



# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

## CITY COUNCIL AGENDA

Tuesday, January 16, 2007 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 John R. Hamon, Jr., 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. [Reconsideration of Appeal of Tentative Tract Map 2772 \(Owner: Mondo Appellant: Erskine\)](#)**

R. Whisenand, Community Development Director

**CONTINUED FROM DECEMBER 19, 2006.** The City Council held a Public Hearing on December 5, 2006 and approved an appeal of the Planning Commission's approval of a tentative tract map for Doug Mondo at the southwest corner of Airport and Dry Creek Roads. The Council voted on December 19, 2006 to reconsider their action of December 5<sup>th</sup> due to confusion surrounding the effect and timing of the public access condition.

#### **OPTIONS:**

- a. Continue the Public Hearing to the City Council meeting of February 6, 2007.
- b. Amend, modify, or reject the above option.

## **ROLL CALL VOTE**

### **2. [Zoning Code Amendment 06-002, An Ordinance Adding a Definition for "Medical Marijuana Dispensaries", and Prohibiting Establishment of this Business Use](#)**

R. Whisenand, Community Development Director

Consider a Zoning Code Amendment adding a definition of medical marijuana dispensaries and prohibiting the establishment of this business use. The City adopted an Urgency Ordinance (899 N.S.) on March 15, 2005 to establish a moratorium on this issue, and the moratorium and Ordinance were extended on April 19, 2005 to March 15, 2007.

#### **OPTIONS:**

- a. (1) Adopt Resolution No. 07-XXX approving the Negative Declaration, and (2) introduce for first reading Ordinance No. 07-XXX N.S.; or
- b. Amend, modify, or reject the above option; or
- c. Request additional information and analysis.

## **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 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.**

### **3. [Approve City Council minutes of December 5, 2006 and January 2, 2007](#)**

D. Fansler, City Clerk

4. [Approve Warrant Register:](#)  
Nos. 67270—67400 (12/29/06) and 67401—67490 (01/05/07)  
M. Compton, Administrative Services Director
5. [Receive and file Advisory Body Committee minutes as follows:](#)  
[Paso Robles Pioneer Museum Annual Report July 1, 2005-June 30, 2006](#)  
[Senior Citizen Advisory Committee Minutes of December 11, 2006](#)
6. [Approve the 2007 Certification and Assurances](#) as required by the Federal Transit Administration related to the City's receipt of 5307 grant funds, and authorize the Director of Administrative Services to sign and submit report to the California Department of Transportation.  
M. Compton, Director of Administrative Services
7. [Adopt Resolution No. 07-XXX](#) authorizing the purchase of new police firearms and accessories in accordance with the LAPD bid contract No. 220424, pursuant to the equipment grant awarded by the State Law Enforcement Services Fund ("SLESF").  
D. Cassidy, Chief of Police
8. [Adopt Resolution No. 07-XXX](#) declaring police firearms as surplus and authorize the disposal of the equipment.  
D. Cassidy, Chief of Police
9. [Adopt Resolution No. 07-XXX](#) awarding the contract for Maintenance of the City's 23 Traffic Signals to Republic ITS (the sole bid received) in the annual amount of \$98,448 for monthly maintenance and estimated call out service.  
D. Monn, Public Works Director
10. [Adopt Resolution No. 07-XXX](#) awarding the construction contract for a CIP project, the Therapy Pool Upgrade (replacing the roof, installing locker rooms, new heating/ventilation, etc.) to Santa Margarita Construction Corporation, the low bid meeting bid document requirements, in the amount of \$618,000.  
D. Monn, Public Works Director
11. [Adopt Resolution 07-XXX](#) approving a promissory note for funds advanced to prepare the Airport Road Project Study Report ("ARPSR"). Resolution No. 04-172 approved a contract with Omni-Means to prepare the report with funds loaned from the General Fund, secured through a promissory note.  
M. Compton, Director of Administrative Services
12. [Adopt Resolution 07-XXX](#) establishing the Ivy Lane Sewer Reimbursement Agreement, and authorize the Mayor to enter into an agreement with William Reisz for the City to collect the reimbursable amounts on behalf of Mr. Reisz, to a total aggregate amount of \$14,847.  
D. Monn, Director of Public Works
13. [Adopt Resolution 07-XXX](#) amending the City's adopted Conflict of Interest Code. The Conflict of Interest Code, Exhibit "A", is amended annually to update personnel classifications.  
M. Williamson, Assistant City Manager

## ROLL CALL VOTE

## DISCUSSION

### 14. Downtown Parking Financing

R. Whisenand, Community Development Director

Consider authorizing preparation of a Downtown long-term parking development Phase II financing plan. Kimley-Horn and EPS have submitted a proposal to update the 2002 Downtown Parking and Circulation Analysis and Action Plan and complete a Downtown Parking Financing Plan. The proposed project is estimated not to exceed \$55,000 and may take up to six months to complete.

