

# CITY COUNCIL MINUTES

Tuesday, November 1, 2005 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 Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong, and Mayor Frank Mecham

**PUBLIC COMMENTS**

- Elizabeth “Biz” Steinberg, Chief Executive Officer of the Economic Opportunity Commission in San Luis Obispo, announced the upcoming 40th Anniversary of the Commission on December 9, 2005, and gave a brief summary of accomplishments and services provided by the EOC through the years.
- Virginia Harris, Chairman of the Toy Bank Organization, reminded the community that November is *Toy Bank Month*. She thanked everyone for their generosity in years past and encouraged continued support in 2005 for the sake of the children in our City.

- Speaking about the fee schedule approved by Council in September for the reserved/exclusive use of sports fields by independent sports leagues: Steve Sherda (President of the Paso Robles Youth Sports Council); Field Gibson; David Lambert (President of PR Youth Football); Lynn Stuart (President of the PR Little League); Joe Horne; Jeanine Culp; Don Norton (AYSO); John Hollander (AYSO, PR Youth Sports Council & PR Youth Football); Jeff Paul (AYSO and PR Youth Sports Council); Mike Plescha; Phil Wages; Shannon Holloway, Angela Hollander, John Hollander; and Kathy Barnett.

*Council adjourned for a 10-minute recess at 8:05 PM.*

**AGENDA ITEMS TO BE DEFERRED (IF ANY) - None**

**PRESENTATIONS - None**

**PUBLIC HEARINGS**

**1. Disaster Recovery Initiative Grant Application**  
R. Lata, Community Development Director

Consider authorizing application for Disaster Recovery Initiative (DRI) funds. (In August 2005 the State Department of Housing and Community Development issued a Notice of Funding Availability for the DRI grant program. DRI funds are a type of Community Development Block Grant funds that are allocated to states to address activities related to recovery from natural disasters.)

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

Councilmember Strong, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-221 approving an application and contract execution for funding from the Disaster Recovery Initiative Program.

Motion passed by the following unanimous roll call vote:

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

**CONSENT CALENDAR**

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.

Consent Calendar Items Nos. 2 - 16 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Items Nos. 058101 and 058102 due to possible conflicts of interest, the payees being clients.

2. Approve City Council minutes of October 18 and 19, 2005  
D. Fansler, City Clerk
3. Approve Warrant Register: Nos. 58034 – 58134 (10/14/05) and 58135 – 58298 (10/21/05)  
M. Compton, Administrative Services Director
4. Receive and file Advisory Body Committee minutes as follows:  
Library Board of Trustees meeting of September 8, 2005  
Parks & Recreation Advisory Committee meeting of September 13, 2005  
Pioneer Museum Board meeting of September 8, 2005  
Senior Citizen Advisory Committee meeting of September 12, 2005  
Youth Commission meeting of September 7, 2005
5. Recognition – 40<sup>th</sup> Anniversary of Economic Opportunity Commission  
F. Mecham, Mayor
6. Recognition – Toy Bank Month – November 2005  
F. Mecham, Mayor
7. Read, by title only, and adopt Ordinance No. 907 N.S. revise the requirements for second dwelling units to allow that second units may have their own electrical and gas meters. (Code Amendment 05-003). (As utility company rates are structured to penalize increased use of utilities above baseline rates, costs of electrical and gas utilities for second units are higher than they would be if the second units had their own meters.) FIRST READING OCTOBER 18, 2005  
R. Lata, Community Development Director
8. Read, by title only, and adopt Ordinance No. 908 N.S. approving Rezone 05-004 eliminating the B-1 designation from the R2 zoning district in this area of the City. (This rezone would bring the zoning designation in conformance with the General Plan and be consistent with the other R2 zones in this area of the City, as well as all other R2 areas Citywide.) FIRST READING OCTOBER 18, 2005  
R. Lata, Community Development Director
9. Adopt Resolution No. 05-222 authorizing a reimbursement of \$22,205 to Doya Partners, LLC, subdivider of Tract 2571, for the cost of construction of an 8-inch sewer line in Montebello Oaks Drive and across Union Road. (Construction of the sewer line eliminates City Sewer Lift Station No. 13, located in Tract 1886, estimated to save the wastewater enterprise fund approximately \$15,000 per year in maintenance costs.)  
R. Lata, Community Development Director
10. Adopt Resolution No. 05-223 authorizing recordation of Tract 2369-4; and authorizing the Mayor to execute the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements, with an established deadline of November 1, 2006, to complete these improvements (Falling Star Homes, Inc.). (Tract 2369-4 is an 82-lot subdivision of a 41.32-acre site, located along the westerly extensions of Montebello Oaks Drive and Kleck Road. With the exception of construction of public improvements, all conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director

