

CITY COUNCIL AGENDA

Tuesday, April 19, 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 – Bob Alesi Memorial Volunteer of the Year Award – Recipient: Ann Ricards, Paso Robles Library](#)
F. Mecham, Mayor
2. [Retirement Recognition – Barbara L. Partridge, Library & Recreation Services Director – 32 Years of City Service](#)

PUBLIC HEARINGS

3. [Urgency Ordinance - Extension of Moratorium Establishing Medical Marijuana Dispensaries](#)

R. Lata, Community Development Director

Consider extending the Urgency Ordinance that established a moratorium prohibiting medical marijuana dispensaries. (Existing zoning regulations do not provide for the location and/or regulation of medical marijuana dispensaries. The Urgency Ordinance adopted on March 15th placed a 45-day moratorium on the establishment of dispensaries. Additional time is needed to adequately research and develop regulations. If Council approves the extension of the moratorium by a four-fifths vote, it will be in effect until March 13, 2007.)

OPTIONS:

- a. Introduce for first reading Ordinance No. XXX N.S. establishing an extension of the moratorium on establishing any and all medical marijuana dispensaries for an additional 22 months and 15 days, to be in effect until March 13, 2007.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

4. [Determination of Historic or Architectural Significance of the Church Buildings at 1344 Oak Street and a Request to Process a Pending Demolition Permit Application \(Applicant: First Methodist Church\)](#)

R. Lata, Community Development Director

Consider historic or architectural significance of buildings proposed for demolition and authorizing a demolition permit. (Buildings are located at the southeast corner of 14th and Oak Streets. Although the subject buildings are in the City's Historic Resources Inventory, they are not on any local or State Register of historic structures. As such, the demolition of the buildings is not subject to review other than that provided by Council.)

OPTIONS:

- a. Determine to (1) approve 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 Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.
- b. Amend, modify, or reject any of the above option.

ROLL CALL VOTE

5. [Local Hazard Mitigation Plan](#)

R. Lata, Community Development Director

Consider 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 APRIL 5, 2005

OPTIONS:

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

ROLL CALL VOTE

6. [General Plan Amendment of the Circulation Element; Specific Plan Amendment 03-003 of the Union/46 Specific Plan and Amendment of Tentative Tract 2369 and PD 00-003 Conditions of Approval Proposing to Eliminate the Planned Connection of Street 'A' Street to North River Road \(Applicant's Representative: North Coast Engineering for Frank Arciero\)](#)

R. Lata, Community Development Director

Reconsider applicant's request that the Circulation Element, Figure CE-1 and the Union/46 Specific Plan, Map 3.2, be amended to eliminate the planned connection of 'A' Street (Montebello Oaks Drive) to North River Road, and other associated planning amendments. (The Union / 46 Specific Plan covers properties located south of Highway 46 East, west of Prospect Avenue, north of Union Road, and east of North River Road. The Planning Commission has recommended approval of these amendments. Council denied applicant's original request at their meeting of February 15, 2005, and directed applicant to conduct analysis of other locations where a road could potentially connect the west side of Tract 2369 to North River Road.)

OPTIONS:

- a. (1) Adopt Resolution No. 05-xx approving a Negative Declaration for Amendments to the Circulation Element Figure CE-1, Specific Plan 03-003 Map 3.2, Tentative Tract 2369 and PD 00-003 Conditions of Approval.
- (2) Adopt Resolution No. 05-xx approving an amendment to the Circulation Element modifying Figure CE-1 eliminating the 'A' Street connection to North River Road, Specific Plan Amendment 03-003 modifying Map 3.2 and amending the associated Conditions of Approval Tentative Tract 2369 and PD 00-003.
- b. Deny the applicant's request.
- c. Amend, modify, or reject the above options.

ROLL CALL VOTE

7. [Appeal of Planning Commission's Decision to Approve Tract 2620 & Planned Development 04-016 \(Vanderlip – Scanlan\)](#)

R. Lata, Community Development Director

Consider an appeal of conditions of approval of the Planning Commission's decision to approve Tentative Tract 2620 and Planned Development 04-017. (The intent of the appeal is to revise the condition of approval related to the requirement for Community Facilities Districts (CFD). The revised condition would insure that full mitigation of impacts to City services will be accomplished.)

OPTIONS:

- a. Uphold the Planning Commissions action on March 22, 2005 to approve the proposed project by adopting resolutions to approve Tentative Tract 2620 and Planned Development PD 04-016 with the inclusion of a revised Condition No. 16 of the Tract Resolution related to Community Facilities Districts:

The applicant shall take the steps necessary to annex to or form a City Community Facilities District (CFD) in order to provide funding for City services for each new parcel or dwelling unit in the proposed development. The agreement to form or annex to a CFD shall be in a manner to be approved by the City Attorney. Participation in a City CFD for services is intended to fully mitigate the incremental impact of new residential development on City services.

