

# **CITY COUNCIL AGENDA**

**Tuesday, April 5, 2005 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**

## **7:00 PM – CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor

### **Conference with Legal Counsel – Existing Litigation**

Subdivision (a) of Government Code Section 54956.9

Home Builder's Association of Central Calif. (Plaintiff) vs. City of Paso Robles (Defendants)

Case No. CV 050232

## **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 – Paso Robles High School Athletes](#)  
F. Mecham, Mayor

Recognition of *Mitchell Monteiro – PRHS Varsity Wrestling Team* for CIF Masters Champion 2205, CIF Southern Section Champion 2005 & PAC 5 League Champion 2005 (CIF Southern Section Division 1); and *Derrick Jasper – PRHS Varsity Basketball Team* for PAC 5 Boys Basketball Player of the Year 2005 (CIF Southern Section Division 11).

## PUBLIC HEARINGS

2. [Local Hazard Mitigation Plan](#)  
R. Lata, Community Development Director

Consider opening and continuing a public hearing on the adoption of 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.) CONTINUED FROM MARCH 15, 2005

### OPTIONS:

- a. Open and continue the public hearing regarding adoption of a Local Hazard Mitigation Plan to the Council meeting of April 19, 2005.
- b. Amend, modify, or reject the above option.

### ROLL CALL VOTE

3. [Code Amendment 04-007 – Revision of Multiple Family Residential Regulations](#)  
R. Lata, Community Development Director

Consider opening and continuing a public hearing on a City-initiated amendment to the Zoning Code to revise the multiple family residential development regulations. (This amendment would establish development regulations for residential multiple family at 20 units per acre.)

### OPTIONS:

- a. Open and continue the public hearing regarding an amendment to the Zoning Code to revise the multiple family residential development regulations to the Council meeting of May 3, 2005.
- b. Amend, modify, or reject the above option.

### ROLL CALL VOTE

4. [Demolition 05-001 – Determination of Historic or Architectural Significance of an Existing House at 2127 Oak Street; Demolition Permit Application \(Murrell\)](#)

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of a house located at 2127 Oak Street. (Demolition permit filed by Tom Murrell on behalf of Searidge Investments. Demolition of the existing house would permit the property owner to proceed with approved plans to construct four houses on the existing parcel. Council has the discretion to make a final determination of the subject building's historic or architectural significance prior to the processing of a demolition permit.)

**OPTIONS:**

- a. Determine to (1) adopt Resolution No. 05-xx adopting a Negative Declaration pursuant to the requirements of the Guidelines for implementing the California Environmental Quality Act (CEQA); and (2) direct that the demolition permit application be processed. Any replacement structure(s) will be the subject of a future applicable building code and public policy requirements, as may apply at the time of a request for project approval.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

5. [Design Guidelines for the Westside Historic District](#)

R. Lata, Community Development Director

Consider approving Design Guidelines for development within the Historic District Overlay Area. (In conjunction with the 2003 General Plan update, the Council established boundaries for a Historic Preservation Overlay District. At the time of adoption, staff was directed to bring forward Design Guidelines for the District, including more specific standards for signage in that area. At their meeting of January 25, 2005, the Planning Commission unanimously recommended approval of the Westside Historic District Design Guidelines.)

**OPTIONS:**

- a. Adopt Resolution No. 05-xx adopting the Draft Design Guidelines for the Westside Historic District Conservation Plan.
- 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 6 – 17 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.**

