)

**OPTIONS:**

- a. Determine (1) that the building in its present condition is no longer a historic resource and is therefore not subject to Section 15064.5 of the Guidelines for implementing the California Environmental Quality Act (CEQA), and that a Categorical Exemption under Section 15301(l)(3) would apply; and (2) that the existing building is also not a historic resource by virtue of not being eligible for inclusion in the National Register; and (3) that the subject building presents an imminent threat to the public of bodily harm and damage to adjacent property (in the context of State Resources Code Section 5028). Based on the foregoing, direct that the demolition permit application be processed, subject to the property owner providing a three (3) week opportunity from the date of Council approval of the Demolition Permit for businesses that formerly occupied the structure to remove any of their inventory, fixtures or possessions that can be accomplished in a manner that would preserve public health and safety. Any replacement structure will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

4. [Determination of Historic or Architectural Significance of an Existing Hotel Annex Structure at 1103 Spring Street and a Request to Process a Pending Demolition Permit Application \(Paso Robles Inn – Applicant: Martin Resorts, Inc.\)](#)

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of an earthquake damaged hotel annex structure located at 1103 Spring Street. (Subject building is part of the Paso Robles Inn. Council has the discretion to make a final determination as the subject building's historic or architectural significance prior to the processing of a demolition permit.)

**OPTIONS:**

- a. Determine (1) that this application is Categorically Exempt from environmental review per Section 15302 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA and (2) that the existing building is not a historic resource. Based on the foregoing, direct that the demolition permit application be processed based on the property owner's intent to provide a replacement structure containing new hotel rooms that will be consistent with or complementary to the balance of the Paso Robles Inn and also the City's ability to require an appropriate architectural treatment through the Planned Development process.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

5. [Code Amendment 03-008 \(Hastings Enterprises\)](#)

R. Lata, Community Development Director

Consider request for a city-wide sign code amendment to allow buildings that back up to or side on a street, highway or parking lot to obtain additional square footage for wall-mounted signs. (This code amendment would allow the use of other frontages besides street frontage. All signs would be required to be revised and approved by the Development Review Committee.)

**OPTIONS:**

- a. (1) Adopt Resolution No. 04-xx adopting a Negative Declaration for Code Amendment 03-008 application
- (2) Introduce Ordinance No. xxx N.S. approving Code Amendment 03-008, to amend Section 21.19.070, for buildings located in a Highway Oriented Sign District or within a "Regional Commercial" designated shopping center, when buildings have a front, side or rear frontage on a street, alley, highway, driveway or parking lot, approval for wall mounted signage on any frontage, and set February 17, 2004, as the date for adoption of said Ordinance.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

6. [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 AUGUST 19, 2003

**OPTIONS:**

- a. Continue the open public hearing to update the City's sign ordinance to the Council's regular meeting of August 3, 2004.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

7. [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; however, in light of other pending project priorities, including the Chandler Ranch Area Specific Plan, a continuance is necessary to allow time to prepare a report outlining options open to the Council. CONTINUED FROM AUGUST 19, 2003

**OPTIONS:**

- a. Continue the open public hearing regarding vehicle weight restriction in residential areas to the Council's regular meeting of August 3, 2004.
- b. Amend, modify or reject any of 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 8 – 19 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

8. [Approve City Council minutes of January 15 and 20, 2004.](#)

D. Fansler, City Clerk

9. [Approve Warrant Registers: Nos. 45288 – 45415 \(1/16/04\) and 45416 – 45547 \(1/23/04\)](#)

M. Compton, Administrative Services Director

10. Receive and file Advisory Body Committee minutes as follows:

[Housing Authority Board meeting of January 13, 2004](#)

[Library Board of Trustees meeting of December 11, 2003](#)

[Parks and Recreation Advisory Committee meeting of December 9, 2003](#)

[Pioneer Museum Board meeting of December 11, 2003](#)

[Paso Robles Youth Commission meeting of December 3, 2003](#)

[Senior Citizen Advisory Committee meeting of December 8, 2003](#)

[Special meeting of all advisory committees, commissions and boards – January 7, 2003](#)

11. [Recognition – Jerri Lohr - 2003 Wine Industry Person of the Year](#)