**OPTIONS:**

- a. Adopt Resolution No. 07-XXX accepting the Kimley-Horn Associates proposal to prepare a Downtown long-term parking development Phase II financing plan, and authorizing the appropriation of \$55,000 from General Fund reserves.
- b. Amend, modify or reject the above option.

### ROLL CALL VOTE

### 15. Canyon Creek Apartments – Assistance to Education Enhancement Program and Determination of Payment in Lieu of Taxes Agreement

R. Whisenand, Community Development Director

Consider terminating or suspending the Payment in Lieu of Taxes (“PILOT”) Agreement for Peoples’ Self-Help Housing Corp.’s Canyon Creek Apartments in return for provision of educational enhancement services to both residents of Canyon Creek and to the general public.

**OPTIONS:**

- a. Adopt Resolution No. 07-XXX in which the City Council agrees to suspend the annual payments under the PILOT agreement for Canyon Creek Apartments as long as Peoples’ Self-Help Housing, or their successors, continue to operate the education enhancement program; or
- b. Adopt an amended version of Resolution No. 07-XXX in which the City Council terminates the PILOT agreement for Canyon Creek Apartments without any conditions for continued operation of the educational enhancement program; or
- c. Amend, modify, or reject the above options.

### ROLL CALL VOTE

### 16. State Transit Assistance Applications for Transit Projects

M. Compton, Director of Administrative Services

Affirm the five applications for State Transit Assistance (“STA”) submitted to the San Luis Obispo Council of Governments (SLOCOG) on January 4, 2007. Project applications require Council approval.

1. Sidewalk to bus stop on Creston Road @ Food4Less	\$ 18,000
2. Sidewalk to bus stop on Niblick Road @ Albertson's	\$ 30,000
3. Construction of restrooms at Transit Center for after hours use by Greyhound Bus & Amtrak customers	\$146,000
4. Marketing plan implementation (guides, bus painting, etc)	\$175,000
5. Installation of additional bus shelters with benches and trash receptacles	\$ 75,000

Depending on which projects, if any, receive SLOCOG funding approval, the City may match of 10% from either gas tax or transportation development act funds.

**OPTIONS:**

- a. Adopt Resolution No. 07-XXX affirming support for the State Transit Assistance funding applications previously submitted by Paso Robles staff to SLOCOG; or
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**17. 839 12<sup>th</sup> Street (A & R Furniture) – Request for Covered Walkway**

R. Whisenand, Community Development Director

Consider a request to allow placement of a temporary wood walkway on the west side of Pine Street to protect the public during the seismic retrofit process at 839 12<sup>th</sup> Street.

**OPTIONS:**

- a. Adopt Resolution No. 07-XXX approving the request for an encroachment permit for a temporary covered walkway on Pine Street for the building located at 839 Pine Street from January 17 to May 1, 2007, and direct the applicant to paint the structure to amend its appearance; or
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**18. Business License Classifications - Code Amendment**

M. Compton, Director of Administrative Services

The current business license tax classification under §5.04.290 of the Municipal Code does not list a specific classification for water parks. The City has received a business license application to operate a water park. Introduce and hold first reading of an amendment to the municipal code to address licensing for these operations.

**OPTIONS:**

- a. Introduce and hold first reading of an ordinance to modify business license tax classification under §5.04.290; and set February 6, 2007 as the date for adoption of said ordinance; or
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**19. Award of Contract – Roofing Replacement at Centennial Park**

D. Monn, Public Works Director

Consider awarding a contract to Best, Inc. to replace the roofing at Centennial Park. Centennial Park opened in 1989 and includes a gym, community center and pool office/lifeguard room. The roofs are in need of replacement and the adopted Capital Improvement Budget includes an allocation of \$150,000 for this work. Due to price inflation in the roofing industry, an additional \$54,000 is needed for the project. One bid was received, submitted by Best, Inc. in the amount of \$203,775 which was reviewed, and deemed a responsive bid.

**OPTIONS:**

- a. Adopt Resolution No. 07-XXX awarding the roof repair contract at Centennial Park to Best Inc. in the amount of \$203,775, and appropriating an additional \$54,000 for the project; or
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**20. Promissory Note for Highway 101/46W Interchange Improvements**

M. Compton, Director of Administrative Services

Consider approval of a promissory note for funds advanced prior to the formation of a Community Facilities District (“CFD”) for interchange improvements. Formation of the CFD may take several months and until established and bonds are sold funds must be advanced from other sources to cover expenditures. The remaining amount required to acquire property and prepare the design for Theatre Drive improvements is \$6.7 million.