6. [Approve City Council minutes of March 15, 2005](#)  
D. Fansler, City Clerk
7. [Approve Warrant Register: Nos. 53836 – 53982 \(3/11/05\), 53983 – 54160 \(3/18/05\), and 54161 – 54287 \(3/25/05\)](#)  
M. Compton, Administrative Services Director
8. Receive and file Advisory Body Committee minutes as follows:  
[Airport Advisory Committee meeting of February 24, 2005](#)  
[Library Board of Trustees meeting of February 10, 2005](#)  
[Parks & Recreation Advisory Committee meeting of February 8, 2005](#)  
[Pioneer Museum Board meeting of February 10, 2005](#)  
[Senior Citizen Advisory Committee meeting of February 14, 2005](#)  
[Youth Commission meeting of February 2, 2005](#)
9. [Proclamation Month of the Child – April 2005](#)  
F. Meacham, Mayor
10. [Proclamation National Public Safety Telecommunication's Week – April 10-16, 2005](#)  
F. Meacham, Mayor
11. [Adopt Resolution No. 05-xx accepting the public improvements of Tract 1632-10 into the City's maintenance system.](#) (Developer: North County Partners II, LLC. This subdivision is located along Sycamore Canyon Road, west of Airport Road and north of Meadowlark Road. Public improvements in the Tract have been completed to the satisfaction of City staff.)  
R. Lata, Community Development Director
12. [Adopt Resolution No. 05-xx accepting the 20-foot wide Grant of Easement for a bike path from Oak Grove Housing, Inc.](#) (As a condition of approval of Creekside Gardens Senior Housing, developer was required to dedicate an easement over the property to the City for the future installation of a bike path that would connect Woodland Plaza III with Nicklaus Drive.)  
R. Lata, Community Development Director
13. [Adopt Resolution No. 05-xx approving a budget appropriation in the amount of \\$23,400 from the Economic Incentive Fund for payment to Jerry Reneau Chrysler, Plymouth & Dodge.](#) (The Economic Incentive Agreement between the City and Jerry Reneau Chrysler, Plymouth & Dodge provides for an economic incentive payment based upon sales tax revenue growth during each of the five years following issuance of the Certificate of Occupancy.)  
M. Compton, Administrative Services Director
14. [Adopt Resolution No. 05-xx authorizing Emergency Services \(ES\) to purchase equipment listed in Attachment 1 totaling \\$42,496 with surplus Federal Emergency Management \(FEMA\) grant funds.](#) (ES obtained approval from FEMA to amend the Assistance to Firefighters Grant award to include the purchase of smoke detectors, Spanish and senior fire prevention literature, handheld radios, thermal imaging cameras, and one mobile radio.)  
K. Johnson, Chief of Emergency Services
15. [Approve a request by the radio-controlled model club, the North County Cloud Clippers, to host an open house / air meet at the Municipal Airport on Saturday, September 10, 2005.](#) (The Cloud Clippers organization has demonstrated their ability to organize and stage a successful event. They plan to maintain the scope of this year's show similar to that of last year's, including the full-size aircraft acts and fly-bys.)  
M. Williamson, Assistant to the City Manager

16. [As work of the ad hoc committee is completed, discharge the committee formed to review options for studying funding for art in public places.](#)  
B. Partridge, Library & Recreation Services Director
17. [As work of the ad hoc committee is not yet completed, extend the committee formed to review and analyze City-wide user fees \(non-utility\) to June 7, 2005.](#)  
M. Compton, Administrative Services Director

**ROLL CALL VOTE**

**DISCUSSION**

18. [Establishment of a Community Facilities District for Services to be Provided to New Residential Development](#)  
R. Lata, Community Development Director

Consider forming Community Facilities District (CFD) No. 2005-02, declaring results of a special election, and directing recordation of Notice of Special Tax Lien. (The CFD is intended to cover the incremental cost of providing City services to new residential development. A CFD has been identified as the most viable means to implement the General Plan policy regarding "Fiscal Neutrality" and avoid new residential development having an adverse impact on existing residents.)

**OPTIONS:**

- a. Adopt Resolution No. 05-xx to form Community Facilities District No. 2005-01; and adopt Resolution No. 05-xx declaring the results of a Special Election related to formation of the CFD. As set forth in the Rate and Method of Apportionment, the maximum amount of the Special Tax in 2005-2006 would be \$657 per dwelling unit per year to cover the cost of incremental increases in City services per General Plan adopted standards for new residential development.
- 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, the City would require a deposit and charge the actual time and direct City processing costs against that deposit. Recovery of the City's costs of processing an annexation to the City's CFD would be consistent with the City policy of fiscal neutrality.) CONTINUED FROM MARCH 15, 2005

**OPTIONS:**

- a. Adopt Resolution No. 05-xx establishing a deposit for Community Facility District processing fee. The City would charge actual time and materials costs against the deposit (similar to other development related application). The charge against the deposit would be based on the current Council adopted hourly rate, plus actual fixed costs incurred (including printing, digitizing, and recordation expenses).
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**20.** [Notice of Intention to Abandon a Portion of 38th Street \(SA 04-006 – Vernon\)](#)

R. Lata, Community Development Director

Approve a “Notice of Intention” to consider abandoning an unimproved variable width portion of 38<sup>th</sup> Street right-of-way between Vine and Oak Streets. (Applicant Brad Vernon submitted this abandonment request for the purpose of expanding residential use of the parcels adjacent to the abandoned area. At their meeting of January 25<sup>th</sup>, the Planning Commission unanimously recommended denial of the abandonment request.)