In order to insure that there is adequate and consistent funding to provide for City services in a manner reflective of adopted General Plan standards, it is necessary to provide a "fall back" funding mechanism in case, for any reason, it is not possible to annex to or form a CFD that would fully mitigate the incremental fiscal impacts on City services. A fall back funding mechanism is also needed if a CFD is formed and for whatever reason the CFD is invalidated or otherwise is incapable of meeting its intended purpose of fully mitigating the impacts of new residential development on City services.

In order to insure that there is an alternative form of fiscal mitigation, prior to final approval of any project creating additional residential lots or dwelling units, the property owner shall agree, in a manner subject to approval by the City Attorney, to provide for alternative means of fiscal mitigation. The alternative means of fiscal mitigation could include, but would not be limited to, equivalent services being provided by a Homeowners Association, a perpetual endowment to cover the incremental costs of City services (including a CPI adjustment), a City road maintenance assessment district, or a combination of such tools to insure full fiscal mitigation of impacts to City services.

- b. Amend, modify, or reject the foregoing 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 8-20 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

8. [Approve City Council minutes of April 5, 2005](#)
D. Fansler, City Clerk
9. [Approve Warrant Register: Nos. 54288 – 54403 \(4/1/05\) and 54403 - 544569 \(4/8/05\)](#)
M. Compton, Administrative Services Director
10. [Proclamation National Volunteer Week – April 17-23, 2005](#)
F. Meacham, Mayor
11. [Proclamation Paso Robles Wine Month – May 2005](#)
F. Meacham, Mayor
12. [Proclamation Older Americans Month - May, 2005](#)
F. Meacham, Mayor
13. [Read, by title only, and adopt Ordinance No. XXX N.S. adding Chapter 17.35 to the Municipal Code relating to seismic safety.](#) (The California Government Code 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.) 1ST READING
APRIL 5, 2005
R. Lata, Community Development Director
14. [Adopt Resolution No. 05-xx approving a one-time budget appropriation in the amount of \\$129,500 from Water Operations Fund reserves to Budget Account No. 600-310-5235-165.](#) (To counter bank erosion during January rain storms, emergency bank stabilization work was performed at the Thunderbird well field to avoid losing one or more of the wells.)
B. Hagemann, Water Resources Manager
15. [Adopt Resolution No. 05-xx appropriating an additional \\$5,000 for the Building Division counter attendant position for fiscal year 2004/2005.](#) (The Community Development Department is requesting an additional appropriation to cover costs for the front counter attendant position.)
R. Lata, Community Development Director
16. [Adopt Resolution No. 05-xx authorizing the City Manager to execute a contract with MGE Underground, Inc. for \\$26,260 to perform potholing services for the construction of the future 16-inch diameter waterline to provide fireflow demand to the south City limits.](#) (Potholing will ascertain the exact horizontal and vertical location of existing utilities adjacent to or crossing the future pipeline.)
D. Monn, Interim Public Works Director
17. [Receive and file status report on the repair of the City's Carnegie Library and the sulfur spring located in the Library/City Hall parking lot.](#)
D. Monn, Interim Public Works Director

18. [Adopt Resolution No. 05-xx accepting a grant deed from the Paso Robles School District, and consenting to the recordation of the Grant Deed.](#) (To facilitate construction of a traffic signal at 24th and Vine Streets, 11.48 square feet of the northeast corner needs to be acquired from the School District.)
D. Monn, Interim Public Works Director
19. [Adopt Resolution No. 05-xx awarding a contract to implement the Mitigation Planting Plan of the 13th Street Bridge project to Plowboy Landscape, Inc. of Ventura, California, for \\$162,203.](#) (Bid documents were opened on April 7, 2005, with one responsive bid received.)
D. Monn, Interim Public Works Director
20. [Adopt Resolution No. 05-xx authorizing the expenditure of \\$11,700 of State and Federal Grant funds from the COPS Fund No. 117-210-5235-136 to upgrade in-car audio/video equipment, purchase portable communication equipment \(hand held radios\), repair the existing department audio/video system located in the various interview rooms and jail area, and to purchase other miscellaneous safety equipment as needed, i.e. flashlights and chargers, portable radio holders, less lethal equipment, etc.](#) (The audio/video recording equipment currently being used in police vehicles is VHS format and are becoming obsolete.)
D. Cassidy, Chief of Police

ROLL CALL VOTE

DISCUSSION

21. [Nuisance Abatement 2342 Almond Springs Drive](#)
R. Lata, Community Development Director

Consider nuisance abatement of the structure located at 2342 Almond Springs Drive (APN 008-431-035). (The partially completed structure is located in a residential neighborhood. The construction site and structure have been abandoned and unsecured. The partial construction of walls and unguarded openings in the floor and unfinished wall framing constitute potential hazards.)

