

CITY COUNCIL MINUTES
Tuesday, December 2, 2003 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

Lead by Scout Nick Alexander, Boy Scouts of America, Troop 101, Atascadero.

ROLL CALL Councilmembers George Finigan, Gary Nemeth, Duane Picanco and Mayor Frank Mecham Absent: Councilmember Jim Heggarty

PUBLIC COMMENTS

- Kathy Barnett urged residents to donate gifts to the Toy Bank.
- Mike Menath suggested that residents clear roadside litter.
- Caroline Anderson suggested that a wide shoulder be added to River Road, along with a bike path.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager App announced that Agenda Item No. 17 is recommended for continuance.

PRESENTATIONS - None

PUBLIC HEARINGS

1. Rezone 03-005 for 927 and 955 Creston Road (Mr. & Mrs. Carminati)

R. Lata, Community Development Director

Consider continuing the public hearing on Rezone 03-005, a proposal to conform zoning with the General Plan. (A continuance is being sought to allow for the Planning Commission's hearing on December 9th.)

Mayor Mecham opened the public hearing. There being no comments from the public, either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue the open public hearing to the City Council's regularly scheduled meeting on January 6, 2004.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

2. Extension of Off-Street Parking Code Provisions Providing Incentives for Downtown Development

R. Lata, Community Development Director

Consider extending the current off-street parking code that provides incentives for development in the downtown area. (In 1994, the parking code was amended to permanently "grandfather" the use of existing buildings that existed as of 1992 and also to temporarily reduce the requirement for off-street parking for new development in the downtown area. The Planning Commission was also authorized to exempt certain land uses that would be consistent with the City's Economic Development Strategy from providing any off-street parking. These incentives were in place until 1998 and were then extended an additional five years. That incentive for downtown investment is now scheduled to expire December 31, 2003, unless further extended by action of the Council.)

Mayor Mecham opened the public hearing. Speaking from the public was Jeff Marsden. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to (1) adopt Resolution No. 03-223 adopting a Negative Declaration of environmental impact; and (2) determine that the current incentives for development in the downtown area be extended an additional two years, with an expiration on December 31, 2008, unless the City Council takes action to provide a further extension, by introducing for first reading Ordinance No. XXX N.S. amending the City's Zoning Code with regards to the time extension for the provisions of Section 21.22.030; and set December 16, 2003, as the date for adoption of said Ordinance.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

**3. Pre-zone 03-006 for 4041 Highway 46 East – Hunter Ranch Golf Course
(North Coast Engineering for Mr. Kenneth H. Hunter)**

R. Lata, Community Development Director

Consider pre-zoning the site at 4041 Highway 46 East as Parks and Open Space (POS) in conformance with its General Plan land use designation. (Pre-zoning this site as POS implements the City's Economic Strategy, which encourages and supports the development of resort quality golf courses in Paso Robles and endorses the annexation of all Highway 46 corridors to include existing golf courses and wineries that are in the City's Sphere of Influence. No land use changes or development projects are being proposed as a part of annexation. Any future development, redevelopment, or expansion proposal for the site would require separate City review and approval via its development review process.)

Mayor Mecham opened the public hearing. Speaking from the public were Steve Sylvester (North Coast Engineering), Kenneth Hunter (President of the Hunter Ranch Golf Course), Susan Harvey (President of Paso Watch), Kathy Barnett, and Thomas Rusch. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Picanco stated that he had an ex parte meeting with Kenneth Hunter earlier in the week regarding this matter.

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-224 adopting a Negative Declaration for Pre-zone 03-006

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

Councilmember Finigan, seconded by Councilmember Picanco, moved to introduce for first Ordinance No. XXX N.S. amending Title 21 of the Zoning Code of the Municipal Code applying POS reading zoning to the site at 4041 Highway 46 East (APN No. 015-031-050); and set December 16, 2003, as the date for adoption of said Ordinance.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. There being no comments from the public, either written or oral, the public discussion was closed.