**OPTIONS:**

- a. Adopt Resolution of Intent No. 05-xx to consider abandoning a portion of 38<sup>th</sup> Street right-of-way from Vine Street to Oak Street as shown on Exhibit A and setting May 3, 2005, in the Paso Robles City Hall, 1000 Spring Street, for a public hearing for all persons interested or having objection to the proposed closing.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**21.** [Modification of Standard Street Improvements – Tract 2609 \(Harrod\)](#)

R. Lata, Community Development Director

Consider approving a modification to the City Standard Details and Specifications for the construction of sidewalks on Cool Valley Road in Tract 2609. (The Planning Commission approved this tract in November 2004, and it was directed by resolution that Cool Valley Road be constructed in accordance with City Local Street Standard A-5. Standard A-5 calls for a 5-foot parkway between the curbs and sidewalks. Applicant Mike Harrod requests that the Standard A-5 be modified in Tract 2609 in order to place the sidewalks directly adjacent to the curbs.)

**OPTIONS:**

- a. Adopt Resolution No. 05-xx approving the request for modification to City Street Standard A-5 to allow the placement of sidewalks adjacent to curbs on Cool Valley Road in Tract 2609.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**22.** [Pacific Waste Services Agreement Amendment](#)

M. Compton, Administrative Services Director

Consider an amendment to the agreement with Pacific Waste Services for operating the municipal landfill. (Due to an accidental liner breach and changing regulatory environment, the City has negotiated changes to the contract that would meet a number of objectives as delineated in the staff report.)

**OPTIONS:**

- a. Adopt Resolution No. 05-xx amending the current agreement with Pacific Waste Services for the remaining term of the agreement.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**23.** [Budget Appropriation for Pacific Waste Services Payment](#)

M. Compton, Administrative Services Director

Consider a \$153,700 appropriation for a solid waste revenue incentive payment pursuant to an existing agreement with Pacific Waste Services (PWS). (The current agreement with PWS provides for an annual revenue incentive payment based upon total revenues exceeding a 4% growth rate. Landfill revenues exceeding the 4% growth rate are to be shared 65% PWS and 35% City. Based upon this established revenue sharing provision and the first amendment to the landfill operations agreement, PWS is due a payment.)

**OPTIONS:**

- a. Adopt Resolution No. 05-xx approving a one-time budget appropriation in the amount of \$153,700 from the General Fund for payment of the “additional contractor share” to Pacific Waste Services.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**24.** [Posting of Unreinforced Masonry Structures](#)

R. Lata, Community Development Director

Consider implementing Chapter 12.2 of the California Government Code with regard to posting of unreinforced masonry structures. (Chapter 12.2 of the California Government Code [Section 8875 et seq.] requires and authorizes local building departments to take steps to identify and establish a program for mitigation of identified buildings whose construction is unlikely to be earthquake resistant.)

**OPTIONS:**

- a. Introduce for first reading Ordinance No. XXX N.S. amending Chapter 17.35 of the Municipal Code relating to seismic safety; and set April 19, 2005, as the date for second reading.

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

**ROLL CALL VOTE**

**25.** [City Facility Naming Policy](#)

B. Partridge, Library & Recreation Services Director

Consider approving a City facility naming policy. (There is no approved written policy by which the City may consider the naming of public facilities. Organizations or individuals attempting to initiate the naming of a City-owned facility have no current guidelines for such a request. A policy has been drafted and endorsed by the Parks and Recreation Advisory Committee.)

