

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, June 1, 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. [Appeal of Planning Commission Approval of Amendment to Planned Development 02-003 – East Village Associates, LLC](#)

R. Lata, Community Development Director

Consider an appeal of Planning Commission approval to amend PD 02-003. The amendment is an application filed by Newlin Hastings on behalf of East Village Associates, LLC to modify the existing median to allow for southbound left turn access from Creston Road into and out of the East Village Shopping Center. (Site is located on the northeast corner of Creston Road and Sherwood Road.)

#### OPTIONS:

- a. Adopt Resolution No. 04-xx upholding the Appeal of Planning Commission approval of Planned Development 02-003 Amendment, thereby precluding direct access to southbound Creston Road to and from the East Village Shopping Center.
- b. Adopt Resolution No. 04-xx upholding the Appeal of Planning Commission approval of Planned Development 02-003 Amendment and modify the Amendment to allow left turn access from southbound Creston Road into the East Village Shopping Center without left turn access southbound, out of the shopping center.
- c. Adopt Resolution No. 04-xx upholding the Appeal of Planning Commission approval of Planned Development 02-003 Amendment and modify the Amendment to allow temporary left turn ingress and egress from the East Village Shopping Center to southbound Creston Road subject to an agreement, as approved by the City Attorney and the City Council, to automatically provide for elimination of southbound left turn in and out of the shopping center effective December 31, 2009, unless the time limit is extended by action of the City Council. The agreement shall also provide that the City has the authority to close the access earlier than December 31, 2009, if traffic congestion or safety concerns warrant closure. In such case, the City Council shall hold a noticed public hearing prior to ordering the closure. The agreement shall be signed by the property owner and each tenant of the shopping center.
- d. Adopt Resolution No. 04-xx denying the appeal and uphold the applicant's request for unrestricted access in and out of the East Village Shopping Center.
- e. Amend, modify, or reject the above options.

#### ROLL CALL VOTE

3. [Rezone 04-002 \(Applicant: Ken Parish\)](#)

R. Lata, Community Development Director

Consider rezoning an existing 7,000-square foot parcel from R3 to C3, in order to bring the zoning designation into conformance with the existing General Plan designation. (Property is located at 1830 Riverside Avenue. The General Plan land use designation for the parcel is Commercial Service and the current zoning is Residential Multi-family, 12-units/acre.)

**OPTIONS:**

- a. (1) Adopt Resolution No. 04-xx adopting a Negative Declaration for the Rezone 04-002 application; and
  - (2) Introduce and hold first reading of Ordinance No. XXX N.S. to approve Rezone 04-002 to change the zoning designation from R3 (Residential Multi-family, 12 units to the acre) to C3 (Commercial/Light Industrial); and set June 15, 2004, as the date for adoption of said ordinance.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

4. [Annual Levy Report for the Landscape and Lighting District](#)

M. Williamson, Interim Director of Public Works

Consider adopting resolutions to order collection of assessments for the Landscape and Lighting District (L&L District) for fiscal year 2004-2005. (A Landscape and Lighting District was formed in 1989 for the maintenance of streetlights, hardscapes, detention basins, parkways, median islands, open space, slopes, and other appurtenant facilities and operations relating to the L&L District. Adoption of the Engineer's Levy Report to allow assessment occurs between April and June of each year, and it is forwarded to the County by the end of June, so that it can be included in property tax assessments.)

**OPTIONS:**

Receive public testimony regarding the annual levy of the Landscape and Lighting District, receive the tabulation of the ballots for the new sub-areas and:

- a. (1) Adopt Resolution No. 04-xx approving the Engineer's Annual Levy Report; and
  - (2) Adopt Resolution No. 04-xx ordering the Levy and Collection of Assessments.
- 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 5-15 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

5. Approve City Council minutes of:  
[May 4, 2004](#)  
[May 18, 2004](#)  
D. Fansler, City Clerk
6. Receive and file Advisory Body Committee minutes as follows:  
[Housing Authority Board meeting of May 11, 2004](#)  
[Library Board of Trustees meeting of April 8, 2004](#)  
[Parks & Recreation Advisory Committee meeting of March 9, 2004](#)  
[Pioneer Museum Board meeting of April 8, 2004](#)  
[Senior Citizen Advisory Committee meeting of April 12, 2004](#)  
[Youth Commission meeting of March 31, 2004](#)
7. Approve Warrant Register: Nos. 47756 – 47899 (5/14/04) and 47900 – 48064 (5/21/04)  
M. Compton, Administrative Services Director
8. Read, by title only, and adopt Ordinance No. XXX N.S. repealing and replacing Chapter 17.18 regarding seismic strengthening provisions for unreinforced masonry bearing wall buildings. (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 and establishes new deadlines for the completion of seismic retrofit.) 1<sup>ST</sup> READING MAY 18, 2004  
R. Lata, Community Development Director
9. Adopt Resolution No. 04-xx appropriating \$65,000 from General Fund Reserves to Account No. 100-710-5224-209 for the preparation of a Local Hazard Mitigation Plan. (A Local Hazard Mitigation Plan [LHMP] identifies proactive steps to mitigate impacts of possible future disasters, including earthquakes, flooding, landslides, wildland fires, and hazardous material incidents. At its meeting of May 18<sup>th</sup>, Council authorized an agreement with URS Corporation for the preparation of an LHMP.)  
R. Lata, Community Development Director
10. Adopt Resolution No. 04-xx accepting the public improvements of Tract 2276 (Bonita Homes, Inc.) into the City's maintenance system. (This subdivision is located along the west side of Airport Road and north of Brookhill Drive. All public improvements required as Conditions of Approval have been constructed in compliance with the improvement plans and applicable City Standards.)  
R. Lata, Community Development Director
11. Direct staff to purchase and place a plaque at Barney Schwartz Park (BSP) honoring Linden H. Chandler for his dedication of BSP property. (As requested by Dr. Bob Bryant and approved by the Parks & Recreation Advisory Committee, this plaque would be placed by the City and at the City's expense, estimated to be \$800.)  
B. Partridge, Library & Recreation Services Director

