

Any person desiring to speak on an agenda item is asked to fill out a **Speaker Information Card** and place it at the Staff Table prior to public discussion of that item. Each individual speaker will be limited to a presentation total of three (3) minutes per item.

**AMERICANS WITH DISABILITIES ACT** Any individual, who because of a disability needs 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 four (4) working days in advance of the meeting.

## CITY COUNCIL AGENDA

Tuesday, May 18, 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. **Water Conservation**

Receive a briefing on water conservation.  
M. Williamson, Interim Public Works Director

### PUBLIC HEARINGS

2. **Mitigated Negative Declaration for Thunderbird Waterline**

J. Falkenstien, Acting Community Development Director

Consider approval of a Mitigated Negative Declaration for the construction of a 16-inch water pipeline to connect the Thunderbird Wells to the City's east side water distribution system. (Waterline is designed to run north from the Thunderbird Wells 4,800 feet along the Union Pacific Railroad right-of-way, then east 2,800 feet under the river, and up the existing right-of-way for the future extension of Charolais Road to connect to existing water mains.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx approving a Mitigated Negative Declaration for the Thunderbird Waterline Project.
- b. Amend, modify, or reject any of the above option.

**ROLL CALL VOTE**

**ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY,  
REDEVELOPMENT AGENCY & CITY COUNCIL**

3. **Redevelopment Agency – Senate Bills 211 and 1045**

M. Compton, Administrative Services Director

Consider implementing the provisions of Senate Bills 211 and 1045 to modify the Redevelopment Agency Plan. (SB 211 provides agencies an opportunity to eliminate the time limit on issuing debt and extends the life of the Agency by an additional ten years. SB 1045 provides a means for those agencies that were required to make an ERAF [Educational Relief Augmentation Fund] payment in fiscal year 2004 to extend their Plan time limit and debt issuance limit by one year to recoup the contribution to ERAF.)

**OPTIONS:**

- a. Introduce and hold first reading of Ordinance No. XXX N.S. to modify the Redevelopment Agency Plan; and set June 1, 2004, as the date for adoption of said ordinance.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE (REDEVELOPMENT AGENCY)**

## ADJOURN TO CITY COUNCIL MEETING

### 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 April 29, 2004](#)  
D. Fansler, City Clerk
5. [Approve Warrant Registers: Nos. 47456 – 47595 \(4/30/04\) and 47596 – 47755 \(5/7/04\)](#)  
M. Compton, Administrative Services Director
6. [Certificate of Recognition Main Street Association – 2004 Great American Main Street Award](#)  
Senator Bruce McPherson, 15<sup>th</sup> Senatorial District, California State Legislature
7. [Proclamation Special Olympics – Law Enforcement Torch Run Day – June 7 & 8, 2004](#)
8. [Proclamation Public Works Week – May 16 – 22, 2004](#)
9. [Adopt Resolution No. 04-xx accepting the recordation of Tract 2411 and approving the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements, with an established deadline of May 18, 2005, to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopt Resolution No. 04-xx annexing Tract 2411 into the Landscape and Lighting District.](#) (This is a 12-lot subdivision of a 2.29-acre site located on the west side of Vine Street, from Fein Street to 36<sup>th</sup> Street. Applicant: CS Nino Construction, Inc.)  
J. Falkenstien, Acting Community Development Director
10. [Adopt Resolution No. 04-xx accepting the recordation of Parcel Map PR 01-102 and approving the Subdivision Improvement Agreement for PR 01-102 guaranteeing the construction of the subdivision improvements, with an established deadline of May 18, 2005, to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopt Resolution No. 04-xx annexing Parcel Map PR 01-102 into the Landscape and Lighting District.](#) (This is a 3-lot residential subdivision of a 1.5-acre site located at the northwest corner of Villa Lane and 21<sup>st</sup> Street, west of Vine Street. Applicant: Andrew Charnley.)  
J. Falkenstien, Acting Community Development Director
11. [Adopt Resolution No. 04-xx accepting the recordation of Parcel Map PR 02-321; and approve the Subdivision Improvement Agreement for PR 02-321 guaranteeing the construction of the subdivision improvements, with an established deadline of May 18, 2005, to complete these improvements, and authorizing the Mayor to execute the Agreement.](#) This is a 4-lot commercial subdivision of a 8.30-acre site located on the east side of Theatre Drive. Applicant: James Pankey.)  
J. Falkenstien, Acting Community Development Director
12. [Adopt Resolution No. 04-xx awarding the construction contract to install improvements around Robbins Field in the amount of \\$165,331.90 to Ferravanti Paving.](#) (Council adopted a Downtown Parking Study to identify what areas might be improved to add additional parking spaces to serve the Downtown Business District. Plans were advertised and provided to Plan Holders and contractors who requested copies. At the bid opening on May 6, 2004,

eight bids were received, ranging from a low of \$165,331.90 to a high of \$282,775. The low bid submitted by Ferravanti Paving was reviewed and found to be a responsive bid.)  
M. Williamson, Interim Public Works Director

