

# CITY COUNCIL AGENDA

Tuesday, August 17, 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. [Recognition – Chaunte Howard](#)  
Member of the 2004 Athens Olympic Team.
2. [Recognition – Paso Robles Firefighters Association, Paso Robles Realtors Association, Senior Citizen Advisory Committee, and REC, Inc.](#)  
Contributions to purchase Automatic External Defibrillators (AEDs).

## PUBLIC HEARINGS

3. [Demolition 04-009 – Determination of Historic or Architectural Significance of Existing Unreinforced Masonry Building at 1213 Vine Street for Demolition/Reconstruction Permit Application \(Henderson Family Trust\)](#)  
R. Lata, Community Development Director

Continue the open public hearing to allow time for applicant to provide additional information. (Owner/applicant: Alice Henderson Rodriguez.) CONTINUED FROM JULY 6 AND 20, 2004

### OPTIONS:

- a. Open and continue the public hearing to the City Council meeting of September 7, 2004.
- b. Amend, modify, or reject the above option.

### ROLL CALL VOTE

4. [Appeal of Planning Commission Approval of Amendment to Planned Development PD 02-003 – East Village Associates LLC](#)  
R. Lata, Community Development Director

Continue the open public hearing regarding a proposed amendment to PD 02-003 regarding vehicular access to the East Village (Food 4 Less) shopping center. CONTINUED FROM JULY 6, 2004

### OPTIONS:

- a. Open and continue the public hearing to the City Council meeting of September 7, 2004.
- b. Amend, modify, or reject the above option.

### ROLL CALL VOTE

5. [Appeal of Notice and Order for 1234 Pine Street by the Property Owner](#)  
R. Lata, Community Development Director

Consider appeal of a Notice and Order issued for a leaning building at 1234 Pine Street. (Property is a 120-year old wood, framed building. The City's recent assessment showed that the building is leaning and rotating four inches, exceeding limits set by code for this type of building.) CONTINUED FROM JULY 6, 2004

**OPTIONS:**

- a. Confirm the Notice and Order by directing the property owners to cause an assessment of the building to be completed by September 30, 2004. Should the building be found to need repair, direct that plans be submitted for a permit and all work be completed by January 1, 2005. Failure to address the building by the January date will result in the City initiating the process to abate the public safety hazard by securing or demolishing the building, with the cost of abatement 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 building fail, further suggesting the property owners address the building on their own accord and consider the matter closed.
- c. Amend, modify, or reject any of the above option.

**ROLL CALL VOTE**

**6. [Zone Change 04-006 \(Beechwood Area – Annexation No. 87\)](#)**

R. Lata, Community Development Director

Consider the Planning Commission's recommendation regarding a pre-zone of property proposed for annexation to the City. (The Beechwood Annexation includes approximately 235 acres, 13 separate properties, and has 9 different property owners. Properties are located in the County unincorporated area east of the City, south of an eastward extension of Meadowlark Road and north of Creston Road. The PG&E electric transmission lines form the eastern boundary. Subject properties were anticipated for annexation in the 2003 General Plan update and future development was anticipated in the Final Environmental Impact Report. Pre-zoning of the property is a step in the annexation process; there is no development proposed at this time. The Planning Commission is scheduled to hold a noticed public hearing on August 10, 2004 and a verbal report of the Commission's recommendation will be provided at the August 17<sup>th</sup> Council meeting.)

**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; and introduce for first reading Ordinance No. XXX N.S. establishing a pre-zone pattern consistent with the General Plan (which provides RSF-3 with up to 200 units of multi-family for a total of not to exceed 674 dwelling units, 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 September 7, 2004, as the date for second reading and adoption of the pre-zone ordinance.
- b. Amend, modify, or reject any of the above option.

**ROLL CALL VOTE**

7. [Code Amendment 04-003 – Zoning Map and Zoning Ordinance Amendment to Establish a Mixed-Use Overlay Zoning District and Mixed-Use Development Regulations](#)

R. Lata, Community Development Director

Consider an amendment to the Zoning Map to add a Mixed-Use Overlay district and establish development regulations, including site development standards and design guidelines for mixed-use development projects. (The Planning Commission unanimously recommends the Mixed-Use Overlay zoning district.)

**OPTIONS:**

- a. (1) Adopt Resolution No. 04-xx adopting the Negative Declaration relating to Zoning Code Amendment No. 04-003; and
- (2) Introduce for first reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code, approving a zoning map change, and zoning text amendment; and set September 7, 2004, as the date for second reading of said ordinance.
- b. Amend, modify, or reject any of the above option.

