

CITY COUNCIL AGENDA

Tuesday, November 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 - None

PUBLIC HEARINGS

1. [Appeal of the Planning Commission's Approval of the Inns at Vintners Village Project - Planned Development 05-010 and Conditional Use Permit 05-006 \(CENCO Investment, LLC\)](#)

R. Lata, Community Development Director

Consider an appeal of the Planning Commission's approval of a hotel project. The project consists of the development of a 138-room, four story resort hotel with ancillary land uses and parking lot. (Gregory Sanders filed the appeal in October 2005 on behalf of Quorum Realty Funds III, LLC, owner of properties adjacent to the project in the County of San Luis Obispo. The appeal contends that the project is a multi-phase project that is not addressed in terms of environmental review and expresses concerns regarding the impact of the required dedication for a re-alignment of Vine Street on the amount of parking to be provided for the hotel project.)

OPTIONS:

- a. By separate motions, uphold the action of the Planning Commission by approving the Negative Declaration and the CENCO project, consisting of a 138-room hotel with ancillary facilities, subject to the conditions of approval established by the Planning Commission; the related actions:
 - (1) Adopt Resolution No. 05-xxx issuing a Mitigated Negative Declaration for the Project; and
 - (2) Adopt Resolution No. 05-xxx approving Planned Development 05-010, subject to standard and site specific development conditions; and
 - (3) Adopt Resolution No. 05-xxx approving Conditional Use Permit 05-006 and make a finding that the project will not have a significant adverse effect on the economic vitality of the downtown as required by Ordinance 568 N.S.; and
 - (4) Direct staff to return with a report that would allow the City Council to consider the Commission's recommendation to approve the four story, 55-foot height of the building, based on the subject site given its location being in a highway commercial area in the vicinity of existing hotels and highly visible commercial development.
- b. Refer the CENCO project back to the Planning Commission, allowing the Commission to hear the concerns of the appellants and consider whether or not there is additional information that can be provided in the near foreseeable future (without waiting for completion of the Caltrans PA&ED) that would provide additional refinements to the proposed re-alignment of Vine Street through the CENCO property. In conjunction with that referral, direct CENCO to revise their site plan for the 138-room hotel project to reflect a re-alignment of Vine Street through their property in a manner consistent with the Caltrans-approved PSR and in a location subject to approval of the City Engineer.
- c. In conjunction with the actions called for in option "B" above, direct CENCO to redesign the site plan for their 138-room hotel to place the parking to the rear (north and west) of the hotel buildings; the final site plan including the redesign of the parking area to accommodate the Vine Street re-alignment dedication through the CENCO property in a manner consistent with the Caltrans-approved PSR would be subject to Planning Commission approval.

- d. Amend, modify, or reject the foregoing options.

ROLL CALL VOTE

2. General Plan Amendment 05-001 (2 Parts)

R. Lata, Community Development Director

The General Plan is the City's primary long-range planning tool for land use, infrastructure and public facilities. The State places a limit of four (4) amendments to any one element of the General Plan in a calendar year. In order to accommodate requests and needed updates, it is common, and permitted under Government Code Section 65358(b), to combine multiple General Plan Amendments into a single General Plan Amendment.

General Plan Amendment 05-001 is comprised of two separate components as stated below

Business Park Expansion (Part 1) A General Plan Amendment (Land Use) to consider modifying the General Plan's designation of property currently designated as "Parks and Open Space" and a portion designated as "Agriculture" to a "Business Park" land use designation. In conjunction with the General Plan Amendment is an application for Rezone 05-005 to consider modifying the Zoning Code designation of the property currently designated as "Parks and Open Space" to a "Planned Industrial" zoning designation. The subject property is located east of Golden Hill Road and north of Highway 46 East and would form an eastward extension to the Golden Hills Business Park. All traffic would be channeled through the existing business park and the existing signalized intersection of Golden Hill Road and Highway 46 East. The applicant is the property owner, Tom Erskine.