**OPTIONS:**

- a. Adopt Resolution No. 07-XXX approving a promissory note for amounts advanced from the Sewer Operations Fund to the Traffic Mitigation Development Impact Fee Fund for costs incurred prior to the formation of the CFD and sale of bonds; or
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**21. Highway 101/46W Interchange Improvements –  
Purchase of 250 Gahan Place (Munari)**

D. Monn, Public Works Director

Consider authorizing the purchase of property at 250 Gahan Place (APN 009-831-009) to facilitate the installation of future interchange improvements. The Planning Commission adopted a Negative Declaration of environmental impact in January 2007. An appropriation of \$1.762 million is needed to cover the acquisition and any additional closing costs.

**OPTIONS:**

- a.** Adopt the following resolutions:
  - 1) Resolution No. 07-XXX accepting the Planning Commission report on consistency with the General Plan and the Negative Declaration and;
  - 2) Resolution No. 07-XXX accepting the deed of purchase and authorizing and directing the City Clerk to record the document with the County Recorder's Office; and;
  - 3) Resolution No. 07-XXX approving a \$1,762,000 budget appropriation from the Hwy 101/46W CFD Fund; or
- b.** Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**22. Highway 101/46W Interchange Improvements –  
Purchase of 390 Gahan Place (Laughlin)**

D. Monn, Public Works Director

Consider authorizing the purchase of property at 390 Gahan Place (APN 009-831-008) to facilitate the installation of future interchange improvements. The Planning Commission adopted a Negative Declaration of environmental impact in January 2007. An appropriation of \$5.444 million is needed to cover the acquisition and any additional closing costs.

**OPTIONS:**

- a.** Adopt the following resolutions:
  - 1) Resolution No. 07-XXX accepting the Planning Commission report on consistency with the General Plan and the Negative Declaration and;
  - 2) Resolution No. 07-XXX accepting the deed of purchase and authorizing and directing the City Clerk to record the document with the County Recorder's Office; and;
  - 3) Resolution No. 07-XXX approving a \$5,444,000 budget appropriation from the Hwy 101/46W CFD Fund; or
- b.** Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**23. Intersection Improvements South River Road/Charolais Road**

D. Monn, Public Works Director

Consider adoption of a Plan Line for future improvements to the intersection at South River Road and Charolais Road. Council awarded a contract to Whitlock & Weinberg Transportation, Inc. (W-Trans) in December 2005 to assess the intersection and provide recommendations for possible future improvements. The ad hoc committee has reviewed the preliminary findings of the study and supports the recommendation that a roundabout is both feasible and the most efficient traffic handling device for this intersection.

**OPTIONS:**

- a. Adopt a Plan Line for the intersection of South River Road and Charolais Road, and accept the recommendation of W-Trans to install a roundabout at this intersection.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

**24. Comprehensive Annual Financial Report ("CAFR") -  
Fiscal Year ending June 30, 2006**

M. Compton, Director of Administrative Services

Consider the Comprehensive Annual Financial Report ("CAFR") for the fiscal year ending June 30, 2006.

**OPTIONS:**

- a. Receive and file the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2006;
- b. Amend, modify, or reject the above option.

**VOICE VOTE**

**25. GASB 43 & 45 – Report on Other Post Employment Benefits (OPEB) –**

M. Compton, Director of Administrative Services

GASB standards require the City to measure and disclose annual OPEB costs, which include payments made to retired employees for such items as health insurance coverage. Council awarded the contract to Demsey, Filliger & Associates in September 2006, and the firm has completed the actuarial study for presentation to Council.

**OPTIONS:**

- a. Receive and file the Demsey, Filliger & Associates GASB 45 Valuation as of July 1, 2006 Report; or;
- b. Amend, modify, or reject the above option.

**VOICE VOTE**

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION**

**COUNCIL COMMENTS (Including oral reports on conferences attended)** - None

**ADJOURNMENT:**

- to THE ADJOURNED REGULAR MEETING FOR ADVISORY BODY INTERVIEWS & APPOINTMENTS AT 6:30 PM, THURSDAY, JANUARY 25, 2007 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- to THE PASO ROBLES CHAMBER OF COMMERCE ANNUAL DINNER, AT 6:00 PM, SATURDAY, JANUARY 27, 2007, AT THE PASO ROBLES EVENTS CENTER
- to THE ADJOURNED REGULAR MEETING AND PUBLIC WORKSHOP ON 2007 GOAL SETTING AT 9:00 AM ON SATURDAY, FEBRUARY 3, 2007, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- to THE REGULAR MEETING AT 7:30 PM ON TUESDAY, FEBRUARY 6, 2007, 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 JANUARY 26, 2007*