

# CITY COUNCIL AGENDA

Tuesday, September 7, 2004 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 George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco 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 FILL OUT A SPEAKER INFORMATION CARD. 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. [Demolition 04-009 – Determination of Historic or Architectural Significance of Existing Unreinforced Masonry Building at 1213 Vine Street for Demolition/Reconstruction Permit Application \(Henderson Family Trust\)](#)

R. Lata, Community Development Director

Continue the open public hearing to allow time for applicant to provide additional information. (Owner/applicant: Alice Henderson Rodriguez.) CONTINUED FROM AUGUST 17, 2004

**OPTIONS:**

- a. Open and continue the public hearing to the City Council meeting of September 21, 2004.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

2. [Appeal of Planning Commission Approval of Amendment to Planned Development PD 02-003 – East Village Associates, LLC](#)

R. Lata, Community Development Director

Consider an appeal of Planning Commission approval to amend PD 02-003. The amendment would modify the existing median to allow for left turn access from Creston Road in and out of East Village Shopping Center. (Site is located on the northeast corner of Creston Road and Sherwood Road.) CONTINUED FROM AUGUST 17, 2004

**OPTIONS:**

- a. Adopt Resolution No. 04-xx approving an amendment to Planned Development 02-003 Amendment, requiring an Agreement in a form to be approved by the City Attorney that would commit East Village Associates, LLC to cooperate with the design and installation of a combined access point, including but not limited to providing traffic signalization in a manner subject to approval of the City Engineer, at the time of development of the 10-acre property to the north. As an interim measure, the existing northerly driveway may be utilized for both right and left hand turns onto Creston Road until such time as the combined access drive is constructed or the City Engineer determines that there is a sufficient safety concern to preclude left-hand (southbound) turns onto Creston Road. Southbound / left-hand turns out of the shopping center would be permanently precluded from the main entrance on Creston Road. Southbound left-hand turns into the shopping center along Creston Road would be permitted at both the northern and center / main entrances until such time as the City Engineer concludes that there are sufficient safety concerns to close off one or both left-hand turning movements.
- b. Amend, modify, or reject the above option.

**ROLL CALL VOTE**

3. [Code Amendment - Regulations of Truck Routes, Weight Limits, and Truck Parking \(City-initiated\)](#)

R. Lata, Community Development Director

Consider updates to the City's regulations on truck routes, weight limits, and parking. (Current commercial vehicle parking provisions are inconsistent with the weight threshold for truck routes. Updates to the City's truck Route and Truck Parking provisions are presented for consideration based on both public complaints and Council adopted General Plan policy provisions.) CONTINUED FROM AUGUST 3, 2004

**OPTIONS:**

- a. Consider the recommendation of the Planning Commission to the City Council that the City not establish a Truck Route map at this time (deferring consideration for a two-year period), but revise the text of Section 12.38.040 in accordance with Exhibit "A" in the staff report; introduce for first reading the Ordinance No. XXX N.S., setting September 21, 2004, as the date for second reading of said Ordinance; and direct staff to provide public information to communicate the new Commercial Vehicle Parking requirements.
- b. Consider adoption of truck routes based on Exhibit "B" in the staff report, along with the related Municipal Code Amendment illustrated as Exhibit "C"; introduce for first reading Ordinance No. XXX N.S. revising the content of Sections 12.46.010 and Section 12.38.040 and adopting the draft Truck Route Map, and set September 21, 2004, as the date for second reading of said Ordinance; and direct staff to provide public information to communicate the new Truck Route and Commercial Vehicle Parking requirements.
- c. Amend, modify, or reject the above options.

**ROLL CALL VOTE**

4. [Code Amendment 04-005 - Automotive Repair Uses in the General Commercial \(C1\) Zoning District \(Majco\)](#)

R. Lata, Community Development Director

Consider a Code Amendment filed by North Coast Engineering on behalf of Majco, Inc. (Big Brand Tire) to amend Section 21.16.200, Land Use Matrix, to allow automotive repair uses within the General Commercial (C1) zoning district, subject to approval of a Conditional Use Permit. (For construction of a 13,840 square foot Big Brand Tire Store on the 1.4-acre site located between Old South River Road and South River Road, just north of the PG&E substation.)