F. Mecham, Mayor

12. [Proclamation – Spay Day USA – February 24, 2004](#)  
F. Mecham, Mayor
13. [Adopt Resolution No. 04-xx designating certain City positions as the Designated Agents for working with the State Office of Emergency Services \(OES\) and the Federal Emergency Management Agency \(FEMA\).](#) (All FEMA funding and resources are coordinated through the State OES. The State requires the City to assign a team of delegates (agents) who will be the points of contact in managing and executing the emergency relief application. Although many city staff will be involved in the recovery efforts, the delegates will maintain direct contact with the Public Assistance Coordinators in the administration of the City's case file.  
M. Williamson
14. [Adopt Resolution No. 04-xx authorizing use of an existing bid process completed by the City of Merced and appropriate funding for the purchase of a digital logger recording system from the low bidder, Executive Communication Systems and Dynamic Instruments.](#) (This new digital recording system is built on standard PC hardware and software, unlike the Dictaphone equipment currently in use. The system allows for more efficient desktop retrieval and storage and is expected to reduce evidence discovery time by 50%. Purchase will be paid from the 2002/2003 Supplemental Law Enforcement Service Funds grant.)  
D. Cassidy, Chief of Police
15. [Adopt Resolution of Intent No. 04-xx to abandon a portion of Leland Street from Blackburn Street to 150 feet southwest of Blackburn Street as shown on the Exhibit "A"; and set March 2, 2004, in the Paso Robles City Hall, 1000 Spring Street, for a public hearing for all persons interested in or having objection to the proposed closing.](#) Abandonment request submitted by Mel Bernstein and Robert Bell with the purpose of making private residential use of the area within the abandoned right-of-way in accordance with the adopted Master Plan of the Blackburn Area Study. The Planning Commission has recommended approval of the abandonment request subject to conditions of approval.)  
R. Lata, Community Development Director
16. [Adopt Resolution No. 04-xx accepting the variable width Easement Grant Deed for a landscape and tree easement on Lot 65 of Tract 2254-3.](#) (As part of the development of Tract 224-1, the City accepted the Offer of Dedication of Lot A on the Final Tract Map, which accommodated the development of a storm water detention basin. Adjacent to Lot A, Bermant Development has provided this Easement Grant Deed for the maintenance of landscaping by the Landscape and Lighting District.)  
R. Lata, Community Development Director
17. [Extend Traffic Calming Measure ad hoc committee's assignment to July 20, 2004.](#) (The Committee has not completed its assignment.)  
J. Deakin, Public Works Director
18. [Extend Review & Revise Advisory Committee Bylaws ad hoc committee's assignment to July 20, 2004.](#) (The Committee has not completed its assignment.)  
J. Deakin, Public Works Director

19. [Extend Airport Development & Policy Review ad hoc committee's assignment to July 20, 2004. \(The Committee has not completed its assignment.\)](#)  
J. Deakin, Public Works Director

**ROLL CALL VOTE**

**DISCUSSION**

20. [Interim Space for Businesses Displaced by the December 22, 2003, Earthquake](#)  
R. Lata, Community Development Director

Receive a report regarding the demand for interim space to serve businesses displaced by the San Simeon earthquake of December 22, 2003.

**OPTIONS:**

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

**ROLL CALL VOTE**

21. [Building and Planning Permit Fee Waivers](#)  
R. Lata, Community Development Director

Consider adopting a fee waiver for earthquake related fees that would apply to either Building or Planning permits / approvals. (The waiver of fees is being suggested to facilitate the reconstruction process. The waiver would apply for a period of 120 days retroactive to the date of the earthquake, and would cover both Building and Demolition Permits.)

**OPTIONS:**

- a. Authorize a temporary fee waiver for Building and Planning Permit and Application fees that are directly related to responding to the earthquake of December 22, 2003. The fee waiver would be retroactive to December 22, 2003, and would apply for 120 days from that date.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

**22.** [Nacimiento Water Supply Project](#)

J. App, City Manager

Review the City's participation in the Nacimiento Water Supply Project. (The General Plan and the Council's adopted Goals identify the need for a new source of water above and beyond current groundwater sources and capacities. A formal assessment of new water source options completed in April 2003 indicated that the Nacimiento Project is the best, most reliable option for the City in terms of both water quality and supply.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx confirming the City's previous request for 4,000 acre-feet of water delivery annually from the prospective Nacimiento Water Supply Project, and notifying the County Flood Control District of the City's intent to participate at this rate.