11. Adopt Resolution No. 05-224 accepting the Grant of Avigation Easement from Pacific Conservation Company, LLC, for Parcel 3 of Parcel Map PR 00-0168 and one adjoining parcel, both located north of Highway 46 and east of Airport Road. (Purpose of easement is to ensure that all future owners of these parcels 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
12. Adopt Resolution No. 05-225 certifying and adding properties to CFD No. 2005-1 (Annexation No. 05-007), and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and adopt Resolution No. 05-226 accepting the recordation of Parcel Map PR 04-0373, a 2-lot residential subdivision located at 72 15<sup>th</sup> Street.) (Owners of both parcels, Gordon and Barbara Stewart, have given consent and approval that parcels be annexed to CFD No. 2005-1. Owners have agreed and intend that such consent and approval constitutes election to annex to the CFD and approval of the authorization for the levy of the Special Tax within the property. Parcel Map PR 04-0373 was tentatively approved by the Planning Commission in June 2005. All conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
13. Adopt Resolution No. 05-227 certifying and adding properties to CFD No. 2005-1 (Annexation No. 05-008), and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and adopt Resolution No. 05-228 accepting the recordation of Parcel Map PR 05-0010, a 2-lot residential subdivision located at 1949 Oak Street.) (Owner of the parcel, First Press Partners, have given consent and approval that property be annexed to CFD No. 2005-1. Owners have agreed and intend that such consent and approval constitutes election to annex to the CFD and approval of the authorization for the levy of the Special Tax within the property. Parcel Map PR 05-0010 was tentatively approved by the Planning Commission in May 2005. All conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
14. Receive and file report on current housing legislation sponsored by the California Building Industry Association (CBIA). (Report includes a brief description of six bills sponsored by the CBIA to alleviate the lack of entry-level housing, legislative analysis [if available], position of the League of California Cities, and the potential effect that the bills may have on City policy and operations.)  
R. Lata, Community Development Director
15. Adopt Resolution No. 05-229 (1) authorizing the City Manager to enter into an agreement with Tom Jones and Associates, Inc. for landscape and lighting balloting public outreach services for a not-to-exceed fee of \$28,000; and (2) appropriating \$28,000 from General Fund Reserves to Budget No. 308-310-5224-168. (In July 2005, Council authorized staff to ballot deficit L&LD sub-areas and sub-areas with shared improvements. In preparation for the balloting, proposals were solicited for public relations/public outreach services. Of the two proposals received, the Council ad hoc committee determined that Tom Jones and Associates were the best qualified.)  
D. Monn, Interim Public Works Director

16. Receive and file update on addition of satellite telephone service to existing Emergency Operations Center (EOC) communication methods. (Multiple, redundant communication methods are critically important during EOC activations. Because satellite telephone service does not rely upon a land-based infrastructure, it will provide redundancy not currently available to emergency managers.)  
K. Johnson, Chief of Emergency Services

## DISCUSSION

17. **Request to Remove Oak Tree – 758 Brahma Street (Liscerelli)**  
R. Lata, Community Development Director

Consider a request to remove one healthy 36-inch Valley Oak Tree. (Applicants Kathy and Peter Liscerelli have requested the removal of an oak tree located in the rear yard of their property at 758 Brahma Street. The arborist indicates in his report that the tree is in good condition and that because of excessive growth, the tree is producing large amounts of debris.)

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

Councilmember Heggarty, seconded by Councilmember Strong, moved to adopt a revised version of Resolution No. 05-230 denying the oak tree removal request based on the conclusion of the Arborist Report identifying that the tree is in good condition, and that removing an oak tree that is in good condition does not meet the purpose and intent of the Oak Tree Preservation Ordinance.