Consent Calendar Items No. 4 - 8 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan, with Councilmember Picanco abstaining on Warrant Register Items Nos. 044128, 044156, 044159, 044280, 044330, 044332 and 044220.

4. Approve City Council minutes of October 16 and 30, 2003; and November 4 and 18, 2003.
D. Fansler, City Clerk
5. Approve Warrant Registers: Nos. 44066 – 44209 (11/14/03) and 44210 – 44384 (11/21/03)
M. Compton, Administrative Services Director
6. Receive and file Advisory Body Committee minutes as follows:
Library board of Trustees meeting of September 2 and 11, 2003
Parks and Recreation Advisory Committee meeting of October 14, 2003
Pioneer Museum Board Meeting of October 9, 2003
Senior Citizen Advisory Committee meeting of October 13, 2003
Youth Commission meeting of October 1, 2003
7. Adopt Resolution No. 03-225 accepting the recordation of Parcel Map PR 02-0434. (Property is an 8-parcel commercial subdivision located at the southeast corner of 1st and Vine Streets. (Applicant: Rite III, Inc. The Planning Commission tentatively approved PR 02-0434 in May 2003. All conditions imposed by the Planning Commission have been satisfied.)
R. Lata, Community Development Director
8. Adopt Resolution No. 03-226 accepting the recordation of Tract 2350, Phase 3, and approving the Subdivision Improvement Agreement for Tract 2350, Phase 3, guaranteeing the construction of the subdivision improvements, with an established deadline of December 2, 2004, to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopt Resolution No. 03-227 annexing Tract 2350, Phase 3, into the Landscape and Lighting District. (Applicant: Weyrich Development Company. This is a 46-lot subdivision of a 16.70-acre site, located along the extension of Solida Del Sol, between Golden Hill Road and Rolling Hills Road. As required public improvements have not been completed, the applicant has signed a Subdivision Improvement Agreement guaranteeing the construction of these improvements within a one-year period. Applicant has signed a petition and voted in favor of annexation into the Landscape and Lighting District.)
R. Lata, Community Development Director

The City Council took a 10-minute break at 8:35 PM.

DISCUSSION

9. Fiscal Impact Analysis of the 2003 General Plan Update

R. Lata, Community Development Director

Presentation from David Taussig, President of David A. Taussig & Associates (DTA), on the City's Fiscal Impact Analysis Model. (Development of a Fiscal Impact Analysis Model for the City was included as a part of the 2003 General Plan Update program. The Model's purpose is to provide information on the recurring revenues and costs associated with new development.)

Council heard a presentation from David Taussig, President of DTA, on the City's Fiscal Impact Analysis Model.

Mayor Mecham opened the public hearing. Speaking from the public were Susan Harvey and Kathy Barnett. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to receive and file the information presented.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

The City Council took a 5-minute break at 8:40 PM.

10. Water and Wastewater Quality Issues

J. Deakin, Public Works Director

Consider allocating additional funds for monitoring and a wastewater treatment facility assessment linked to a discharge permit revision. (In October 2002, Council hired Malcolm-Pirnie to develop and implement of a Total Dissolved Solids [TDS] monitoring program. The Regional Water Quality Control Board presented a draft National Pollutant Discharge Elimination System [NPDES] permit that highlights continuing concern for TDS, but also would stringently impose new limitations found in the California Toxic Rule [CTR]. Monitoring and testing for CTR constituents is not anticipated in the previously funded TDS monitoring program.)

Mayor Mecham opened the public hearing. There being no comments from the public, either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-228 appropriating \$140,000 from the Wastewater Reserve Fund to the Sewer Operations

Budget in order to continue CTR constituent monitoring and to conduct a Wastewater Treatment Plant audit.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

11. Nacimiento Water Supply Project

J. Deakin, Public Works Director

Presentation of a progress report on the Nacimiento Water Supply project. (The County of San Luis Obispo Flood Control District is the lead agency for this project. In September 2003, the Council provided the District with comments on the revised Draft EIR for the project. The Final EIR is now being prepared.)

