

CITY COUNCIL AGENDA

Tuesday, March 15, 2005 7:30 PM

MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL
CONFERENCE CENTER, 1000 SPRING STREET

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 Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong, 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 - Parks & Recreation](#)

B. Partridge, Library & Recreation Services Director

Recognition of awards received from the California Parks & Recreation Society District VIII conference in February 2005: *REC, Inc.*, Community Service Award for outstanding service to a community; *Paso Robles Youth Commission*, Best Youth Development Program; *Paso Robles Twilight Concerts in the Park*, Agency Showcase for Most Outstanding Poster; *Gary Perruzzi*, Professional of the Year.

PUBLIC HEARINGS

2. [Urgency Ordinance – Moratorium on Establishing Any Medical Marijuana Dispensaries](#)

R. Lata, Community Development Director

Consider adopting an Urgency Ordinance to establish a moratorium prohibiting the establishment of any medical marijuana dispensaries. (Existing zoning regulations do not provide for the location and/or regulation of medical marijuana dispensaries. The adoption of this urgency ordinance will provide staff and Council an opportunity to study the issues involved and prepare appropriate regulations for consideration.)

OPTIONS:

- a.** Introduce for first reading Ordinance No. XXX N.S. establishing a moratorium on any and all medical marijuana dispensaries from March 15, 2005, through and including April 28, 2005, unless extended by further action of the City Council.
- b.** Amend, modify, or reject the above option.

ROLL CALL VOTE

3. [Street Abandonment 04-007 - Kleck Road \(Sylvester\)](#)

R. Lata, Community Development Director

Consider abandoning an unimproved portion of Kleck Road right-of-way, approximately 200 feet north of Windsong Way (Applicant: Steve Sylvester) to expand residential use of the abandoned area. (The Planning Commission unanimously recommended approval; and the request was found to be consistent with the Streets and Highway Code and the City's General Plan. No concerns have been raised by the Department of Emergency Services regarding the proposed abandonment. Council adopted a Resolution of Intent to abandon at the February 15, 2005, Council meeting.)

OPTIONS:

- a.** Adopt Resolution No. 05-xx to abandon a portion of Kleck Road, a variable width right-of-way, from approximately 200 feet north of Windsong Way to the southerly boundary of Tract 2369-1, as shown on Exhibit "A."
- b.** Amend, modify, or reject the above option.

ROLL CALL VOTE

4. [Code Amendment 05-002 - Establishing Multi-Family Design Guidelines](#)

R. Lata, Community Development Director

Consider a code amendment to establish Multi-Family Design Guidelines. (The General Plan includes goals, policies, and action items to develop Multi-Family Design Guidelines. This code amendment will implement those policies.) CONTINUED FROM MARCH 1, 2005

OPTIONS:

- a. Adopt Resolution No. 05-xx adopting the Negative Declaration relating to this Zoning Code Amendment, and introduce for First Reading Ordinance No. 05-XXX N.S. amending Title 21 (Zoning) of the Municipal Code, approving a zoning text amendment.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

5. [Miscellaneous 05-003 – Establishing Industrial Design Guidelines](#)

R. Lata, Community Development Director

Consider establishment of Industrial Development Design Guidelines. (The General Plan [Policy LU-2B] encourages architectural and design excellence for industrial projects.)

OPTIONS:

- a. Adopt Resolution No. 05-xx approving the Industrial Design Guidelines.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

6. [Local Hazard Mitigation Plan](#)

R. Lata, Community Development Director

Consider adopting a Local Hazard Mitigation Plan (LHMP) to fulfill the requirements of Federal regulations pertaining to Hazard Mitigation Grants. (Federal regulations governing assistance from the Federal Emergency Management Agency [FEMA] provide that local jurisdictions must have a FEMA-approved LHMP in order to apply for Hazard Mitigation Grants.)

OPTIONS:

- a. Adopt Resolution No. 05-xx adopting a Local Hazard Mitigation Plan.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

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

ROLL CALL Agencymembers Jim Heggarty, Frank Mecham, Duane Picanco, Fred Strong, and Chairman Gary Nemeth

CONSENT

7. [Authorize execution of the "Substitution of Trustee and Full Reconveyance" with regard to the northeast corner of 12th and Park Streets.](#) (The Mastagni Family owns two properties: one at the NE corner of 12th and Park Streets and one at the NW corner. They have one \$25,000 City/Redevelopment Agency Façade Improvement Program loan obligation covering improvements to both of their buildings. This reconveyance releases the loan obligation from the NE corner property, while maintaining the \$25,000 obligation for the property at the NW corner.)
R. Lata, Community Development Director

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 8 – 17 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