Motion passed by the following unanimous roll call vote:

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

18. **Proposed Scope of Services for Evaluating Infrastructure Financing Options – Chandler Ranch Area Specific Plan**  
R. Lata, Community Development Director

Consider authorizing a contract related to the Chandler Ranch Area Specific Plan (CRASP) project. The proposal is to hire David Taussig & Associates to assist with evaluation of options for financing infrastructure related to the Specific Plan area. (The CRASP includes seven primary property owners, plus additional fractional ownerships in the "Our Town" area. It appears in the best interest of property owners and the City to foster cooperation among all property owners in terms of financing and construction of backbone infrastructure for the CRASP.)

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 Heggarty, moved to approve the scope of services and budget for David Taussig & Associates, as described in Exhibit "A" and Exhibit "B" and authorize the City Manager to enter into an Agreement subject to the property owners posting a deposit for \$18,000. Property owners would be requested to post an advance equivalent to their proportionate share of dwelling units and dwelling unit equivalents. For those property owners that do not agree to provide the advance on this basis, the City would provide the advance from General Fund Reserves; the City would recoup the advance at the time of building permit with interest plus a proportionate City administrative charge for the City making the contract arrangements.

Motion passed by the following roll call vote:

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

**CITY MANAGER** - None

**CORRESPONDENCE** - None

#### **ADVISORY BODY COMMUNICATION**

**19. Advisory Body Appointment – Citizens' Airport Advisory Committee**  
M. Williamson, Assistant to the City Manager

Make appointments to fill vacancies on the Citizens' Airport Advisory Committee.

2 vacancies for regular terms, expiring 10/31/07

1 vacancy for alternate term, expiring 10/31/07

3 applicants: Wayne Caruthers (incumbent), Chuck Miller (incumbent), and Ralph Weber

Councilmembers Nemeth and Heggarty were appointed to an ad hoc committee to interview the applicants and return to the full Council with their recommendations. As incumbents, Chuck Miller and Wayne Caruthers were not interviewed. Applicant Ralph Weber was interviewed on October 20, 2005. It is the recommendation of both Councilmembers to appoint the incumbent applicants to fill regular terms and to appoint Ralph Weber to an alternate term.

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

Councilmember Strong, seconded by Councilmember Heggarty, moved to accept the recommendation of the ad hoc committee and appoint incumbents Chuck Miller and Wayne Caruthers to regular terms, expiring 10/31/07; and applicant Ralph Weber to an alternate term; expiring 10/31/07.

Motion passed by the following roll call vote:

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

## AD HOC COUNCIL BUSINESS

### 20. Ad Hoc Committee Formation – 4<sup>th</sup> Street Improvement Plans

R. Lata, Community Development Director

Consider appointing an ad hoc committee to consider civil engineering proposals and prepare recommendations for consideration by the full City Council. (The City has completed a Project Study Report [PSR] that outlines options for the connection of 4<sup>th</sup> Street to Riverside Avenue via an underpass below the railroad. The PSR identifies a modified alignment for 4<sup>th</sup> and Pine Streets that must be implemented to accommodate the eventual underpass and connection to Riverside Avenue.)

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

It was the consensus of Council to appoint Councilmember Nemeth and Mayor Mecham to an ad hoc committee to work with staff to consider civil engineering proposals for realignment of 4<sup>th</sup> and Pine Streets, with the term of the committee to extend to October 17, 2006.

## COUNCIL COMMENTS

- Councilmember Nemeth suggested revisiting the City grading ordinance in the near future.

*By unanimous voice vote, Council moved to adjourn from regular session at 8:45 PM.*

**ADJOURNMENT:** to A FIELD TRIP TO HERCULES, CA, DEPARTING AT 7:00 AM ON SATURDAY, NOVEMBER 5, 2005, FROM THE CITY HALL PARKING LOT; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 15, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

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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.**

# CITY COUNCIL MINUTES

Tuesday, November 15, 2005 7:30 PM

MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL  
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## 7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE

ROLL CALL Councilmembers Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong, and Mayor Frank Mecham

## PUBLIC COMMENTS

- Mike Gibson, Paso Robles Chamber Commerce, complimented the Main Street Association and Norma Moye on the success of *Elegant Evening*.
- Greg Kudlick expressed concerns about build-out expectations in the General Plan.
- Joe Horn asked Council to bring forward a discussion about adult sports fees at a future Council meeting.
- Kathy Barnett commented on the confusion of the Federal Government's new Medicare prescription program options.