13. [Adopt Resolution No. 04-xx awarding a contract to Maggiora Brothers Drilling in the amount of \\$290,904 to drill a new well at Tower Road.](#) (Well is proposed to be located on the Paso Robles Airport property, approximately 100 feet south of Tower Road and approximately 1.1 miles east of Airport Road, at the westerly edge of the runway clear zone area. All service utilities would be placed underground and not impact airport operation. Construction documents were advertised for bids. At bid opening on May 6, 2004, four bids were received, ranging from \$290,904 to \$398,235. The low bid submitted by Maggiora Brothers Drilling was reviewed and found to be a responsive bid.)  
M. Williamson, Interim Public Works Director
14. [Adopt Resolution No. 04-xx awarding the bid to modify the City Hall/Library building "chilled water system" to low bidder O'Connor Mechanical for \\$14,600.](#) (The City Hall/Library cooling system is a circulating water loop system. It does not have an adequate amount of water to function efficiently during summer months. Mechanical system experts have suggested the addition of an expansion tank to increase the volume of water. Specifications were drafted and the job was advertised per the City's Purchasing and Payment Procedures Manual. Two bids were received, ranging from a low of \$14,600 to a high bid of \$21,275. The low bid submitted by O'Connor Mechanical was reviewed and deemed to be a responsive bid.)  
M. Williamson, Interim Public Works Director
15. [Authorize the City Manager to execute a contract with Boyle Engineering to design a replacement for the 21<sup>st</sup> Street Reservoir for a not-to-exceed fee of \\$200,746.](#) (The 21<sup>st</sup> Street Reservoir was built in 1925. In March 2004, Council concluded that the reservoir had reached the end of its useful life and directed staff to request proposals to develop and design replacement options. A RFP was issued to six firms. Boyle Engineering submitted a responsive proposal.)  
M. Williamson, Interim Public Works Director
16. [Adopt Resolution No. 04-xx appropriating grant funds received for library materials and approving one-time budget appropriations to Budget Account Nos. 100.610.5212.200 and 100.411.5212.203.](#) (The City's Library is eligible to receive \$3,000 through the Global Languages Materials Grant Program for the purchase of Spanish language books and/or other materials for children and adults. No matching funds are required.)  
B. Partridge, Library & Recreation Services Director

## **ROLL CALL VOTE**

## **DISCUSSION**

17. [\*\*Seismic Safety Ordinance Update\*\*](#)  
J. Falkenstien, Acting Community Development Director

Consider an update to the City's Seismic Safety Ordinance. (The City's current Seismic Code is based upon the 1994 Uniform Code for Building Conservation. The proposed revision would adopt the 2003 International Existing Building Code, which incorporates newer standards, including structural lessons learned from the 1994 Northridge earthquake.)

**OPTIONS:**

- a. Introduce for first reading Ordinance No. XXX N.S. amending Chapter 17.18 of the Municipal Code; and set June 1, 2004, as the date for adoption of said ordinance.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**18. Award Construction Contract – Niblick Road Improvements**

M. Williamson, Interim Public Works Director

Consider awarding a construction contract for the Niblick Road improvements. (In September 2003, Council authorized the preparation of construction documents to improve Niblick Road between the easterly end of the Veterans Memorial Bridge to Creston Road. Bids for this project were solicited and three bids were received at the Bid Opening on May 6, 2004, ranging from a low bid of \$1,424,564 to a high bid of \$1,602,949. Staff reviewed the low bid submitted by Granite Construction and finds it to be responsive.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx:
  - (1) Appropriating additional funds for the project advanced from the Traffic Signal Mitigation funds as follows:

214.910.5452.520	-	Additional \$87,000
214.910.5452.521	-	Additional \$87,000; and
  - (2) Awarding the construction contract for the Niblick Road Project to Granite Construction for \$1,598,564 (which includes \$174,000 Bid Additive to install a Traffic Signal Inter-connect System for the traffic signals from River Road to Creston Road).
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**19. South River Road Closure – Tract 2422 (Harrod Builders)**

J. Falkenstien, Acting Community Development Director

Consider partial and full closure of South River Road and the connection of Navajo Avenue to South River Road for periods of time over a six-week construction schedule beginning June 14, 2004. (Substantial public improvements on South River Road will be completed with the development of Tract 2422. Excavation and installation of the underground storm drain, sanitary sewer, and water mains in South River Road, along with reconstruction of the existing roadway to improve its vertical profile, will disrupt the flow of traffic on South River Road. In addition, the City's Niblick Road project, although not involving any road closures, will also be disruptive to the normal flow of traffic. The proposed closure of South River Road must be coordinated with the City project on Niblick Road, so that a reasonable level of service is retained.)