OPTIONS:

- a. Confirm the Notice and Order by directing the property owner:
- (1) To submit revised plans and pay any fees necessary to re-activate the permit by May 3, 2005, and obtain a successful inspection on or before June 15, 2005; or secure a permit for demolition by May 3, 2005, and cause the demolition to be completed on or before June 15, 2005; **and**
 - (2) Authorize staff to proceed with abatement of the nuisance by demolition if the property owner does not resume construction, with substantial progress, or complete demolition by June 15, 2005. The City abatement of the public safety hazard by demolishing the building will result in the City's cost becoming a tax lien upon the property.
- b. Amend, modify, or reject the above options.

ROLL CALL VOTE

22. [City Park Merry-Go-Round](#)

D. Monn, Interim Public Works Director

Receive and file report regarding the City Park merry-go-round. (The merry-go-round in the park was removed in December 2004, as it was damaged and inoperable. Health and Safety code prohibits reinstallation unless upgrades are made.)

OPTIONS:

- a. Receive and file report.
- b. Amend, modify, or reject the above option.

VOICE VOTE

23. [City Facility Naming Policy](#)

B. Partridge, Library & Recreation Services Director

Consider a City facility naming policy. (There is no written policy by which the City may consider the naming of public facilities. A policy has been drafted and the Parks & Recreation committee is recommending full Council review.)

OPTIONS:

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

ROLL CALL VOTE

24. [Status Update – City Therapy Pool Roof](#)

D. Monn, Interim Public Works Director

Consider an engineering assessment of the City's Therapy Pool roof structure. (Permanent repair of the roof will require removal and replacement. Shoring of the structure's roof to temporarily preserve the facility until the roof is replaced could allow limited use of the facility.)

OPTIONS:

- a. Adopt Resolution No. 05-xx allowing limited use of the Therapy Pool once the temporary shoring is in place and authorizing the City Manager to enter into a contract with Sawyer Construction in an amount not to exceed \$27,000 to design the permanent roof replacement.
- b. Close the Therapy Pool facility.
- c. Amend, modify, or reject the above options.

ROLL CALL VOTE

25. [Nacimiento Water Project Pre-construction Funding](#)

M. Compton, Administrative Services Director & /B. Hagemann, Water Resources Manager

Consider approving a Memorandum of Understanding (MOU) with the San Luis Obispo County Flood and Water Conservation District relating to the method of payment of Nacimiento Water Project pre-construction costs. (The Nacimiento Water Commission has taken action to allow participants to pay for pre-construction costs on a “pay as you go basis” rather than paying the entire cost up front. The Board of Supervisors requests formalization of this payment option through a MOU.)

OPTIONS:

- a. **(1)** Approve the Memorandum of Understanding (First Amendment to the Nacimiento Project Water Delivery Entitlement Contract) and authorize the Mayor to execute same.
- (2)** Adopt Resolution No. 05-xx regarding Nacimiento water project financing and intent to reimbursement expenditures from construction bond proceeds; and
- (3)** Adopt Resolution No. 05-xx approving of a Memorandum of Understanding relating to the method of payment for pre-construction expenses.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

26. [Updated Alcohol Permit Process](#)

D. Cassidy, Chief of Police

Consider updates regarding the issuance of alcohol permits for events on City property. (The City’s Use of Facility policy needs to be updated based on current facility use patterns. Updates are limited to the number of security personnel required and the payment of an alcohol permit application fee.)

OPTIONS:

- a. Approve changes to the Use of Facility policy as follows:
 - 1. Include a minimum \$25 application fee for alcohol use permits. Currently, there is no fee charged.
 - 2. Under Equipment and Services, #4 should read “The City’s standard for on-site security is based on the following security to attendance ratios: 1 security person per 50 attendees (policy attached).
 - 3. Indicate in the policy that all requirements must be met regardless of the location of the event, indoors or outdoors.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

27. [Salinas River Outreach & Visioning- Ad Hoc Committee Formation](#)

M. Williamson, Assistant to the City Manager

Consider appointing a second Councilmember to fill a vacancy on the existing Salinas River outreach and visioning ad hoc committee. (Mayor Mecham as the only current member.)

OPTIONS:

- a. Appoint a second member to fill the existing vacancy on the Salinas River outreach ad hoc committee; and extend the committee to December 20, 2005, with
- b. Amend, modify, or reject the above option.

VOICE VOTE

COUNCIL COMMENTS

ADJOURNMENT: to A CHANDLER RANCH FIELD TRIP WITH PLANNING COMMISSION AT 8:00 PM ON WEDNESDAY, APRIL 20, 2005, DEPARTING FROM THE CITY HALL PARKING LOT AT 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 3, 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 22, 2005*