**ROLL CALL VOTE**

8. [Establishment of Undergrounding Districts for Overhead Utilities](#)

M. Williamson, Interim Public Work Director

Consider establishing a utility undergrounding district from the north side of 10<sup>th</sup> Street to the south side of 9<sup>th</sup> Street and from the west side of Spring Street to the east side of Park Street. (Rule 20 funds [funds accrued through Pacific Gas & Electric Company for the purpose of undergrounding of utilities] may be allocated for established Undergrounding Districts. This will allow undergrounding of utilities for the future Court House without impacting the project budget.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx establishing Undergrounding District Area No. 5, thereby allowing undergrounding work to be accomplished using Rule 20 Funds.
- 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 9-16 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.**

9. [Approve City Council minutes of August 3, 2004](#)  
D. Fansler, City Clerk
10. [Approve Warrant Register: Nos. 49307 – 49429 \(7/30/04\) and 49430 – 49601 \(8/6/04\)](#)  
M. Compton, Administrative Services Director
11. Receive and file Advisory Body Committee minutes as follows:  
[Housing Authority meeting of July 13, 2004](#)
12. [Read, by title only, and adopt Ordinance No. XXX N.S. amending Sections 14.04.020 and 14.16.020 of the Municipal Code to approve an adjustment of water user fees.](#) (At its July 20<sup>th</sup> meeting, Council approved participation in the Nacimiento Water Project [NWP] with the San Luis Obispo Flood Control District. A proposed increase in water user fees of \$6/month every July 1<sup>st</sup> from 7-2-05 through 6-30-10 [a total rate increase of \$36] will be used to fund the cost of participating in the NWP.) 1ST READING AUGUST 3, 2004  
J. App, City Manager
13. [Receive and file update status report on the 2001 Grant of \\$500,000 in State CalHome funds; and adopt Resolution No. 04-xx authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program, the execution of a standard agreement if selected for such funding, and any amendment thereto, and any related documents necessary to participate in the CalHome Program.](#)  
R. Lata, Community Development Director
14. [Adopt Resolution No. 04-xx accepting the public improvements of Tract 2269 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond for \\$198,200 and a landscape improvement bond for \\$100,000.](#) (Applicant: Danley, Erskine, et al. Subdivision is located on Golden Hill Road, north of Highway 46. With the exception of the parkway landscaping, 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
15. [Adopt Resolution No. 04-xx authorizing the application process for state grant funding, as outlined in the staff report, together with the execution of all pertinent documentation, as required.](#) (The City has received federal grant funding from the Federal Aviation Administration [FAA] for the acquisition of replacement of airport crash rescue equipment. State grant funding, available through the State Department of Transportation [CALTRANS] Aeronautics Program, provides for additional funding of 5% of the federal grant.)  
M. Williamson, Interim Public Works Director
16. [As the work of the committee is complete, dissolve the ad hoc committee formed in December 2003 to review sewer and water user and impact fees.](#)  
M. Compton, Administrative Services Director

#### **ROLL CALL VOTE**

## DISCUSSION

### 17. [Tilting Block Fence – 800 Block of Niblick Road](#)

R. Lata, Community Development Director

Receive information regarding a tilting masonry wall on the south side of the 800 block of Niblick Road. (The block fence/sound wall was constructed in 1985 and since its construction had tilted to the south into the rear yards of four property owners, constituting a hazard to the property owners or other individuals accessing the rear yards of the properties. On July 30, 2004, the property owners returned the wall to within 4 inches of vertical, mitigating the potential hazard for which the Notice and Order was issued by the City in May 2004.) CONTINUED FROM MAY 18, 2004

#### OPTIONS:

- a. Determine that the property owners have complied with the intent of the Notice and Order issued in May 2004, and that no further action by staff is necessary.
- b. Amend, modify, or reject the foregoing option.

#### ROLL CALL VOTE

### 18. [Private Gated Residential Developments and Other Barriers to Public Vehicular Traffic Flow](#)

R. Lata, Community Development Director

Consider establishing a policy regarding private gated residential developments and other barriers to vehicular traffic. (Gates or other barriers to traffic flow could have significant impacts on overall City traffic circulation.)

#### OPTIONS:

- a.
  - (1) Direct staff to ensure that no additional illegal gates or barriers to traffic are installed; and
  - (2) Direct staff to investigate what types of automated systems are available and could be required of new developments in order to facilitate access by Police and Emergency Services; and
  - (3) Direct staff to confer with the City Attorney to confirm the process for removal of any illegal barriers in City streets; and
  - (4) Direct the Planning Commission to continue considering gated residential developments on a case by case basis, considering the impacts on the City's General Plan/traffic circulation system, emergency response times, and implications for traffic calming.
- b. Amend, modify, or reject the foregoing option.

#### ROLL CALL VOTE

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS** - None

**COUNCIL COMMENTS**

**ADJOURNMENT:** to THE REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 7, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

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.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR  
COUNCIL MEETING IS AUGUST 27, 2004***