**OPTIONS:**

- a. Authorize the issuance of an encroachment permit by the Public Works Department and authorize the City Engineer to approve the request for closure of South River Road for improvements associated with the development of Tract 2422 in accordance with the exhibits attached to the staff report.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**20. Request to Install Pedestrian Walkway – Bridges Sportsmens Building**

M. Williamson, Interim Public Works Director

Consider installing a pedestrian walkway at Bridges Sportsmens Building. (Applicant has indicated that they will be reconstructing the front wall that was damaged by the December earthquake. They need to use the sidewalk area of 1315, 1321 and 1329 Spring Street to perform the work, and in order to provide safe pedestrian access, they will need to install a walkway in the parking area. This will eliminate four parallel parking spaces for a period of six to nine months.)

**OPTIONS:**

- a. Approve issuance of an encroachment permit to install a pedestrian walkway at Bridges Sportsmens Building and the temporary elimination of four parking spaces at 1315, 1321 and 1329 Spring Street.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**21. Request for Water Well Use – Vina Robles Resort Hotel**

J. Falkenstien, Acting Community Development Director

Consider authorizing use of a private well for irrigation of a small vineyard and hotel landscaping. (Applicant is requesting to use well water for irrigation of vineyards [roughly 2.5 acres] and landscaping associated with the hotel and hospitality center located on Mill Road, south of Highway 46. The City Municipal Code prohibits construction of wells to serve private property except under permit and generally for agricultural use.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx to approve the use of a new private well by Vina Robles, Inc. to irrigate a newly developed vineyard associated with the resort hotel. Irrigation of landscaping by the new well will not be allowed.
- b. Adopt Resolution No. 04-xx to approve the use of a new private well by Vina Robles, Inc. to irrigate a newly developed vineyard and landscaping associated with the resort hotel.
- c. Amend, modify, or reject the above options.

**ROLL CALL VOTE**

**22. Request to Remove One Oak Tree – Vina Robles**

J. Falkenstien, Acting Community Development Director

Consider a request from C. Creighton MacDonald, Operations Manager for Vina Robles, Inc. to remove one 28-inch Blue Oak Tree. (The Vina Robles project is located east of Mill Road, west of Hunter Ranch Golf Course and south of and adjacent to Highway 46 east. Applicant is requesting removal of the tree based on the Arborist recommendations that the tree is in very poor health and would be a hazard to future vehicle and pedestrian traffic to the project.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx approving the oak tree removal request based on the tree being in poor health as stated in the Arborist Report by Jack Brazeal on February 23, 2003, and require replacement ratio of five 1.5-inch Blue Oak trees to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional (e.g., Blue Oaks should be planted in arid environment).
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**23. Request to Remove One Oak Tree – Tract 2422 (Harrod)**

J. Falkenstien, Acting Community Development Director

Consider a request from North Coast Engineering on behalf of Mike Harrod to remove one 7.25-inch White Oak tree. (Subject tree is located where two 60-inch storm drains, a 16-inch water main, and road improvements for the extension of Navajo Road need to be constructed.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx approving the oak tree removal request based on the tree interfering with the necessary improvements for Tract 2422, and require replacement ratio of one 2-inch White Oak to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional (e.g., White Oaks should be planted in arid environment).
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**24. Tilting Block Fence – 800 Block of Niblick Road**

J. Falkenstien, Acting Community Development Director

Consider information and provide direction regarding a tilting masonry wall in the 800 block of Niblick Road, south side. (The block fence/sound wall was constructed in 1985 and since its construction has tilted to the south into the rear yards of four property owners. As the wall tilts toward the property owners and away from the right-of-way, the threat to individuals using the sidewalk is minimal. However, the wall does constitute a hazard to the property owners or other individuals accessing the rear yards of the properties.)

**OPTIONS:**

- a. Confirm the Notice of Order by declaring the wall a nuisance and establishing a date of October 29, 2004, for completion of the abatement/repair of the respective wall sections. Failure to address the wall by the October date will result in the City completing the work and the cost becoming a tax lien upon the property.
- b. Direct the Building Official to withdraw the Notice of Order, informing the property owners by written notice of the potential hazard should the wall fail, further suggesting the property owners address the wall on their own accord and consider the matter closed.
- c. Amend, modify, or reject the above options.

**ROLL CALL VOTE**

**25. Use of Septic System – 3700 Spring Street (Salmanzadeh)**

J. Falkenstien, Acting Community Development Director

Consider allowing use of a septic tank and leach field to serve a new single-family residence at 3700 Spring Street, north of Highway 101. (The nearest available sanitary sewer main to this property is in Spring Street, at the intersection of 36<sup>th</sup> Street, approximately 1,000 feet to the south.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx authorizing use of a septic system to serve a new single-family residence at 3700 Spring Street (APN 008-022-001 / Salmanzadeh) subject to Conditions “a” through “k” as stated in Municipal Code Section 14.08.070 K4 “Conditions.”
- b. Deny the request for use of a septic system at 3700 Spring Street, and direct the applicant to extend a sanitary sewer main from the intersection of Spring and 36<sup>th</sup> Streets to the subject property.
- c. Amend, modify, or reject the above options.