Mayor Mecham opened the public hearing. Speaking from the public was Kathy Barnett. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to receive and file the Nacimiento Water Supply project status report.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

12. San Luis Obispo County Sales Tax Measure

J. App, City Manager

Consider a possible countywide ¼ cent sales tax ballot measure to fund libraries. (The County Board of Supervisors may be asked to place a library sales tax measure on the November 2004 ballot. If approved, the measure will include Paso Robles. If passed, revenue generated by the increase will be exclusively for library materials and services. The measure does not consider or address funding requirements for other essential public services.)

Mayor Mecham opened the public hearing. Speaking from the public were Brian Reynolds (Director, County Library Services), Denise Surber and Barbara Dabul (members of the Paso Robles Library Board of Trustees). There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to authorize the Mayor to forward a letter urging the Board of Supervisors to deny any proposal for a sales tax measure intended solely for libraries.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

Councilmember Picanco, seconded by Councilmember Nemeth, moved to continue Agenda Items Nos. 17, 19 and 20 to a future meeting in January 2004.

Motion passed by unanimous voice vote.

13. Sherwood Park Master Plan Implementation

J. Deakin, Public Works Director

Consider approving an overall Phasing Plan for the Sherwood Park Master Plan and Phase I (A) for construction. (In September 2003, Council adopted a Master Plan for the Sherwood Park and approved the development of a phasing plan, to include the design of the new playground environment as the first implementation phase.)

Mayor Mecham opened the public hearing. Speaking from the public was Walter Kahn. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Nemeth seconded by Councilmember Picanco, moved to (1) approve the Sherwood Park Phasing Plan; and (2) approve the concept plan for Phase I (A). Councilmember Picanco re-emphasized his earlier direction to staff given at the September 2, 2003, Council meeting to ensure that the unfenced baseball field remains identified as *R. C. Bynum Field*.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

14. Scope of Traffic Analysis – Chandler Ranch Area Specific Plan

R. Lata, Community Development Director

Consider authorizing additional traffic analysis in conjunction with preparation of the Draft Environmental Impact Report (EIR) for the Chandler Ranch Area Specific Plan. (The City's traffic consultants, Omni-Means, have recommended that the City supplement its current traffic model--prepared based on year 2000 traffic data--with new AM and PM traffic counts at the ramp intersections of US 101 and State Highway 46 East, plus a rerun of the Level of Service calculations.)

Mayor Mecham opened the public hearing. There being no comments from the public, either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to authorize a transfer of \$15,000 from funds budgeted for the General Plan update program to the Chandler Ranch Area Specific Plan, and also authorize the City Manager to expand the Scope of Work for the Chandler Ranch Area Specific Plan to include the additional traffic analysis.

Councilmember Picanco excused himself from the dais for a short personal break.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty and Picanco

15. Request to Remove Oak Tree – Gateway Center (Rite III, Inc.)

R. Lata, Community Development Director

Consider removing one 26-inch Live Oak tree located within the 1st Street right-of-way, at the intersection of Oak Street. (Applicant Keith Belmont of Rite III, Inc. has submitted a removal request in conjunction with the off-site improvements required with the construction of the Gateway Center.)