General Plan Text Update (Part 2) General Plan (Land Use) Amendment to reflect the most recent land use data and projections of the City's "build-out" population based on the land use designations established in the 2003 General Plan update. The text changes to the General Plan acknowledge current land use information and recognize that the most recent build-out projections (based on persons per dwelling unit and other specified factors) would result in a City population in 2025 that would be consistent with the established General Plan policy of a population not-to-exceed 44,000 residents. No changes in land use designations or General Plan policies are proposed as a part of this General Plan text Amendment, and there would be no environmental impacts resulting from updating the land use data and population build-out projections. City Initiated.

Note: Even though the two land use components are proposed as a single General Plan Amendment, it would be appropriate for each component to be considered as a separate public hearing item. The Council is requested to take a "straw vote" on each of the two parts at the conclusion of the respective public hearings. Final action on the General Plan Amendment as a whole should not be taken until the Council completes consideration the two components.

2.1 [Part 1 of General Plan Amendment 05-001 and Rezone 05-005 \(Erskine\)](#)

R. Lata, Community Development Director

Consider Part 1 of a two-part amendment to the City's General Plan land use element. The amendment would make changes the land use designation of 28 acres from Parks and Open Space (POS) and a portion of Agriculture (AG) to Business Park (BP).

OPTIONS:

- a. (1) Adopt Resolution No. 05-xxx adopting a Negative Declaration for the General Plan Amendment 05-001 Part 1 and Rezone 05-005 application.

ROLL CALL VOTE

- (2) Support Part 1 of a two-part General Plan Amendment.

STRAW VOTE

- (3) Introduce for first reading Ordinance No. XXX N.S. approving Rezone 05-005 that would change the Zoning designation for the 28-acre site from Parks and Open Space (POS) to Planned Industrial (PM); and set December 6, 2005, as the date for adoption of said Ordinance.

ROLL CALL VOTE

- b. Amend, modify, or reject the foregoing options.

2.2 [General Plan Amendment 05-001 \(Part 2\): Modification to Text of the Land Use Element of General Plan \(City-initiated\)](#)

R. Lata, Community Development Director

Consider Part 2 of a two-part amendment to the City's General Plan land use element to reflect the most recent "build-out" population projection for the City in 2025.

OPTIONS:

- a. (1) Support Part 2 of a two-part General Plan Amendment.

STRAW VOTE

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

Final General Plan Amendment 05-001 Action: Upon completion of the hearings on GPA 05-001, the City Council is requested to take action on the Land Use Element amendments that have straw vote support (in the form of a single City Council Resolution).

- a. Adopt Resolution No. 05-xxx approving Part 1: General Plan Amendment 05-001 to change the General Plan Land Use Designation of the 28-acre site from Parks & Open Space (POS) and a portion of Agriculture (AG) to Business Park (BP); and Part 2: to amend the Land Use Element of the City's General Plan, updating the text of the General Plan relating to anticipated "build out" in the year 2025 in a manner consistent with Exhibits A, B1, B2, and B3.
- 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 3-13 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

3. [Approve Warrant Register: Nos. 58299 – 58365 \(10/28/05\) and 58366 – 58556 \(11/4/05\)](#)
M. Compton, Administrative Services Director
4. [Adopt Resolution No. 05-xxx annexing Tract 2369-4 into the Landscape and Lighting District \(Falling Star Homes, Inc.\)](#). (This is an 82-lot subdivision of a 41.32-acre site, located along the westerly extensions of Montebello Oaks Drive and Klect Road. Applicants have signed a petition and voted in favor of annexation in the L&LD.)
R. Lata, Community Development Director
5. [Adopt Resolution No. 05-xxx authorizing the City Engineer to require cash deposits associated with Encroachment Permits up to \\$2,500 in order to guarantee completion of work in accordance with City Standards and to ensure the City's cost recovery for services provided](#). (The Encroachment Permits are required whenever a contractor does work in the City right-of-way. A cash deposit provides the City adequate funds to complete a project if required, encourage the contractor to finish the work in a timely manner, and allow for recovery of costs of services. The current deposit limit of \$1,000 is, in many cases, not adequate to recover the City's costs if the contractor should fail to perform in accordance with City Standards.)
R. Lata, Community Development Director

