

CITY COUNCIL MINUTES

Tuesday, September 6, 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 Gary Nemeth, Duane Picanco, Fred Strong, and Mayor Frank Mecham Absent: Councilmember Jim Heggarty

PUBLIC COMMENTS

- Kathy Barnett asked Council to consider moving Item No. 23.2 forward in the agenda.
- Kate Davis spoke about the skate park and entreated Council to keep the park open and safe through whatever means considered effective and appropriate.
- Mike Gibson thanked City staff, and especially Parks Supervisor Freda Berman, for their efforts in the Downtown over this past weekend during the car show event.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. Recognition of Reserve Police Officer Richard Ruth

M. Mecham, Mayor

Mayor Mecham, accompanied by Lieutenant Lisa Soloman, recognized Reserve Police Officer Richard Ruth for 19 years of service to the community prior to his resignation from the City's Police Department on July 1st 2005.

PUBLIC HEARINGS - None

CONSENT CALENDAR

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

Consent Calendar Items Nos. 2, 4 – 11 and 13 - 15 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Strong, with the exception of Items Nos. 3 and 12 being pulled for discussion; and with Councilmember Picanco abstaining on Warrant Register Items Nos. 056904, 056906, 057041, 057047, 057197 and 057228; and Mayor Mecham abstaining on Warrant Register Item No. 057068 due to possible conflicts of interest.

2. Approve City Council minutes of August 11, 16 and 24, 2005

D. Fansler, City Clerk

4. Receive and file Advisory Body Committee minutes as follows:

Library Board of Trustees meeting of July 14, 2005

Parks & Recreation Advisory Committee meeting of July 12, 2005

Pioneer Museum Board meeting of June 9, 2005

5. Adopt Resolution No. 05-171 approving a consultant services agreement with JoAnn Benner Head, P.L.S. (Final subdivision and parcel maps must be checked for technical accuracy. Currently, the City employs a professional surveyor to assist where the volume of work warrants more resources.)

R. Lata, Community Development Director

6. Adopt Resolution No. 05-172 certifying and adding properties to Community Facilities District (CFD) No. 2005-1 and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; adopt Resolution No. 05-173 accepting the recordation of Tract 2611-1 and approving the Subdivision Improvement Agreement for Tract 2611-1; and adopt Resolution No. 05-174 annexing Tract 2611-1 into the Landscape and Lighting District (L&LD). (Property is a 39-lot subdivision of a 9.01-acre site, located along the extension of Brahma Street, between Serenade Drive and Oxen Court. Applicant and property owner Centex Homes has signed a petition and voted in favor of annexation into the L&LD. As the 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.)

R. Lata, Community Development Director

7. Adopt Resolution No. 05-175 certifying and adding property to Community Facilities District (CFD) No. 2005-1, and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien. (Property is located on the 2,600 square foot parcel located on the east side of the alley directly behind the house located at 627 19th Street.)
R. Lata, Community Development Director
8. Adopt Resolution No. 05-176 certifying and adding property to Community Facilities District (CFD) No. 2005-1, and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and adopt Resolution No. 05-177 accepting the recordation of Parcel Map PR 04-0625, a 4-lot residential subdivision located at 2127 Oak Street. (Parcel Map was tentatively approved by the Planning Commission in March 2005 and all conditions imposed have been satisfied.)
R. Lata, Community Development Director
9. Adopt Resolution No. 05-178 authorizing a reimbursement of \$21,805 to Matt Masia, owner of the Adelaide Inn located at 1215 Ysabel Avenue, for water connection fees related to the installation of a 2-inch water meter for service to a building permit issued on the subject property on July 2, 2004. (Reimbursement would adjust the charge for water connection fees to the rate in effect on July 2, 2004, when the building permit was issued.)
R. Lata, Community Development Director
10. Adopt Resolution No. 05-179 accepting the 3-foot wide Grant of Easement for operation and maintenance of a water line from Lewis Burnett. (Property is located at 514 Larkfield Place.)
R. Lata, Community Development Director
11. Adopt Resolution No. 05-180 accepting the recordation of Parcel Map PR 04-0078, a 3-lot commercial/industrial subdivision located along Dry Creek Road, west of Airport Road. (Applicant: Hogue Brothers. Parcel Map was tentatively approved by the Planning Commission in May 2004 and all conditions have been satisfied.)
R. Lata, Community Development Director
13. Adopt Resolution No. 05-181 approving the City's participation in the Paso Robles Groundwater Basin Agreement. (This cooperative agreement, which includes overlying property owners, San Luis Obispo County, and the City, provides that the parties will cooperate to sustain Basin waters for current and prospective uses.)
B. Hagemann, Water Resources Manager
14. Adopt Resolution No. 05-182 approving an agreement with Templeton Community Services District (TCSD) regarding cost sharing for improvements to sewage Lift Station No. 2 and associated sewage interceptor line. (The City and District have analyzed various methods to calculate a fair and equitable cost share, and the District has agreed to pay \$300,000 to cover its share of the improvements.)
B. Hagemann, Water Resources Manager
15. Adopt Resolution No. 05-183 authorizing the receipt of Library Services and Technology Act (LSTA) Public Library Education grant funds in the amount of \$2,838, and making a one-time budget appropriation of \$2,900 to Budget Account No. 100-411-5226-203, with an offsetting adjustment to state grant revenues, Revenue Account No. 100-000-4617-000. (The Library applied and was approved for a competitive education grant.)
A. Robb, Interim Director of Library & Recreation Services