12. [Adopt Resolution No. 04-xx awarding a contract in the amount of \\$503,004.62 for the 2004 annual street maintenance work to Ferravanti Grading and Paving.](#) (In February, Council approved the list of streets that would receive maintenance this budget cycle. Five bids were received, ranging \$503,005 to \$634,488. The low bid submitted by Ferravanti Paving and Grading of Paso Robles was reviewed and found to be responsive.)  
M. Williamson, Interim Public Works Director
13. [Adopt Resolution No. 04-xx approving a Reimbursement and Sale Agreement with the Paso Robles Joint Unified School District \(PRJUSD\) and accepting property conveyed to the City adjacent to Niblick Road for the construction of two bus turnouts.](#) (Modification to the School District's parking lot is an integral part of safe traffic flow for Niblick Road re-striping project, as are new bus turn-out lanes. The coordination of the District's and City's improvements will involve shared costs and the District's dedication of land.)  
M. Williamson, Interim Public Works Director
14. [Adopt Resolution No. 04-xx approving the list of sublease tenants on the Airport Master Lease Agreement with the Nunno Corporation.](#) (Lessee is permitted under the lease terms and conditions to request and enter into sublease agreements.)  
M. Williamson, Interim Public Works Director
15. [Adopt Resolution No. 04-xx awarding a contract to In-house Security to provide night security \(10:00 p.m. – 6:00 a.m.\) at Barney Schwartz Park.](#) (To protect BSP from vandalism, Council approved on-site security of the park during the late night hours. Contract security service was determined to be the most effective means to provide late night security. The security service contract has expired and been re-bid per City policy.)  
B. Partridge, Library & Recreation Services Director

**ROLL CALL VOTE**

**DISCUSSION**

16. [Barney Schwartz Park Concessions](#)  
B. Partridge, Library & Recreation Services Director

Consider approving a contract with B&G Concessions for Barney Schwartz Park (BSP) concession operations. (Proposals for the BSP concession operations were accepted by the City and reviewed by a Council ad hoc committee. The committee recommends awarding the contract concession operations to B&G Concessions, which has opted not to sell alcohol, and further recommends that, unless otherwise permitted, the no alcohol policy be enforced by a combination of BSP staff and the Police Department.)

**OPTIONS:**

- a. (1) Direct staff to enter into a contract with B&G Concessions; and
  - (2) As the work of the committee is complete, dissolve the Council ad hoc committee formed to review proposals for BSP concession operations
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

17. [Community Development Block Grant \(CDBG\)-funded Seismic Mitigation Program](#)

R. Lata, Community Development Director

Determine how 2004 CDBG funds allocated to the Seismic Mitigation Program will be used. (The proposed approach is to reimburse property owners for the cost of analysis and plans, once those plans have been completed by a qualified structural engineer.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx to specify that 2004 CDBG funds allocated to the Seismic Mitigation Program shall be used for making grants to owners of unreinforced masonry buildings for the costs of preparing seismic structural analyses, construction plans, and opinions of probable cost for the seismic retrofitting of their buildings and for reimbursing the City for its costs in conducting plan check. Option A provides that (1) the City will reimburse the owners of URM buildings upon completion of the preparation of analyses and plans (and prior to completion of the retrofit work) and (2) the City will provide funds (\$101,653 and more as necessary from 2005 CDBG funds or other sources) to reimburse all URM owners for the costs of analyses and plans.
- b. Same as Option "A," but fund 75% of the cost of the studies.
- c. Same as Option "A," but provide priority for property owners who were not previously funded.
- d. Amend, modify, or reject the foregoing options.