6. [Adopt Resolution No. 05-xxx accepting the Grant of Avigation Easement from Darren Murphy on Lot 131 of Tract 7, located at 4870 Jardine Road.](#) (Purpose of easement is to ensure that all future owners of this property are aware of the potential of noise associated with the proximity of the Airport and to provide clearance for the continued operation of the Airport.)
R. Lata, Community Development Director
7. [Adopt Resolution No. 05-xx accepting the public improvements of Tract 2571 into the City's maintenance system.](#) (This subdivision is located along Montebello Oaks Drive, west and north of Union Road. All public improvements have been constructed to the satisfaction of the City Engineer.)
R. Lata, Community Development Director
8. [Adopt Resolution No. 05-xxx approving the Disadvantaged Business Enterprise \(DBE Program\); authorizing staff to publish the resolution to solicit comments from the public; authorizing staff to forward the signed DBE Program to Caltrans; and authorizing staff to implement the program once it has been approved by Caltrans.](#) (It is a Federal requirement that local agencies that receive Federal Aid grants are required to establish a DBE Program. Caltrans has reviewed the City's updated DBE Program and has authorized the City to begin the public participation period.)
D. Monn, Interim Public Works Director
9. [Adopt Resolution No. 05-xxx rejecting the bids received to upgrade the Lift Station No. 9 at Palm Court.](#) (The lift station presently serves 12 residential units. The bids received for this project exceed the engineer's estimate by approximately \$70,000, a re-examination of sewer disposal options for this area is recommended.)
D. Monn, Interim Public Works Director
10. [Adopt Resolution No. 05-xxx approving a sublease agreement between Laura Coats Revocable Trust and Kurt Fisher for property on the Municipal Airport.](#) (The current lease requires City approval for any sublease agreement entered into by the lessee. The Deputy City Attorney has reviewed the sublease agreement and approved as to form and content.)
M. Williamson, Assistant to the City Manager
11. [Adopt Resolution No. 05-xxx authorizing the purchase of a trailer-mounted vacuum unit for \\$39,146.25 from low bidder Pacific Tek, Inc.](#) (Four bids were received on November 3, 2005, ranging from 56,547 to \$39,146. The low bid submitted by Pacific Tek, Inc. was reviewed and found to be responsive.)
D. Monn, Interim Public Works Director
12. [Introduce and hold first reading of Ordinance No. XXX N.S. adopting the fiscal year 2006 operating budget for the Redevelopment Agency; and set December 6, 2005, as the date for adoption of said Ordinance.](#) (The adopted RDA plan requires the annual operating budget be adopted by ordinance rather than by resolution. The budget is identical to the prior year's budget. As in prior years, all unallocated tax increment revenues are dedicated to repay the City for debt service on City Hall/Library.)
M. Compton, Administrative Services Director
13. [As the work of the committee is not yet complete, extend duration of the Pacific Waste Services ad hoc committee to March 7, 2006.](#) (In June 2005, Council appointed Councilmembers Heggarty and Nemeth to an ad hoc committee to review and make recommendations regarding a request by Pacific Waste Services to increase their share of landfill revenues.)
M. Compton, Administrative Services Director

ROLL CALL VOTE

DISCUSSION

14. Cost of Services – Sports Fields: Fee for Exclusive Use – Independent Youth Sports Leagues

J. App, City Manager; Michael Compton, Director of Administrative Services; Doug Monn, Interim Director of Public Works; Ann Robb, Interim Director of Library & Recreation Services

Consider implementation options for the adopted fee for exclusive use of City sports fields by independent youth sports leagues. (The Cost of Services Fee Schedule approved by Council in September 2005 included the reserved/exclusive use of sports fields by independent youth sports leagues. In response to Youth Sports Council concerns, Council requested the matter be re-scheduled to consider options to implement fees in phases.)

OPTIONS:

a. Modify the Implementation of the Adopted Field Rental Fee to Phase in Over Three Years, in One of the Following Ways:

- (1)** \$1.25 per field hour in 2006, \$2.60 per field hour in 2007, and \$4.00 per field hour in 2008; or
- (2)** \$1.25 per field hour in 2006, 2.60 per in 2007, & \$4.00 per in 2008. Based upon the sample field use and participant data noted in Fact #16, the City would accept per participant equivalent fees such as:

	<u>06</u>	<u>07</u>	<u>08</u>
AYSO Soccer	\$2.48	\$ 5.15	\$ 7.92
Youth Football	\$5.46	\$11.36	\$17.48
Little League	\$9.91	\$20.60	\$31.70

NOTE: This list does not include all youth leagues; it is only a sample to illustrate the approximate probable cost per player by league/use.