**OPTIONS:**

- a.
  1. Adopt Resolution No. 04-xx granting approval of a Negative Declaration for Code Amendment 04-005.
  2. Introduce Ordinance No. xxx N.S. approving Code Amendment 04-005, to amend Section 21.16.200 of the Municipal Code, to allow automotive repair uses in the General Commercial (C1) zoning districts, subject to approval of a Conditional Use Permit; and set September 21, 2004, as the date for adoption of said Ordinance.

- b. 1. Adopt Resolution No. 04-xx granting approval of a Negative Declaration for Code Amendment 04-005.
  2. Introduce Ordinance No. xxx N.S. approving Code Amendment 04-005, to amend Section 21.16.200 of the Municipal Code, to allow automotive repair uses in the General Commercial (C1) zoning districts, subject to approval of a Conditional Use Permit., except for within the downtown area, where auto repair uses would be prohibited; and set September 21, 2004, as the date for adoption of said Ordinance.
- c. Amend, modify, or reject the foregoing options.

## 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 5-26 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

5. [Approve City Council minutes of August 17, 2004](#)  
D. Fansler, City Clerk
6. [Approve Warrant Register: Nos. 49602 – 49741 \(8/17/04\), 49742 – 49907 \(8/20/04\) and 49908 – 50019 \(8/27/04\)](#)  
M. Compton, Administrative Services Director
7. Receive and file Advisory Body Committee minutes as follows:  
Library Board of Trustees meeting of [June 10](#) and [July 8, 2004](#)  
[Parks & Recreation Advisory Committee meeting of July 8, 2004](#)  
[Pioneer Museum meeting of July 8, 2004](#)
8. [Read, by title only, and adopt Ordinance No. XXX N.S. amending the Zoning Title of the Municipal Code to approve a zoning map change for Rezone 04-006 \(Beechwood Area – Annexation No. 87\).](#) (The Beechwood Annexation includes approximately 235 acres, 13 separate properties, and has 9 different property owners. Properties are located in the County unincorporated area east of the City, south of an eastward extension of Meadowlark Road and north of Creston Road. The PG&E electric transmission lines form the eastern boundary. Subject properties were anticipated for annexation in the 2003 General Plan update and future development was anticipated in the Final Environmental Impact Report. Pre-zoning of the property is a step in the annexation process; there is no development proposed at this time.) 1ST READING AUGUST 17, 2004  
R. Lata, Community Development Director

9. [Adopt Resolution No. 04-xx accepting Negotiated Exchange of Property Tax Revenue and Annual Tax Increment between the County of San Luis Obispo and the City.](#) (Subject property is approximately 235 acres, 13 separate properties, and has 9 different property owners. Properties are located in the County unincorporated area east of the City, south of an eastward extension of Meadowlark Road and north of Creston Road. The PG&E electric transmission lines form the eastern boundary. Based on the residential zoning of the property, under the terms of a proposed agreement there would be no shift of the current tax base and the City would receive approximately 11% of the future property tax increment.)  
R. Lata, Community Development Director
10. [Adopt Resolution No. 04-xx supporting the Statewide Ballot Initiative—Proposition 1A—on the 2004 General Election Ballot.](#) (Proposition 1A would limit the State's ability to take and use local government funding.)  
J. App, City Manager
11. [Adopt Resolution No. 04-xx authorizing the Chief of Emergency Services to purchase \\$18,750 in exhaust removal equipment for Air Cleaning Systems.](#) (In January 2004, Council authorized acceptance of a Federal Emergency Management Agency Assistance to Firefighters Grant to install an exhaust removal system at Fire Station No. 2. Air Cleaning Systems was the lowest responsive bidder for Fire Station No. 1's existing exhaust system and provided a commensurate price quote for Fire Station No. 2's system.)  
K. Johnson, Emergency Services Chief
12. [Adopt Resolution No. 04-xx authorizing Emergency Services to purchase a dual agent crash fire rescue unit for \\$37,495 from Crash Rescue Equipment, Inc., the sole-source provider.](#) (This appropriation is to purchase Airport crash fire equipment in conjunction with 95% grant funding from the Federal Aviation Administration. The proposed equipment will meet all FAA requirements for crash-rescue equipment with only one vehicle and eliminate the current need for a second support fire engine.)  
K. Johnson, Emergency Services Chief
13. [Adopt Resolution No. 04-xx approving a lease-purchase agreement and various related documents with Municipal Finance Corporation for the purchase of two street sweepers and authorize the Director of Administrative Services/City Treasurer to execute any and all documents associated with said financing.](#) (While the city has the resources in reserve to purchase the street sweepers outright, financing this acquisition will continue the availability of reserves for other Council priorities. Requests for quotes for lease-purchasing financing were distributed to eight firms. Municipal Finance Corporation quoted the lowest interest cost at 3.38%, with no additional fees or charges and a \$1 buy-out at expiration of the lease.)  
M. Compton, Administrative Services Director
14. [Adopt Resolution No. 04-xx accepting \\$100,000 \(maximum\) in State of California Supplemental Law Enforcement Service funds available in fiscal year 2004/05.](#) (With the acceptance of the SLESF funds, additional needed technological equipment/software can be purchased to interface with or replace existing equipment and enhance existing capabilities, allowing better utilization of systems now in place.)  
D. Cassidy, Chief of Police
15. [Adopt Resolution No. 04-xx accepting the award of a grant from the California Office of Traffic Safety to fund the purchase of a DUI Checkpoint/Public Education trailer, related equipment, and the funding of personnel to administer programs of the grant.](#) (It is anticipated that an educational and enforcement program in Paso Robles will provide a significant impact on the reduction of DUI and underage drinking offenses.)  
D. Cassidy, Chief of Police