Mayor Mecham opened the public hearing. Speaking from the public was Newlin Hastings, Mike Menath and Kathy Barnett. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-229 approving the removal of one 26-inch Live Oak located within the 1st Street right-of-way, at the intersection of Oak Street, based on the need for the widening of 1st Street, and require a replacement ratio of 6.5 inches of Valley Oaks, which shall be planted on site, in proper locations and proper techniques per the arborist prior to the occupancy of any building or other horticulture professional, and/or the trees can be donated to the City for future planting in a public area.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

16. Downtown Diagonal Parking

J. Deakin, Public Works Director

Consider additional diagonal parking areas on downtown streets in the appropriate areas bordered by 9th Street, 15th Street, Vine Street and Riverside Drive. (Both currently unmarked parking areas and existing parallel parking spaces can be changed to diagonal parking, thereby increasing parking capacity in the downtown area. The Streets & Utilities Committee is recommending the addition of 67 spaces.) CONTINUED FROM NOVEMBER 18, 2003

Mayor Mecham opened the public hearing. Speaking from the public was Bruce Whitcher. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-230 approving an additional 67 diagonal parking spaces downtown, and appropriating \$7,000 to Budget Account No. 100-310-5212-162 for the project.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

17. Solid Waste Program – Regional Recycling Facility Agreement

J. Deakin, Public Works Director

Consider an agreement with North San Luis Obispo County Recycling, Inc. for recyclables processing and associated solid waste / recycling services. (The City and Paso Robles Waste Disposal [PRWD] partner to collect commercial and residential recyclable materials. Currently, PRWD ships collected recyclables to the Cold Canyon Landfill, near San Luis Obispo. San Luis Obispo County Recycling, Inc. is constructing a recyclables facility in Templeton and will open in December. The agreement provides franchise fee revenue.)
CONTINUED FROM NOVEMBER 18, 2003

This item was continued to January 2004 by Council action immediately following Item No. 12.

CITY MANAGER

18. Transit Advisory Committee

M. Compton, Administrative Services Director

Consider and provide direction in regards to membership of the Transit Advisory Committee (TAC). (There are currently three vacancies on TAC. Three separate advertising recruitment efforts, from August 1 to October 31, 2003, have resulted in only two incumbent applicants applying for appointment.)

Mayor Mecham opened the public hearing. Speaking from the public was Bill Rouch (Transit Advisory Committee member). There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue with the appointment process to make appointments on December 11th and accept any applications that might be received between now and that date.

Motion passed by the following roll call vote:

AYES: Finigan, Nemeth, Picanco and Mecham
NOES: None
ABSTAIN: None
ABSENT: Heggarty

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

19. Economic and Airport Development

J. App, City Manager

Discuss options for furthering goals to intensify and focus upon economic and airport development. (Council adopted goals in 2003 to intensify economic development community-wide. Re-establishment of a formal economic and/or airport development unit would require allocation of recurring resources.)

This item was continued to January 2004 by Council action immediately following Item No. 12.

20. Air Show Report

J. Deakin, Public Works Director

Receive report outlining concepts and provisions necessary to sponsor an airshow. (Report is based on information from the International Council of Airshows [ICAS] Academy held at the Salinas Air Show. ICAS is the authority for airshows, performers, producers and support services.) CONTINUED FROM NOVEMBER 18, 2003

This item was continued to January 2004 by Council action immediately following Item No. 12.

COUNCIL COMMENTS - None

PUBLIC COMMENT ON CLOSED SESSION - None

City Attorney Iris Yang announced Council's authority to go into closed session to discuss the items listed on the agenda.

Council moved to adjourn from regular session at 11:38 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

Council returned to Regular Session on Wednesday, December 3, 2003, at 12:05 AM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced that Council received an update from the City's negotiator on the Closed Session items. There was no reportable action on Item (b). On Item (a), Council approved a settlement agreement with MCM Construction.

By unanimous voice vote, Council moved to adjourn from Regular Session on Wednesday, December 3, 2003, at 12:10 AM.

ADJOURNMENT: to THE ADJOURNED MEETING FOR CONDUCTING INTERVIEWS FOR THE PLANNING COMMISSION, TRANSIT ADVISORY COMMITTEE, AND HOUSING AUTHORITY AT 7:00 PM ON THURSDAY, DECEMBER 11, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, DECEMBER 16, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved:

**THESE MINUTES ARE NOT OFFICIAL OR A PERMANENT PART OF THE RECORDS
UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING.**