- (3)** \$5 per participant in 2006, \$10 per in 2007, and \$15 per in 2008. In each year the City could offer scholarships to low income Paso Robles residents to cover the field rental fee.

- b.** Implement the adopted fee of \$4/hour in 2006.
- c.** Consider components of a Youth Sports Council Alternative Proposal (not available at time of report preparation).
- d.** Amend, modify, or reject the above options.

ROLL CALL VOTE

15. [101/46W Project Approvals – Environmental Documentation Phase](#)

D. Monn, Interim Public Works Director

Consider authorizing a contract with URS Corporation to prepare the Project Approval Environmental Documentation (PAED) phase for the ultimate improvements at 101/46W Interchange. (In April 2005, the Project Study Report [PSR] prepared by URS Corporation was approved by Caltrans. The purpose of the PSR was to identify alternatives to improve safety and reduce congestion in and around the US Route 101/46 West interchange consistent with local and regional plans. To determine the final design, the next phase of the project requires preparation of a PAED. At this phase, public input will be solicited and a final alternative will be selected for design and construction.)

OPTIONS:

- a. Authorize the City Manager to enter a contract for \$544,997 with URS Corporation to prepare a PAED for the 101/46W ultimate improvements.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

16. [Proposal to Provide Community Facilities District Administration Services](#)

R. Lata, Community Development Director

Consider authorizing a contract with MuniFinancial Services to provide property tax administration for the City's Community Facilities District (CFD) for services. (The County Assessor requires the submittal of certain property tax information in order to channel CFD revenues back to the City. MuniFinancial is providing this same type of service for the City's Landscaping and Lighting District. The City's expense for CFD property tax documentation will be reimbursable from CFD revenues.)

OPTIONS:

- a. Adopt Resolution No. 05-xxx authorizing the City to enter into an agreement with MuniFinancial to provide property tax administration services for the City's Community Facilities District for services, and appropriating \$5,000 for property tax administration services.
- b. Amend, modify, or reject the above option.

ROLL CALL VOTE

17. [Investment Policy – Annual Review](#)

M. Compton, Administrative Services Director

Undertake annual review of the City's Investment Policy. (The City has an approved investment policy to guide the investment of surplus City funds. Legislation requires that the treasurer or chief fiscal officer annually render to the legislative body of the local agency a statement of investment policy, which the legislative body shall consider at a public meeting. Council appointed an ad hoc committee to serve as the Investment Policy Review Committee for the annual review. After reviewing the investment policy and investment portfolio, staff recommended two changes to the investment policy that were supported by the Committee.)

OPTIONS:

- a. Approve a revised City Investment Policy (copy included in staff report) providing that 20% of the City's total portfolio may be invested in corporate notes, that U.S. Government agency notes may represent 30% of the total portfolio, and U.S. Government agency mortgage backed issues may represent a separate 30% of the total portfolio.
- 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

DISCUSSION

18. [Proposals Regarding City Parking Lot - 12th Street](#)

R. Lata, Community Development Director

For the City Council to provide policy direction and the Redevelopment Agency to consider authorizing preparation of an Exclusive Negotiation Agreement, and to work exclusively with persons seeking to redevelop a Downtown City parking lot, based on the premise of preserving an equivalent number of public parking spaces. (The subject property is located on the north side of 12th Street between Spring and Park Streets and currently accommodates 20 less-than-code-standard off-street parking spaces, including two spaces for the physically disabled.)