8. [Approve City Council minutes of March 1 and March 3, 2005](#)
D. Fansler, City Clerk
9. [Approve Warrant Register: Nos. 53612 – 53715 \(2/25/05\) and 53716 – 53835 \(3/4/05\)](#)
M. Compton, Administrative Services Director
10. [Receive and file Advisory Body Committee minutes as follows:](#)
Airport Advisory Committee meeting of January 27, 2005
11. [Read, by title only, and adopt Ordinance No. XXX N.S. adopting Chapter 3.21 regarding a Visual Arts in Public Places Program.](#) (In conformity with the General Plan adopts a policy and funding mechanism for art in public places.) 1ST READING MARCH 1, 2005
B. Partridge, Library & Recreation Services Director
12. [Adopt Resolution No. 05-xx accepting the recordation of Parcel Map PR 00-0076 and adopt Resolution No. 05-xx annexing Parcel Map PR 00-0076 into the Landscape and Lighting District \(L&LD\).](#) (Applicant: Buzzetti. This is a 3-lot commercial subdivision located at the northwest corner of Dallons Drive and Golden Hill Road. Applicant has signed a petition and voted in favor of annexation into the L&LD.)
R. Lata, Community Development Director
13. [Adopt Resolution No. 05-xx accepting the recordation of Parcel Map PR 04-0463.](#) (Applicants: Gary and Marianne Bernstein. This is a 2-lot residential subdivision located at 530 9th Street, just west of Oak Street.)
R. Lata, Community Development Director

14. [Adopt Resolution No. 05-xx authorizing the City Manager to enter into an agreement with Richard and Janet Kilpatrick for the termination of a Drainage and Maintenance Agreement as it pertains to Lot 60 of Tract 1463-2.](#) (Property is located at 1211 Mariah Lane. The City Engineer has determined that the terms and conditions of the Drainage and Maintenance Agreement regarding Lot 60 of Tract 1463-2 are no longer needed by the City.)
R. Lata, Community Development Director
15. [Authorize execution of the "Substitution of Trustee and Full Reconveyance" with regard to the northeast corner of 12th and Park Streets.](#) (The Mastagni Family owns two properties: one at the NE corner of 12th and Park Streets and one at the NW corner. They have one \$25,000 City/Redevelopment Agency Façade Improvement Program loan obligation covering improvements to both of their buildings. This reconveyance releases the loan obligation from the NE corner property, while maintaining the \$25,000 obligation for the property at the NW corner.)
R. Lata, Community Development Director
16. [Adopt Resolution No. 05-xx adding Jim B. Lewis to the City's pre-approved Certified Arborist List.](#) (The purpose of the pre-approved arborist consultant list is to ensure that ISA-certified arborists [persons certified by the Western Chapter of the International Society of Arboriculture] are used by applicants in addressing oak tree issues. Staff has reviewed the qualifications of Mr. Lewis and found that he is qualified to provide consulting services and to prepare arborist reports to the City pursuant to current Municipal Code requirements.)
R. Lata, Community Development Director
17. [Adopt Resolution No. 05-xx authorizing the City Manager to enter into a contract with low bidder Newton Construction for \\$12,915 for water damage repairs at the Veterans Memorial Building; and approve a budget appropriation from the City's Facility Repair Fund for \\$13,000.](#) (In November 2004, the fire sprinkler system at the Veterans Memorial Building malfunctioned, causing substantial water damage to the interior finishes. Specifications for repair services were drafted and bids sought. Three bids were received, ranging from \$12,915 to \$15,560. The low bid submitted by Newton Construction was reviewed and deemed responsive.)
D. Monn, Interim Public Works Director

ROLL CALL VOTE

DISCUSSION

18. [Downtown Parking "In Lieu" Fee](#)
R. Lata, Community Development Director

Consider taking steps to implement the adopted Downtown Parking and Circulation Action Plan. (Council has adopted a three-step process to address Downtown parking needs. Mid-term plans [2006-2009] call for budgeting funds for acquisition and design of a facility to expand the number of parking spaces. "In lieu" fees would seem to be a feasible tool for implementing the adopted Downtown Parking and Circulation Action Plan.)

OPTIONS:

- a. Authorize staff to prepare and circulate a Request for Proposals to seek qualified assistance in recommending an appropriate "in lieu" parking fee for Downtown Paso Robles. The issuance of any contract for this work and a transfer of funds would be subject to separate City Council consideration.

- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

19. [Annexation Fee for Community Facilities District](#)

R. Lata, Community Development Director

Consider establishing a fee for annexation to the City's Community Facilities District (CFD). (Consistent with the General Plan policies on fiscal neutrality, the Council is establishing a CFD to pay for the incremental costs of services to residential development. In order to defray City costs of annexation of properties to a CFD, it is proposed that Council establish a processing fee.)

OPTIONS:

- a. Adopt Resolution No. 05-xx establishing a Community Facility District processing fee.
- b. Amend, modify, or reject one of the above option.

ROLL CALL VOTE

20. [Request to Remove One Oak Tree in Relation to the Union Road Widening Project \(City-Initiated\)](#)

R. Lata, Community Development Director

Consider a request to remove one 19-inch Blue Oak. (Arborist Donald Rodrigues was hired by the City to evaluate oak tree impacts in relation to the Union Road Widening Project. Mr. Rodrigues concluded that out of 29 oak trees impacted by the widening, only one tree is recommended for removal.)