CONSENT ITEMS PULLED FOR DISCUSSION

3. Approve Warrant Register: Nos. 56829 – 56940 (8/12/05), 56941 – 57084 (8/19/05, and 57085 – 57238 (8/26/05
M. Compton, Administrative Services Director
12. Receive the Storm Water Management Plan (SWMP) and direct staff to implement and submit the initial annual report to the Regional Board on September 16, 2006. (The SWMP addresses the quality of water that would be discharged to the County's natural creeks and rivers and establishes Best Management Practices to implement activities to monitor, measure, and perhaps reduce pollutant loads.)
D. Monn, Interim Public Works Director

Councilmember Nemeth, seconded by Councilmember Strong, moved to approve Agenda Items Nos. 3 and 12.

Motion passed by the following roll call vote:

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

DISCUSSION

16. **Planning Commission Guidelines for Conditions of Approval – Churches in Commercial Zones**
R. Lata, Community Development Director

Consider adopting a set of Guidelines for Planning Commission use when considering applications for churches on commercial zoned properties. (On July 19th, Council approved a Zoning Code Amendment that would allow churches in the Regional Commercial Zone, subject to a Conditional Use Permit [CUP] and directed staff to suggest guidelines for future CUP applications.) CONTINUED FROM AUGUST 2, 2005

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

Councilmember Nemeth, seconded by Councilmember Strong, moved to adopt Resolution No. 05-184 providing Guidelines for the Planning Commission to consider when evaluating applications for Conditional Use Permits for churches in commercially zoned locations.

Motion passed by the following roll call vote:

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

17. Paso Robles Street Corporation Yard Building Demolition

D. Monn, Interim Public Works Director

Consider approving the demolition of an unreinforced masonry building located at the Paso Robles Street Corporation Yard. (Building was damaged in the 2003 San Simeon earthquake and has since been abandoned in conformance with the City's Seismic Safety ordinance. It is recommended that it be demolished.)

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

Councilmember Strong, seconded by Councilmember Picanco, moved to approve demolition of a small, unreinforced masonry building at the Paso Robles Street corporation yard.

Motion passed by the following roll call vote:

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

18. Properties Failing to Comply with Seismic Safety Ordinance

R. Lata, Community Development Director

Consider an order to vacate those buildings not in compliance with Seismic Strengthening requirements of the City's Municipal Code. (The Code requires that minimum standards for structural seismic resistance be incorporated into unreinforced masonry structures. The deadline for issuance of a building permit to construct retrofit improvements is August 8, 2005.)

Mayor Mecham opened the public hearing. Speaking from the public were Ron Walters and Ralph McCarthy. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Strong, moved to send a reminder notice to those owners of buildings that required permits have not been secured, and that building retrofit or demolition must be completed not later than February 6, 2007, or the City will order the buildings vacated.

Motion passed by the following roll call vote:

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

19. Request for Proposal Regarding City Parking Lot

R. Lata, Community Development Director

Consider authorizing staff to solicit proposals to redevelop a downtown city parking lot, based on the premise of preserving public parking spaces. (Property is located on the north side of 12 Street, between Spring and Park Streets. The purpose and intent of requesting proposals is to explore options which may lead to a more effective use of City-owned property.)

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

Councilmember Nemeth, seconded by Councilmember Strong, moved to authorize staff to distribute copies of a Request for Proposals based on the draft included in the staff report, soliciting ideas for possible redevelopment of the City parking lot on 12th Street, while at the same time preserving public parking resources.

Motion passed by the following roll call vote:

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

20. Community Expectations & Choices: Sales Tax Initiative

J. App, City Manager

Initiate dialogue with residents concerning public service expectations and choices. (Growth in public service and infrastructure demand is anticipated to outpace revenue growth. An increase in local sales tax is one method of supplementing revenues to meet operational objectives.)

Mayor Mecham opened the public hearing. Speaking from the public were Barbara Partridge, Dee Lacey, Rob Nash, Kathy Barnett, and Christy Withers. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Strong, moved to authorize an informal community expectation and choice public information and education effort, with specific focus upon a one-half cent local sales tax measure.