16. [Adopt Resolution No. 04-xx allocating \\$39,000 from Facilities Repair Fund and award the bid for installation of two additional air conditioning units to Newton Construction and Management.](#) (In July 2004, Council authorized staff to secure bids to install additional air conditioning at the Public Safety Center Computer/Communications room. Bids were solicited and an award was made to Newton Construction on July 20<sup>th</sup>. It was later determined that the bid had not been properly noticed, and the bid was re-noticed and mailed to 13 contractors and 2 planning rooms. The lowest responsible bid received was by Newton Construction Management.)  
M. Williamson, Interim Public Works Director
17. [Adopt Resolution No. 04-xx awarding a construction contract to repair earthquake damages to the City Hall/Library building to low-bidder Newton Construction for \\$138,598.43.](#) (Bids for this project were opened in March 2004, with Newton Construction being the low bidder. Subsequent to Council awarding the bid, staff was notified by FEMA/OES that the bid document format required revision to receive maximum reimbursement. Consequently, the April 6<sup>th</sup> award was deferred and the project re-bid. At the bid opening on August 26, 2004, two bids were received, ranging from \$219,555.85 to \$138,598.43. The low bid submitted by Newton Construction was reviewed and found to be responsive.)  
M. Williamson, Interim Public Works Director
18. [Authorize the City Manager to sign an agreement between the City and Ole and Sandra Viborg to accommodate the construction of a multi-purpose trail in connection with the improvements to the 13<sup>th</sup> Street Bridge and adjacent roadways and give the City a temporary construction easement to work within the Viborg property.](#) (The proposed multi-purpose trail is adjacent to property owned by the Viborgs.)  
M. Williamson, Interim Public Works Director
19. [Adopt Resolution No. 04-xx awarding the purchase of 19,200 pounds of Pulsar Plus Briquettes to Knorr Systems, Inc. for \\$37,818.24.](#) (Bids were solicited from four suppliers on July 23, 2004. At the bid opening on August 12<sup>th</sup>, three bids were received, ranging from \$41,595.84 to \$37,818.24. The low bid submitted by Knorr Systems, Inc. was reviewed and found to be responsive.)  
M. Williamson, Interim Public Works Director
20. [Adopt Resolution No. 04-xx awarding the bid for a 2-year contract to provide sludge hauling services from the Wastewater Treatment Plant to the Landfill to Ole Viborg, Inc. for \\$28,600 and authorizing the City Manager to execute the contract on behalf of the City.](#) (A request for Quotations was published in the local media per the City's adopted Purchasing Policy. One quote from Ole Viborg, Inc. was received by the deadline of August 20, 2004.)  
M. Williamson, Interim Public Works Director
21. [Adopt Resolution No. 04-xx authorizing the addition of diagonal parking spaces on Park Street in front of the Estate Finance building, which will result in a net increase of five parking spaces.](#) (Property is located at the southeast corner of 9<sup>th</sup> and Park Streets. This block of Park Street was previously studied and approved as an appropriate area for diagonal parking as part of the 2003 Downtown Diagonal Parking Survey.)  
M. Williamson, Interim Public Works Director
22. [Adopt Resolution No. 04-xx authorizing the installation of diagonal parking spaces in front of the Christian Life Center, which will result in a net increase of ten parking spaces.](#) (Property is located at the corner of 18<sup>th</sup> and Oak Streets. (Although not part of the 2003 Downtown Diagonal Parking Survey, these streets do have the appropriate width for diagonal parking on one side of the street. At their meeting of August 27, 2004, the Streets and Utilities Committee recommend approval of this request.)  
M. Williamson, Interim Public Works Director