OPTIONS:

CITY COUNCIL ACTION

- a. Direct staff and the City Attorney to take the steps necessary to work with the 729 Twelfth Street Partners, LLC to process consideration of their proposal, including related administrative steps and normal entitlement/approvals pursuant to the standard private development application/review/approval process.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

REDEVELOPMENT AGENCY ACTION

- a. Authorize staff and the Agency Counsel to negotiate an Exclusive Negotiation Agreement. The purpose of the Exclusive Negotiation Agreement would be to allow the parties to negotiate the terms and conditions of a Disposition and Development Agreement (DDA) with 729 Twelfth Street Partners, LLC, and direct staff to advise the 729 Twelfth Street Partners, LLC that it may, at its own risk and costs, seek a development entitlement from the Planning Commission. Sale of the City parking lot would be subject to the Redevelopment Agency and City Council approval of a redevelopment project and successful completion of the requirements of the DDA. The final Exclusive Negotiation Agreement will be subject to Redevelopment Agency approval.
- b. Amend, modify, or reject the foregoing option.

ROLL CALL VOTE

19. [Redevelopment Agency Overview](#)

R. Lata, Community Development Director

Receive a briefing on the history and current status of the Paso Robles Redevelopment Agency and first Project Area. (Briefing will include a general overview of the Agency's activities, assets and investments to date, indebtedness, future projects/commitments, income projections, range of allowable uses for the Low and Moderate Income Housing Fund and general tax increment, and options and timing for financing uses.)

OPTIONS:

CITY COUNCIL ACTION

- a. Receive and file the Redevelopment Agency overview.
- b. Identify any additional related information needs and request staff to provide same.
- c. Amend, modify, or reject the foregoing options.

VOICE VOTE

ADJOURN TO CITY COUNCIL MEETING

CITY MANAGER

20. [Schedule Date for Applicant Interviews/Appointments - Planning Commission & Project Area Committee](#)

R. Lata, Community Development Director

Select date for conducting interviews and making appointments for vacancies on the Planning Commission and Project Area Committee.

PLANNING COMMISSION

2 vacancies for 3-year regular terms expiring 12-31-08

PROJECT AREA COMMITTEE

3 vacancies for 3-year regular terms expiring 12-31-08

OPTIONS:

- a. Set Thursday, December 8, 2005, as the date for interviewing applicants and making appointments to the Planning Commission and Project Area Committee.
- b. Set Thursday, December 8, 2005, as the date for interviewing applicants and making appointments to the Planning Commission, and set another date to consider applicants for the Project Area Committee.
- c. Amend, modify, or reject the above options.

VOICE VOTE

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

21. [Ad Hoc Committee Formation – Hwy. 101 / 46W Project](#)

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee for purpose of selecting a special tax consultant and an assessment engineer for the formation of an assessment district to improve the Hwy. 101 / 46W interchange.

OPTIONS:

- a. Appoint a two-member ad hoc committee to work with staff to select a special tax consultant and assessment engineer for the formation of an assessment district to improve the Hwy. 101 / 46W interchange; and report back to the full Council by January 3, 2006.
- b. Amend, modify, or reject the above option.

VOICE VOTE

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

a. Property Acquisition*

Government Code Section 54956.8

City Negotiator: James L. App, City Manager

Property: 53 acres located approximately eight miles east of Paso Robles, abutting the westerly side of access road to the landfill and fronting on Hwy. 46E (APN Nos. 15-041-055, 15-041-154, 15-041-053, and 15-041-052)

Owner/Negotiator: Tim Bryan, ReMax Realty

Provide City Negotiator with authority regarding purchase, price, and terms of payment

ADJOURNMENT: to THE UCSB ECONOMIC OUTLOOK FOR SLO COUNTY 7:00 AM – NOON ON FRIDAY, NOVEMBER 18, AT CAL POLY PERFORMING ARTS CENTER, SAN LUIS OBISPO; TO THE CHANDLER RANCH DRAFT EIR WORKSHOP AT 7:00 PM ON TUESDAY, NOVEMBER 29, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE CITY'S EMPLOYEE CHRISTMAS PARTY AT 6:00 PM ON FRIDAY, DECEMBER 2, AT THE PASO ROBLES INN, 1103 SPRING STREET; TO THE CHRISTMAS LIGHT PARADE AT 6:00 PM ON SATURDAY, DECEMBER 3, DOWNTOWN CITY PARK; TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 6, 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 NOVEMBER 23, 2005*