Motion passed by the following roll call vote:

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

Council recessed at 9:17 P.M., reconvening at 9:21 P.M.

21. Appraisal Services Contract – Ladera Water Tank

D. Monn, Interim Public Works Director

Consider approving an agreement for appraisal services in relation to the Ladera water tank project. (In January 2004, the City entered into an agreement to develop conceptual design of two 4-million gallon water tanks to be located at the Ladera site. In June 2005, a workshop was conducted to present the project to the surrounding neighborhood and obtain their input. A common concern of those attending was the compatibility of the proposed tank with Covenants, Conditions and Restrictions associated with the surrounding properties. Following the workshop, City's legal counsel secured a proposal for appraisal to determine what, if any, impact this project may have on the adjacent properties.)

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

Councilmember Strong, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-185 authorizing the City Manager to enter into an Agreement for Consultant Services with Tim Landes, Sierra West Valuation, in relation to the Ladera tank project for a not-to-exceed fee of \$20,000.

Motion passed by the following roll call vote:

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

22. Development Impact Fee Update

R. Lata, Community Development Director

Consider an amendment to the contract with David Taussig & Associates to prepare an update of the City's Development Impact Fees. (David Taussig & Associates are currently under contract to prepare a Development Impact Fee Justification Study. Updating the Development Impact Fees is part of the process of implementing the fiscal neutrality policies outlined in the General Plan.)

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

Councilmember Picanco, seconded by Councilmember Nemeth, moved to authorize the City Manager to enter into an addendum to the current scope of work with David Taussig & Associates to undertake the update of Development Impact Fees as an implementation step of the new General Plan; and adopt Resolution No. 05-186 appropriating funds. The not-to-exceed contract supplement amount would be \$47,500.

Motion passed by the following roll call vote:

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

23. Landscape and Lighting Balloting Services

D. Monn, Interim Public Works Director

Consider awarding a contract to Muni Financial for landscape and lighting balloting related services. (In July 2005, Council authorized staff to ballot deficit sub-areas. In preparation for the balloting effort, a proposal was solicited from Muni Financial, who provided expertise the last time deficit sub-areas were balloted.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 05-187 awarding a contract to Muni Financial for Landscape and Lighting District balloting services.

Motion passed by the following roll call vote:

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

CITY MANAGER

23.1 Hurricane Katrina Disaster Relief

J. App, City Manager

Consider community disaster aid for victims of Hurricane Katrina.

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

Councilmember Nemeth, seconded by Councilmember Strong, moved to authorize a contribution of \$10,000 in relief, consulting with mayors from other cities in the county before making a decision on how the funds will be allocated.

Motion failed by the following roll call vote:

AYES:	Nemeth and Mecham
NOES:	Picanco and Strong
ABSTAIN:	None
ABSENT:	Heggarty

Councilmember Strong, seconded by Mayor Mecham, moved to authorize a contribution of \$10,000 to Second Harvest to be made through the local food bank.

Motion passed by the following roll call vote:

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

23.2 Pioneer Day Parade 75th Anniversary

J. App, City Manager

Consider additional support for the 75th Anniversary of the Pioneer Day Parade.

Mayor Mecham opened the public hearing. Speaking from the public was Jim Toomer. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Strong, seconded by Councilmember Nemeth, moved to donate \$5,000 to the Pioneer Day committee to assist with Pioneer Day expenses.

Motion passed by the following roll call vote:

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

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

24. Review of Consultant Proposals - Ad Hoc Committee Formation

D. Monn, Interim Public Works Director

Consider appointing an ad hoc committee to review bid proposals and interview consultants for various capital improvement projects.

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

It was the consensus of Council to appoint Councilmembers Strong & Nemeth to an ad hoc committee to work with staff to select the most qualified firms to prepare an update of the 1976 Storm Drain Master Plan and feasibility studies for roundabouts at Creston and Lana and South River Road and Charolais; and to report back to the full Council by April 18, 2006.

COUNCIL COMMENTS

25. Written comments from Councilmember Strong.

City Manager App noted that prior to tonight's meeting Mayor Mecham signed a letter to the Local Agency Formation Commission regarding an application by the Templeton Community Services District to jointly study a possible expansion of their Sphere of Influence, expressing our concerns in opposition to one specific area of the proposed study.

PUBLIC COMMENT ON CLOSED SESSION - None

Deputy City Attorney Jon Seitz announced Council's authority to go into closed session to discuss the items listed on the agenda.

It was the consensus of Council to adjourn from regular session at 10:26 PM.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 11:29 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Jon Seitz announced that no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 11:30 PM.

ADJOURNMENT: to THE REGULAR MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 20, 2005,
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 A FUTURE REGULAR MEETING.**