

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, July 6, 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. [Demolition 04-009 – Determination of Historic or Architectural Significance or Non-significance of Existing Unreinforced Masonry Building at 1213 Vine Street for Demolition/Reconstruction Permit Application \(Henderson Family Trust\)](#)

R. Lata, Community Development Director

Consider continuing the public hearing. (Owner/applicant Alice Henderson Rodriguez has requested that the hearing be continued.)

#### OPTIONS:

- a. Open and continue the public hearing to the City Council meeting of July 20, 2004.
- b. Amend, modify, or reject the above option.

#### ROLL CALL VOTE

### 3. [Appeal of Notice and Order for 1234 Pine](#)

R. Lata, Community Development Director

Consider continuing the public hearing. (Christian Iversen, Attorney representing property owner Maria Estrada, has requested that the hearing be continued.)

#### OPTIONS:

- a. Open and continue the public hearing to the City Council meeting of August 17, 2004.
- b. Amend, modify, or reject the above option.

#### ROLL CALL VOTE

### 4. [Zone Change 04-001 \(Olsen – Annexation No. 86\)](#)

R. Lata, Community Development Director

Consider the Planning Commission's recommendation to approve the environmental finding and adopt the proposed pre-zone for annexation to the City. (The Olsen Ranch Annexation area includes approximately 241 acres, under three separate property owners. Properties are located in the County unincorporated area east of the City of Paso Robles, south of Linne Road, west of Hanson Road, and north of an extension of Meadowlark Road.)

**OPTIONS:**

- a. Make a finding that there is no need for additional environmental assessment in conjunction with the pre-zone as a part of the annexation process for Annexation No. 86; and introduce for first reading Ordinance No. XXX N.S. establishing a pre-zone consistent with the General Plan (which provides a combination of RSF-4 [Residential Single Family, up to four units per acre] and RSF-3 [the same up to three units per acre] with up to 95 units of multi-family, all subject to approval of a specific plan, which would be required prior to granting any entitlements for subdivision of properties within the proposed annexation area); and set July 20, 2004, as the date for second reading and adoption of the pre-zone ordinance.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

5. [Appeal of Planning Commission Approval of Amendment to Planned Development PD 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 to modify the existing median to allow for southbound left turn access from Creston Road in and out of East Village Shopping Center. (Site is located on the northeast corner of Creston Road and Sherwood Road.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx denying the applicant's requested amendment to Planned Development 02-003 Amendment, thereby continuing to preclude direct access to southbound Creston Road to and from the East Village Shopping Center.
- b. Adopt Resolution No. 04-xx permitting a partial modification of Planned Development 02-003 Amendment, allowing 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 permitting a partial modification of Planned Development 02-003 Amendment, allowing 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 approving the applicant's request for unrestricted access in and out of the East Village Shopping Center in spite of inconsistency with the original approved design and City Standards for arterial roads.
- e. Amend, modify, or reject 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 6-23 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

- 6. Approve City Council minutes of:  
[February 12, 2004](#)  
[June 15, 2004](#)  
[June 24, 2004](#)  
 D. Fansler, City Clerk
- 7. [Approve Warrant Register: Nos. 48314 – 48457 \(6/11/04\), 48458 – 48574 \(6/18/04\) and 45575 – 48767 \(6/25/04\)](#)  
 M. Compton, Administrative Services Director
- 8. Receive and file Advisory Body Committee minutes as follows:  
[Airport Advisory Committee meeting of May 27, 2004](#)  
[Housing Authority meeting of June 8, 2004](#)  
[Library Board of Trustees meeting of May 13, 2004](#)  
[Pioneer Museum Board meeting of May 13, 2004](#)  
[Parks & Recreation Advisory Committee meeting of May 11, 2004](#)  
[Senior Citizens Advisory Committee meeting of May 10, 2004](#)  
[Transit Advisory Committee meeting of April 7, 2004](#)
- 9. [Read, by title only, and adopt Ordinance No. XXX N.S. amending Chapter 17.18 of the Municipal Code.](#) (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.)  
 CONTINUED FROM JUNE 1, 2004 – FIRST READING JUNE 15, 2004  
 R. Lata, Community Development Director
- 10. [Read, by title only, and adopt Ordinance No. XXX N.S. to approve Code Amendment 04-002 to amend Section 21.18.040 and Section 21.16.200 of the Municipal Code to allow emergency/urgent care centers, including outpatient services, under the same group of land uses that would be permitted in the Gateway Center, subject to approval of a Conditional Use Permit.](#) (The Gateway Center development at 1<sup>st</sup> and Vine Streets is designated in the General Plan for Office Professional land uses and is also in the Office Professional zoning category.) FIRST READING JUNE 15, 2004  
 R. Lata, Community Development Director