23. [Adopt Resolution No. 04-xx approving 35 feet of red curb in front of 1049 Riverside Avenue.](#) (Applicant: J.B. Dewar. (The line of sight obscurity resulting from parked vehicles in the concerned area, combined with the speed of traffic on Riverside Avenue, creates a hazard for drivers attempting to exit the J.B. Dewar lot. The Streets and Utilities Committee considered this item at their July 9, 2004, meeting and voted to recommend approval of the request.)  
M. Williamson, Interim Public Works Director
24. [Adopt Resolution No. 04-xx accepting recordation of Parcel Map PR 04-0126, a 2-lot residential subdivision located on the north side of 19<sup>th</sup> Street, along the east boundary of the railroad.](#) (Applicants: Mitch and Lisa Mumford and Knute Welsh. PR 04-0126 was tentatively approved by the Planning Commission on June 8, 2004, and all conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
25. [Adopt Resolution No. 04-xx accepting recordation of Parcel Map PR 97-226, a 2-lot residential subdivision located on the east side of Prospect Avenue, south of Mesa Road; and adopt Resolution No. 04-xx annexing Parcel Map PR 97-226 into the Landscape and Lighting District \(L&LD\).](#) (PR 97-226 was tentatively approved by the Planning Commission on June 8, 2004, and all conditions imposed by the Planning Commission have been satisfied. Applicants have signed a petition and voted in favor of annexation into the L&LD.)  
R. Lata, Community Development Director
26. [Adopt Resolution No. 04-xx accepting the public improvements of Tract 2269 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond for \\$198,200 and a landscape improvement bond for \\$50,000.](#) (Applicant: Danley, Erskine, et al. Subdivision is located on Golden Hill Road, north of Highway 46. With the exception of the parkway landscaping, all public improvements required as Conditions of Approval have been constructed in compliance with the improvement plans and applicable City Standards.) CONTINUED FROM AUGUST 17, 2004  
R. Lata, Community Development Director

## ROLL CALL VOTE

## DISCUSSION

27. [Planning Commission Recommendation Regarding Oak Tree in Alley Right-of-Way](#)  
R. Lata, Community Development Director

Consider the Planning Commission's recommendation to remove a healthy, 40-inch oak tree located in a currently unused alley right-of-way. (Property owners Ian and Coralie McMillan have an approved Planned Development for property located at the northwest corner of Pine and 10<sup>th</sup> Streets. The McMillans would like to preserve the oak tree and utilize the alley right-of-way adjacent to their property as a public pedestrian walkway, accessing their property and other properties in the block.)

### OPTIONS:

- a. Concur with the Planning Commission recommendation to remove the 40-inch oak tree in the alley right-of-way at this time at City cost and direct staff to prepare a resolution of appropriation of \$5,000 for Council consideration at the September 21, 2004, Council meeting.

- b. Conclude that it would not be appropriate for the City to remove the 40-inch oak located in the alley right-of-way at this time, permitting the McMillans to proceed with their installation of a pedestrian walkway consistent with their proposed project plan
- c. Amend, modify, or reject the foregoing options.