**ROLL CALL VOTE**

**23.** [13th Street Bridge Widening](#)

J. Deakin, Public Works Director

Consider final budget for the 13th Street Bridge Widening Project. (In early 1999, Council approved a contract with URS Corporation, a transportation engineering firm, to begin design of the bridge widening and adjacent streets. The approved design concept calls for widening the bridge to accommodate four travel lanes [two in each direction], two turn lanes, two bike lanes, and sidewalks on both sides. Beyond the bridge limits, adjacent streets [North and South River Roads, Creston Road and Union Road] will also be widened to maximize flow at the intersection and relieve traffic congestion. Construction documents for the project are 90% complete, and it is anticipated that construction could begin this summer. Final budget and funding source to complete the construction needs to be considered.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx:
  - 1. Adopting the final budget for the 13th Street Bridge; and
  - 2. Approving the funding source for the 13th Street Bridge final budget; and
  - 3. Authorizing the City Manager to engage the services of
    - URS Corporation in the amount of \$96,070
    - Barnett Cox & Associates in the amount of \$124,620
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**24.** [Downtown Reconstruction Options](#)

R. Lata, Community Development Director

Consider establishing a date for a public workshop dealing with Downtown reconstruction options. (A workshop is being proposed to assist in envisioning options for reconstruction and/or enhancement of existing buildings.)

**OPTIONS:**

- a. Direct staff to plan a public workshop regarding reconstruction alternatives for Downtown to be held at 7:00 p.m. on Thursday, March 4, 2004.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**25.** [Atascadero Automatic Aid Agreement](#)

K. Johnson, Emergency Services Chief

Consider an automatic aid agreement with the City of Atascadero. (Automatic aid provides for the immediate dispatching of resources for emergencies where their use can be reasonably anticipated. This agreement would provide a faster response of Paso Robles ladder truck for fires in commercial and multi-family buildings in Atascadero, and Paso Robles would receive an expedited dispatch of an Atascadero fire engine for commercial or multi-family buildings and wildland fires.) CONTINUED FROM JANUARY 20, 2004

**OPTIONS:**

- a. Authorize the Emergency Services chief to enter into an automatic aid agreement with the Atascadero City Fire Department.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**CITY MANAGER**

**26.** [Housing Authority - Make Appointments to Fill Current Vacancies or Schedule Date for Applicant Interviews/Appointments](#)

J. App, City Manager

Make appointments to fill vacated terms on the Housing Authority.

1 vacancy: 4-year term of resident senior member, expiring February 28, 2008.

1 vacancy: 4-year term for resident at large, expiring February 28, 2008

**Applicants:**

1 resident senior applicant:

Richard L. Stainbrook (incumbent)

1 applicant at large:

Chet A. Dotter (incumbent)

**OPTIONS:**

- a. Appoint incumbent Richard Stainbrook to a 4-year “resident senior” term of the Housing Authority, expiring February 28, 2008; and incumbent Chet Dotter to a 4-year “at large” term of the Housing Authority, expiring February 28, 2008.
- b. Set a date for interviewing incumbents Richard Stainbrook and Chet Dotter and making appointments to fill vacancies on the Housing Authority.
- c. Continue advertising for a stated length of time to solicit additional applicants.
- d. Amend, modify or reject any of the above operations.

**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**

**a. Conference with Real Property Negotiator**

Government Code Section 54956.8

Property: Certain land adjacent to Niblick Road for construction of two traffic bus turn outs, in front of the High School and in front of the School District Offices

Property Owner: Paso Robles Joint Unified School District

Parties: Negotiator: Paso Robles Joint Unified School District  
City Negotiator: James App, City Manager

Under Negotiation: Reimbursement Agreement

**b. Conference with Real Property Negotiator**

Government Code Section 54956.8

Property: South of Linne Road, west of Hanson Road & 800 feet east of the City limit (APN 020-261-22, 23)

Property Owner: Olsen Family Trust

Parties: Negotiator: Neil Olsen for Olsen Family Trust)  
City Negotiator: James App, City Manager

Under Negotiation: Price and terms to purchase potential well site

**ADJOURNMENT:** to THE JOINT PLANNING COMMISSION/COUNCIL MEETING RE CHANDLER RANCH AREA SPECIFIC AT 7:00 PM ON TUESDAY, FEBRUARY 12, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, FEBRUARY 17, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS FEBRUARY 6, 2004***