**ROLL CALL VOTE**

18. [Paso Robles Waste Disposal City-Wide Clean-up Day - Discussion of Charges](#)

M. Williamson, Interim Public Works Director

Consider allowing Paso Robles Waste Disposal to impose a nominal fee for bulky items collected on City-wide Clean-up Day. (The Franchise Agreement requires that one annual free pick-up event be made available to solid waste collection subscribers. Last year, a 2-cubic yard limit was established as a reasonable base level for this annual service, however there were instances exceeding the 2-cubic yard limit. As a result, applicant is requesting implementation of a fee for bulky items.)

**OPTIONS:**

- a. Determine that it is within the scope of the Franchise Agreement for Paso Robles Waste Disposal to impose a fee for bulk items, as described in their letter dated April 19, 2004.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**19.** [Request for Water Well Use – Russell Wilson \(3580 Airport Road\)](#)

R. Lata, Community Development Director

Consider approving continued use of a private well for domestic water service to a private residence on nine acres of agriculturally zoned property at 3580 Airport Road. (Applicant is seeking an exception to a consistently applied City policy that does not allow private wells to be used for domestic purpose—in this instance, a substantial expansion of an existing non-conforming residence. City water is available to the property from a 16-inch water line on Airport Road, adjacent to the subject property.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx denying the continued use of a private well by Russell Wilson at 3580 Airport Road as a condition of approval of a building permit.
- b. Adopt Resolution No. 04-xx requiring the expanded non-conforming residence to be connected to City water, but permitting the other two residences on the property to remain on well water for domestic purposes.
- c. Amend, modify, or reject the above options.

**ROLL CALL VOTE**

**20.** [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 15, 2004, as the date for adoption of said ordinance.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**CITY MANAGER**

**21. [Schedule Date for Applicant Interviews/Appointments – Housing Authority, Library Board of Trustees, Parks & Recreation Advisory Committee, Senior Citizens Advisory Committee, and Youth Commission](#)**

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Housing Authority, Library Board of Trustees, Parks & Recreation Advisory Committee, Senior Citizens Advisory Committee, and Youth Commission

**Housing Authority**

1 vacancy – 3 applicants: Member-at-large, regular term to fill the vacated term previously filled by David Rouff expiring February 28, 2007

Barbara L. Dabul  
Michael R. Talen\*  
Edward J. Tascona

\* Mr. Talen is applying for two committees. Pursuant to Council policy, appointees may serve on only one standing committee at a time. If Mr. Talen is appointed to the Housing Authority, his name will automatically be withdrawn as an applicant for the Parks & Recreation Advisory Committee.

**Library Board of Trustees**

2 vacancies – 3 applicants: 3-year regular terms expiring June 30, 2007

Jane Carey  
Doug Bates  
Christine Lynds

**Parks & Recreation Advisory Committee**

4 vacancies – 6 applicants: 2-year regular terms expiring June 30, 2006

Robin Fairbairn	N. Donald Mitchell
Amie Hammond	Michael Talen*
Heidi Hostetter-Wicka	Kevin Will

\* Mr. Talen is applying for two committees. Pursuant to Council policy, appointees may serve on only one standing committee at a time. If Mr. Talen is appointed to the Parks & Recreation Advisory Committee, his name will automatically be withdrawn as an applicant for the Housing Authority.

**Senior Citizens Advisory Committee**

6 vacancies – 8 applicants: Four 2-year regular terms expiring June 30, 2006

One 1-year alternate term expiring June 30, 2005

One 2-year alternate term expiring June 30, 2006

Gene Bartlett	Virginia Harris (incumbent)
Richard Blake	Glenn Muggelberg
Renee Clark (incumbent)	Jack Sloan
Dale Gustin (incumbent)	Jan Stemper-Brown

**Youth Commission**

7 vacancies – 12 applicants: Four 1-year regular terms to fill vacated terms expiring June 30, 2005

One 2-year regular term expiring June 30, 2006

Two 2-year alternate terms expiring June 30, 2006

Daniel Avina  
Colin Beasley  
Maria Cervantes  
Adi Cisneros (incumbent)  
Ryan Fellows  
Karli Gates

Elora Hartmann  
Krissy Huse  
Janett Mariscal  
Keith Rowe  
Tobin Streamland (incumbent)  
Ashley VonBurg

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**22.** [Ad Hoc Committee - Project Study Report for Airport Road](#)

R. Lata, Community Development Director

Consider appointing an ad hoc committee to review of proposals to prepare a project study report for Airport Road / Highway 46 East.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to address issues relating to review of proposals to prepare a project study report for Airport Road / Highway 46 East, and report back to the full Council by October 19, 2004.
- b. Amend, modify, or reject any of the above option.

**ROLL CALL VOTE**

**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 – Existing Litigation**

Subdivision (a) of Government Code Section 54956.9

Claim No. 2003009964

**ADJOURNMENT:** to THE JOINT PLANNING COMMISSION & CITY COUNCIL MEETING WITH CAL POLY PLANNING STUDENTS AT 7:00 PM ON WEDNESDAY, JUNE 2, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JUNE 15, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR  
COUNCIL MEETING IS JUNE 4, 2004***