11. [Read, by title only, and adopt Ordinance No. XXX N.S. adopting the fiscal year 2004-2005 operating budget for the Redevelopment Agency.](#) (The adopted RDA plan requires the annual operating budget be adopted by ordinance rather than by resolution. The budget is identical to the current year's budget except for debt service. As in prior years, all unallocated tax increment revenues are dedicated to repay the City for debt service on City Hall/Library.) FIRST READING JUNE 15, 2004  
M. Compton, Administrative Services Director
12. [Adopt Resolution No. 04-xx requesting Local Agency Formation Commission \(LAFCO\) to initiate an update of the Sphere of Influence for the City of Paso Robles.](#) (LAFCO is in the process of reviewing materials related to the City's recently updated General Plan and updating the City's Sphere of Influence. Part of the process is for the City to make a formal request for the update.)  
R. Lata, Community Development Director
13. [Adopt Resolution No. 04-xx accepting the public improvements of Tract 2369-2 \(Lots 72-106\) into the City's maintenance system, and authorizing release of Performance and Payment Bonds upon the posting of a Maintenance Bond for \\$108,590.](#) (This subdivision is located along Skyview Drive and Christina Court, south of Montebello Oaks Drive. All public improvements have been constructed to the satisfaction of the City Engineer.)  
R. Lata, Community Development Director
14. [Adopt Resolution No. 04-xx accepting recordation of Parcel Map PR 03-0259.](#) (This residential development and subdivision is located at 2918 Oak Street. Applicant is Justin Black.)  
R. Lata, Community Development Director
15. [Adopt Resolution No. 04-xx accepting the Airport Terminal, Project No. DPW 99-04, for maintenance by the City.](#) (The warranty period associated with this Measure D project is concluded. It is the policy of Council to accept City facilities for on-going maintenance.)  
R. Lata, Community Development Director
16. [Adopt Resolution No. 04-xx amending an Airport real estate lease to change the lessee name at the lessee's request.](#) (Requested name change is from "Matthew James Andros and Susan Berry Andros" to "Matthew J. Andros and Susan B. Andros, Trustees of the Matt and Sue Andros Family Trust, dated March 4, 2004.)  
M. Williamson, Interim Public Works Director
17. [Adopt Resolution No. 04-xx rejecting the one bid received for \\$106,968 to re-plaster the Municipal Pool.](#) (The budget adopted by Council for this work is \$30,000.)  
M. Williamson, Interim Public Works Director
18. [As the work of the committee is not yet completed, extend the ad hoc committee formed in April 2003 to review the Sherwood Park Master Plan phasing implementation to December 7, 2004.](#) M. Williamson, Interim Public Works Director
19. [As the work of the committee is not yet completed, extend the ad hoc committee formed in August 2003 to work with staff to address formulating appropriate regulations regarding newsracks to October 19, 2004.](#)  
R. Lata, Community Development Director
20. [As the work of the committee is not yet completed, extend the ad hoc committee formed December 3, 2002, to work with staff to address to address Downtown parking and circulation related issues to December 21, 2004.](#)  
R. Lata, Community Development Director

21. [As the work of the committee is completed, dissolve the ad hoc committee formed in March 2004 to work with staff to address updating the city's Seismic Safety Ordinance.](#)  
R. Lata, Community Development Director
22. [As the work of the committee is not yet completed, extend the ad hoc committee formed April 6, 2004, for review and analysis of City-wide user fees to September 7, 2004.](#)  
M. Compton, Administrative Services Director
23. [As the work of the committee is not yet completed, extend the ad hoc committee formed February 19, 2002, to study funding for art in public places to June 7, 2005.](#)  
B. Partridge, Library & Recreation Services Director

## **ROLL CALL VOTE**

## **DISCUSSION**

24. [Use of Septic System and Private Well for Domestic Purposes at 4025 Dry Creek Road \(Canaday\)](#)  
R. Lata, Community Development Director

Consider approving construction of a septic tank and leach field to serve the conversion of a shop building into a secondary residential unit, and to allow continued use of a private well to serve the existing single-family residence, as well as the remodel. (Pursuant to the City's Municipal Code, construction of any septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage may be permitted only if sewer is not available. The nearest available sanitary sewer main is at the intersection of Dry Creek Road and Airport Road, approximately one mile to the west of the property. Adjacent lots in this area are serviced by septic systems.)

### **OPTIONS:**

- a. Adopt Resolution No. 04-xx authorizing continued use of a septic system for an existing single-family residence at 3580 Airport Road (APN 025-431-081/Wilson) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 "Conditions."; and

Adopt Resolution No. 04-xx authorizing continued use of a well to serve an existing single family residence and proposed secondary residence remodel at 4025 Dry Creek Road.

- b. Adopt Resolution No. 04-xx authorizing continued use of a septic system for an existing single-family residence at 3580 Airport Road (APN 025-431-081/Wilson) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 "Conditions."; and

Deny the request of continued use of a well at 4025 Dry Creek Road, and direct the property owner to connect to City water by extension of the water main in Dry Creek Road.

- c. Amend, modify, or reject one of the above options.