**OPTIONS:**

- a. Approve Naming Policy as written.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**26.** [2005 Consolidated Plan and Federal Grant Programs](#)

R. Lata, Community Development Director

Consider recommending to the County Board of Supervisors those activities to be approved for funding with the County's 2005 allotments of Federal Home Investment Partnership Act (HOME), Emergency Shelter Grant (ESG), and American Dream Down-payment Initiative (ADDI) funds. (HOME, ESG, and ADDI funds are federal funds allocated annually by the Department of Housing and Urban Development [HUD]. Federal regulations governing these funds mandate the preparation of a 5-year "Consolidated Plan" to address the use of HOME, ESG, APPI, and Community Development Block Grant [CDBG] funds. The Consolidated Plan was last adopted in 2000 and is presently due to be updated.)

**OPTIONS:**

- a. Adopt Resolution No. 05-xx recommending that the County Board of Supervisors adopt the Draft 2005 Consolidated Plan and its recommended allocations of 2005 HOME, ESG, and ADDI Program funds.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**27.** [Transportation Enhancement Activities \(TEA\)](#)

D. Monn, Interim Public Works Director

Consider authorizing application for a Transportation Enhancement Activities (TEA) Grant and matching funds as needed when a project is accepted by San Luis Obispo Council of Governments (SLOCOG).

**OPTIONS:**

- a. Adopt Resolution No. 05-xx to:
  - (1) Authorize staff to submit the projects stated in the staff report for a TEA Grant; and;
  - (2) Appropriate matching funds as needed when the candidate project/s are accepted by SLOCOG.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

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

R. Lata, Community Development Director

Consider establishing Multi-Family Design Guidelines. (The General Plan includes goals, policies, and action items to develop Multi-Family Design Guidelines. Council considered the proposed guidelines at its meeting of March 15, 2005, and the public hearing was opened for public discussion and then closed. The guidelines were previously proposed in the form of a Zoning Code amendment to be adopted by ordinance; they are now being proposed for adoption by resolution.) CONTINUED FROM MARCH 1, 2005

**OPTIONS:**

- a. Adopt Resolution No. 05-xx adopting approving the Multi-Family Design Guidelines as provided in the staff report.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**29. [Chandler Ranch Area Specific Plan – Ad Hoc Committee Formation](#)**

R. Lata, Community Development Director

Consider appointing an ad hoc committee to address a variety of policy issues related to the Chandler Ranch Area Specific Plan.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to address policy issues relating to the Chandler Ranch Area Specific Plan and report back to the full Council no later than June 20, 2006.
- b. Amend, modify, or reject the above option.

**VOICE VOTE**

**30. [Equipment Replacement \(Wheel Loader\) – Ad Hoc Committee Formation](#)**

D. Monn, Interim Public Works Director

Consider appointing an ad hoc committee to consider appropriating additional funds to purchase an articulated wheel loader with a 4-in-1 bucket option.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to consider a request from Public Works to appropriate additional funds to purchase an upgraded loader with a 4-in-1 bucket option and report back to the full Council no later than December 6, 2005.
- b. Amend, modify, or reject the above option.

**VOICE 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  
Home Builder's Association of Central Calif. (Plaintiff) vs.  
City of Paso Robles (Defendant)  
Case No. CV 050232

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

Subdivision (a) of Government Code Section 54956.9  
City of Paso Robles (Plaintiff) vs. John C. Hanna, et al  
Case No. CV 031046

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

Subdivision (a) of Government Code Section 54956.9  
Vicki & Leroy Myrick (Plaintiff) vs. City of Paso Robles (Defendant)  
Case No. CV 040613

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

Subdivision (a) of Government Code Section 54956.9  
Jack Munari (Plaintiff) vs. City of Paso Robles (Defendant)  
Court of Appeal 2<sup>nd</sup> Civil No. B167996

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

Subdivision (c) of Government Code Section 54956.9  
Initiation of Litigation  
Number of Cases: Three

**ADJOURNMENT:** to THE PLANNERS INSTITUTE ON WEDNESDAY, APRIL 13, 2005 – FRIDAY, APRIL 15, 2005, AT THE PASADENA CONVENTION CENTER, 171 S. LOS ROBLES AVENUE, PASADENA; TO THE VOLUNTEER RECEPTION AT 6:00 PM ON TUESDAY, APRIL 19, 2005, AT THE CITY LIBRARY, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 19, 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 APRIL 8, 2005***