OPTIONS:

- a. Adopt Resolution No. 05-xx approving the removal of one 19-inch Blue Oak based on the findings, conclusions and recommendations of the Arborist Reports identifying that it is necessary to remove the tree in relation to the Union Road widening project and based on the tree being in poor condition; and that three (3) 1.5-inch diameter replacement trees be required to be planted at the direction of the Arborist.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

21. [Hazard Elimination Safety Grant Application](#)

R. Lata, Community Development Director

Consider authorizing preparation of an application for Hazard Elimination Safety (HES) funds through the Caltrans Local Assistance Program, prioritize eligible projects, and authorize the award of a contract to Associated Transportation Engineers to assist in the preparation of the

grant application. (The HES program provides funds for safety improvements on public roads, bicycle-pedestrian pathways, and traffic calming measure and would provide 90% funding for approved projects. Two projects being proposed for application of grant funds are improvements to the Theatre Drive-Gahan Place intersection and widening Theatre Drive from the Target Center to south City limits.)

OPTIONS:

- a. (1) Direct staff to make application for HES grant funds;
 - (2) Prioritize two projects for inclusion in the grant application; and
 - (3) Adopt Resolution No. 05-xx authorizing the execution of a contract with Associated Transportation Engineers to assist with the preparation of the grant applications for a cost of \$10,400.
- b. Amend, modify, or reject one of the above option.

ROLL CALL VOTE

22. [Authorization to Install Electric Pumps in Sulfur Spring Located in City Hall Parking Lot](#)

D. Monn, Interim Public Works Director

Consider awarding a bid to install two electric pumps at the sulfur spring in the City Hall parking lot to replace the diesel pumps presently being used to remove the water. (In addition to a reduction in costs, conversion of the existing pumps from diesel to electric would allow removal of the portable fuel tank, eliminate any possibility of a fuel spill, and reduce the noise associated with pumping.)

OPTIONS:

- a. Allocate \$17,000 from General Fund Reserves and authorize the City Manager to enter into contracts to convert the diesel pumps associated with the sulfur spring to electric.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

CITY MANAGER

23. [Olsen Ranch – Beechwood Area Specific Plan and Environmental Impact Report – Ad Hoc Committee Appointment](#)

R. Lata, Community Development Director

Consider appointing an alternate Councilmember to an ad hoc committee to review bid proposals and interview consultant teams to prepare the Olsen Ranch – Beechwood Area Specific Plan and Environmental Impact Report. (Councilmembers Heggarty and Picanco were appointed to this ad hoc committee on March 1, 2005. Subsequently, Councilmember Picanco found that he has a scheduling conflict and will not be able to attend meetings.)

OPTIONS:

- a. Appoint a new member to the Beechwood Area Specific Plan and EIR ad hoc committee to work with staff to select the most qualified consultant team to prepare the Olsen Ranch – Beechwood Area Specific Plan and EIR, provide guidance through its completion.
- b. Amend, modify, or reject any of the above option.

VOICE VOTE

24. [Landscape and Lighting District \(L&LD\) - Ad Hoc Committee Formation](#)

D. Monn, Interim Public Works Director

Consider appointing an ad hoc committee to assist staff in planning the re-balloting effort for the L&LD deficit sub-areas. (The L&LD was formed in 1989 to offset costs associated with median and parkway landscape and street lights. Periodically, the districts must be re-balloted to cover increasing costs that would otherwise result in deficits.)

OPTIONS:

- a. Appoint a two-member ad hoc committee to assist in planning the re-balloting effort for the L&LD deficit sub-areas, reporting back to the full Council by December 31, 2005.
- b. Amend, modify, or reject any of the above option.

VOICE VOTE

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION

25. [Appointments to the Housing Authority](#)

J. App, City Manager

Consider making appointments to the Housing Authority to fill current vacancies. (On March 1, 2005, Council appointed Councilmembers Nemeth and Strong to an ad hoc committee to interview applicants and make their recommendations to the full council. Accordingly, applicant Arminda Cabel was interviewed on March 7, 2005. Incumbent Pearl Munak elected not to interview and applicant Andres Perales did not keep his interview appointment.)

1 vacancy – 4-year “at large” term, expiring February 28, 2009

APPLICANTS: Pearl Munak

1 vacancy – 4-year “resident” term, expiring February 28, 2009

APPLICANTS: Arminda Cabel and Andres Perales

OPTIONS:

- a. Appoint Pearl Munak to a 4-year “at large” term, expiring February 28, 2009, and Arminda Cabel to a 4-year “resident” term, expiring February 28, 2009.
- b. Direct staff to continue advertising for additional applicants.
- c. Amend, modify, or reject one of the above options.

ROLL CALL VOTE

AD HOC COUNCIL BUSINESS - None

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

a. Conference with Legal Counsel – Anticipated Litigation

Subdivision (c) of Government Code Section 54956.9

Initiation of Litigation

Number of cases: One

ADJOURNMENT: to THE REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 5, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

All persons desiring to speak on an agenda item are asked to fill out **Speaker Information Cards** and place them 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 MARCH 18, 2005*