## **ROLL CALL VOTE**

25. [Award Contract for Repair of Water Tanks at Golden Hill Road](#)

M. Williamson, Interim Public Works Director

Consider awarding a contract to repair the damaged water tanks at Golden Hill Road. (The two 4-million gallon steel reservoirs sustained damages in the San Simeon earthquake in December 2003. At the bid opening on June 24, 2004, five bids were received, ranging from \$754,551 to \$1,099,383. Staff reviewed the low bid submitted by MGE Underground and found it to be responsive.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx awarding the contract to repair the two damaged water tanks at Golden Hills Road to low bidder MGE Underground for \$754,551.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

26. [Award Contract for Design Services Associated with Rehabilitation of Carnegie Library](#)

M. Williamson, Interim Public Works Director

Consider accepting a proposal to provide retrofit and rehabilitation assessment and design services for the Carnegie Library following damages sustained in the San Simeon earthquake of December 2003. (Requests for Qualifications for design services were forwarded to over forty design firms in March 2004. Eleven responses were received and reviewed by the Council ad hoc committee. Three firms, Architectural Resources Group, Garavaglia Architecture, and Rachlin Architects, were selected to provide cost proposals. The "not to exceed" proposals submitted were for \$191,130, \$199,750, and \$250,640.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx awarding the contract for design services for rehabilitation of the Carnegie Library to Architectural Resources Group for \$191,130.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

27. [Award Contract for Repair of Senior Center](#)

M. Williamson, Interim Public Works Director

Consider awarding a contract to repair damages to the Senior Center sustained in the December 2003 San Simeon earthquake. (In response to notification by FEMA that the City's bid document format needed revision if the City is to receive maximum reimbursement for these repairs, Council rescinded the original bid award for this project and issued revised bid documents. Two bids were received, one for \$59,157 and one for \$49,740. The low bid submitted by Newton Construction was reviewed and found to be responsive.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx awarding the contract to repair the Senior Center to low bidder Newton Construction for \$49,740.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**28.** [Award Contract for Repair of Veterans Center](#)

M. Williamson, Interim Public Works Director

Consider awarding a construction contract to repair damages to the Veterans Center sustained in the December 2003 San Simeon earthquake. (In response to notification by FEMA that the City's bid document format needed revision if the City is to receive maximum reimbursement for these repairs, Council rescinded the original bid award for this project and issued revised bid documents. Two bids were received at the bid opening on June 11, 2004, one for \$15,653 and one for \$29,260. The low bid submitted by Newton Construction was reviewed and found to be responsive.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx awarding a construction contract to repair earthquake damages to the Veterans Center to Newton Construction for \$15,653.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**29.** [Award Contract for Fire Station #2 Rehabilitation](#)

M. Williamson, Interim Public Works Director

Consider awarding a contract to prepare plans and specifications for the rehabilitation of Fire Station #2. (Fifteen Requests for Qualifications were mailed to architectural firms in February 2004. Three responses were received. After review by the Council ad hoc committee, Requests for Cost Proposals were issued to two firms, Vitetta and BFGC. Both firms submitted proposals, one for 29,825 and the other for \$40,670.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx awarding a to prepare plans and specifications for the rehabilitation of Fire Station #2 to Vitetta Architecture for \$29,825.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**30.** [Installation of Additional Air Conditioning at Public Safety Center Computer/Communications Room](#)

M. Williamson, Interim Public Works Director

Consider authorizing the installation of additional air conditioning at the Public Safety Center computer/communications room using Measure D funds remaining from the original construction budget.

**OPTIONS:**

- a. Authorize staff to secure bids and install additional air conditioning at the Public Safety Center Computer/Communications room using Measure D funds that remain from the allocated construction budget.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**31.** [San Luis Obispo County Sales Tax Ballot Measure](#)

J. App, City Manager

Consider reaffirming opposition to the Countywide, limited term, ¼ cent sales tax to fund libraries. (The County Board of Supervisors has authorized a library sales tax measure for the November 2004 ballot. The measure includes Paso Robles [even though the City Council opposes the tax] and, if passed, will increase sales tax by ¼ cent per dollar for five years. Council may reaffirm its opposition to this tax through submission of a formal ballot measure opposition argument.)

**OPTIONS:**

- a. Reaffirm position regarding the library limited term sales tax, but do not submit an opposition argument.
- b. Direct preparation of an opposition argument for signature by all five Councilmembers.
- c. Amend, modify, or reject one of the above options.

**ROLL CALL VOTE**

## **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

San Luis Obispo Tribune, a division of Monterey Newspapers, Inc. v. City of El Paso de Robles

Claim No. CV 000591

**b. Conference with Legal Counsel – Existing Litigation**

Subdivision (a) of Government Code Section 54956.9

City of El Paso de Robles vs. John C. Hanna, et al

Claim No. CV 031046

**ADJOURNMENT:** to CLOSED SESSION MEETING AT 6:30 PM ON THURSDAY, JULY 8, 2004, AT THE 2<sup>ND</sup> FLOOR CONFERENCE ROOM, CITY HALL, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 20, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR  
COUNCIL MEETING IS JULY 9, 2004***