**ROLL CALL VOTE**

**28.** [Zero Fee Building Permits and Public Improvement Requirements Related to Earthquake Recovery](#)

R. Lata, Community Development Director

Consider extending the deadline for “zero fee permits” for demolition, repair, and reconstruction projects related to the December 2003 earthquake. (The “zero fee” building permit schedule adopted by Council in February 2004 applied for a period of 120 days and expired June 1, 2004.)

**OPTIONS:**

- a. Direct staff to prepare a Resolution extending the “zero fee” provisions for Building Permits related to earthquake demolition, repair and/or reconstruction for residential land uses from June 1 through December 31, 2004, with the related interpretation that the City’s requirements for public improvements under Municipal Code Chapter 11.12 would not apply to replacement of the same size structure(s), but that any incremental increase in structure size would trigger the requirements of that same Chapter 11.12.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**29.** [Private Gated Residential Developments and Other Barriers to Public Vehicular Traffic Flow](#)

R. Lata, Community Development Director

Consider establishing a policy regarding private gated residential developments and other barriers to vehicular traffic. (Gates or other barriers to traffic flow could have significant impacts on overall City traffic circulation.) CONTINUED FROM AUGUST 17, 2004

**OPTIONS:**

- a. Adopt Resolution No. 04-xx adopting a City Council policy and directing staff to take follow-up actions with regard to private gated residential development and other barriers to public vehicular traffic flow.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**



**30.** [13th Street Bridge Construction Traffic Issues](#)

M. Williamson, Interim Public Works Director

Consider measures to mitigate traffic congestion during the construction of the 13<sup>th</sup> Street Bridge Widening project. (Beginning October, North River and Union Roads between Creston and Riverglen Road will be closed. City-wide traffic patterns may be altered as a result of this 7-9 month closure and various measures can be implemented to relieve traffic congestion.)

**OPTIONS:**

- a. Approve implementation of the mitigations to address City-wide traffic congestion resulting from the widening of the 13<sup>th</sup> Street Bridge.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**31.** [Water Service Connection Request from Paso Robles Public Schools](#)

R. Lata, Community Development Director

Consider a request from Paso Robles Public Schools to allow additional connections to City water at Georgia Brown School without connection fees, with the understanding that the School District will abandon the services that exist today within five year. (It has been City policy that water meters on any property may be replaced with similar sized water meters without additional connection fees.)

**OPTIONS:**

- a. Approve the request of the Paso Robles Public Schools to allow the installation of two water meters at Georgia Brown school, with the understanding that the existing connections will be abandoned upon completion of new water lines on the school property.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**CITY MANAGER**

**32.** [Schedule Date for Applicant Interviews/Appointments - Citizens Airport Advisory Committee](#)

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Citizens Airport Advisory Committee.

- 4 vacancies – 6 applicants: Three 2-year regular terms expiring October 31, 2006
- One 1-year alternate term to complete vacated term previously filled by Mitch Culver, expiring October 31, 2005

Applicants:

Eric A. Cook  
Michael D. Dougherty  
Lauren J. Engstrom

Richard E. Morton (incumbent)  
Ronald A. Rose (incumbent)  
Michael E. Weber

**CORRESPONDENCE - None**

**ADVISORY BODY COMMUNICATION - None**

**AD HOC COUNCIL BUSINESS**

**33. [Ad Hoc Committee Formation – Banking Services](#)**

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to review proposals for banking services.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to review banking service responses to a Request for Proposals, and report back to the full Council by October 5, 2004.
- b. Amend, modify, or reject any of 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, 2<sup>nd</sup> Floor**

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

Subdivision (b) of Government Code Section 54956.9

Significant exposure to litigation (facts and circumstances not known to adverse party)

Number of cases: One

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

Subdivision (c) of Government Code Section 54956.9

Significant exposure to litigation (facts and circumstances not known to adverse party)

Number of cases: Two

**c. Public Employee Performance Evaluation**

Government Code Section 54957

Title: City Manager

**ADJOURNMENT:** to THE ANNUAL LEAGUE CONFERENCE, FRIDAY-SUNDAY, SEPTEMBER 16-19, 2004, AT THE LONG BEACH CONFERENCE CENTER; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 21, 2004, 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 SEPTEMBER 10, 2004**