**ROLL CALL VOTE**

**26. All-way Stop at South River and Charolais Road Intersection**

M. Williamson, Interim Public Works Director

Consider the status of traffic controls (all-way stop) at the intersection of South River Road and Charolais Road. (In August 2003, Council approved an all-way stop at this location with the provision that a follow-up report be presented analyzing its effectiveness. Omni-Means, a traffic-engineering firm, has completed a study that reports a decrease in speed on South River Road in the vicinity of the all-way stop installation, but also reports an increased risk of traffic accidents due to motorists not coming to complete stops at the intersection.)

**OPTIONS:**

- a. Continue temporary status of traffic controls at the intersection of Charolais and South River Road while further study and consideration are given to other control methods.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**27. Temporary Sign for the Paso Robles Children's Museum**

J. Falkenstien, Acting Community Development Director

Consider approving installation of a temporary sign at the Paso Robles Volunteer Firehouse No. 1 located on 12<sup>th</sup> Street, just west of Spring Street. (The Museum Board is requesting that a 4-foot wide by 8-foot tall sign be installed on the face of the building to advertise the fundraising effort that is currently underway for obtaining the necessary funds for the Children's Museum.)

**OPTIONS:**

- a. Approve applicant's request for a temporary sign for the Children's Museum to be located on Fire Station No. 1 on 12<sup>th</sup> Street.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**28. Union Road Improvements – Riverglen to Kleck Road**

M. Williamson, Interim Public Works Director

Consider awarding a contract for the preparation of construction plans and specifications for the improvement of Union Road between Riverglen and Kleck Road. (A Request for Proposal was issued to fourteen firms to prepare construction plans, specifications, and estimates to improve Union Road. Six firms responded with proposals ranging from \$35,040 to \$87,925. At the Council meeting of April 20<sup>th</sup>, Councilmembers Gary Nemeth and George Finigan were appointed to review all the proposals received. Proposals were rated based on project understanding and approach, technical knowledge, fees, and experience in performing similar work. The proposal from North Coast Engineering received the highest rating using these criteria.) CONTINUED FROM APRIL 20, 2004

**OPTIONS:**

- a. Authorize the City Manager to engage the services of North Coast Engineering to prepare plans, specifications, and estimates (PS&E) to improve Union Road from Riverglen to Kleck Road for the amount of \$72,523.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**29. Local Hazard Mitigation Plan**

J. Falkenstien, Acting Community Development Director

Consider authorizing staff to negotiate with URS Corp. for the preparation of a Local Hazard Mitigation Plan (LHMP). (Federal regulations governing assistance from the Federal Emergency Management Agency [FEMA] provide that beginning November 1, 2004, local jurisdictions must have a FEMA-approved LHMP in order to apply for hazard mitigation grants. An LHMP is a plan by which the City would take proactive steps to mitigate impacts from a comprehensive list of possible future disasters, including earthquakes, flooding, landslides, wildland fires, and hazardous material incidents. In March, the City solicited statements of qualifications (SOQ's) to prepare an LHMP from 13 firms. SOQs and price proposals were received from three firms. URS was determined to be the most qualified.)

**OPTIONS:**

- a. (1) Adopt Resolution No. 04-xx authorizing the City Manager to negotiate a contract and sign a consultant services agreement with URS Corporation; and
- (2) Appoint two Councilmembers to an ad hoc committee to work with staff to negotiate with a consultant and participate in the preparation and review of the draft Local Hazard Mitigation Plan.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**30. Executive Search: Director of Public Works**

J. App, City Manager

Consider engaging the services of an executive search firm to conduct a Director of Public Works recruitment.

**OPTIONS:**

- a. Authorize the City Manager to negotiate and execute a contract for executive search services, and appropriate funds as needed.
- b. Direct the City Manager to conduct the search with City resources/efforts.
- c. Amend, modify, or reject the above options.

**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, 2<sup>nd</sup> Floor

**a. Conference with Legal Counsel – Anticipated Litigation**

Subdivision (b) of Government Code Section 54956.9

Significant exposure to litigation (facts and circumstances not known to adverse party)

Number of cases: One

**ADJOURNMENT:** to THE 13<sup>TH</sup> STREET BRIDGE GROUNDBREAKING CEREMONY AT 10:00 A.M. ON WEDNESDAY, MAY 26, 2004; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JUNE 1, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR  
COUNCIL MEETING IS MAY 21, 2004***