*Mayor Mecham complimented the Veterans for the recognition event held in Downtown Park on Veteran's Day.*

**AGENDA ITEMS TO BE DEFERRED (IF ANY)**

City Manager Jim App announced that Agenda Item No. 2.1 is being recommended to be tabled.

**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.)

*Director Lata read into the record a change made to the cover page of the CEQA Initial Study. (See Agenda packet.)*

Mayor Mecham opened the public hearing. Speaking from the public were Attorney Gregory Sanders (Law Offices of Nossaman, Guthner, Knox & Elliott, LLP, representing appellant Quorum Realty Fund III and the president of its Managing Member, Alex Furlotti); Larry Werner (North Coast Engineering); Lee Monson; Kathy Barnett; Lee Webb; Barbara Duran; Fred Sahadi (Cenco Investment, LLC); and Attorney Dennis Law (Law Offices of Andre, Morris & Buttery representing Cenco Investment, LLC). There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-231 issuing a Mitigated Negative Declaration for the Project.

Motion passed by the following unanimous roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-232 approving Planned Development 05-010, subject to standard and site specific development conditions adopt Resolution No. 05-xxx issuing a Mitigated Negative Declaration for the Project.

Motion passed by the following unanimous roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-233 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 No. 568 N.S.

Motion passed by the following unanimous roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to 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.

Motion passed by the following unanimous roll call vote:

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

*Council recessed for a 10-minute break at 8:55 PM.*

**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.

**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).

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 hearing was closed.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to table Agenda Item No. 2.1.

Motion passed by unanimous voice vote.

**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.

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

Councilmember Picanco, seconded by Councilmember Nemeth moved to return this item to the Planning Commission for review and recommendation at their first meeting in January 2006 before being brought back to Council for action.

Motion passed by unanimous voice vote.

### **CONSENT CALENDAR**

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

Consent Calendar Items Nos. 1, 4, 6, 8, 10, 11 & 13 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with the exception of Items Nos. 5, 7, 9 and 12 being pulled for separate discussion; and with Councilmember Picanco abstaining on Warrant Items Nos. 058498 and 058348, and Mayor Mecham abstaining on Warrant No. 058530 due to possible conflicts of interest.

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. 05-234 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 Kleck Road. Applicants have signed a petition and voted in favor of annexation in the L&LD.)  
R. Lata, Community Development Director
6. Adopt Resolution No. 05-235 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
8. Adopt Resolution No. 05-236 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
10. Adopt Resolution No. 05-237 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. 05-238 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
  
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

**CONSENT ITEMS PULLED FOR DISCUSSION:**

5. Adopt Resolution No. 05-239 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
  
7. Adopt Resolution No. 05-240 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
  
9. Adopt Resolution No. 05-241 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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to approve Consent Items Nos. 5, 7, and 9 as written.

Motion passed by the following unanimous roll call vote:

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

## 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.)

Mayor Mecham opened the public hearing. Speaking from the public were T. J. Jolicoeur, Jeanine Culp; Steve Serda (President of PR Youth Sports Council); Lynn Stuart (President of PR Little League); Shannon Holloway and Mike Smitis. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to delay sports fee increases, address cost of services for sports in the month of July 2006, and request Paso Robles Youth Sport Council to provide a copy of their budget and services to Council by May 2006.

Motion passed by the following unanimous roll call vote:

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

It was the consensus of Council appoint Mayor Mecham and Councilmember Duane Picanco to an ad hoc committee to act as liaison with the Paso Robles Youth Sports Council regarding youth sports fees.

*Council recessed for a 10-minute break at 8:55 PM.*

### 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.)

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 the City Manager to enter a contract for \$544,997 with URS Corporation to prepare a PAED for the Highway 101/46 W ultimate improvements.

Motion passed by the following roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: Heggarty (delayed from returning to dais after break)

**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.)

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. 05-242 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.

Motion passed by the following roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: Heggarty (delayed from returning to dais after break)

**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.)

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 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; and directed staff to work with the investment policy advisory committee and the City Attorney to develop an ordinance limiting the investment duties of the elected City Treasurer and conferring said duties to the Director of Administrative Services.

Motion passed by the following unanimous roll call vote:

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

### 17.1 City Hall – Temporary Expansion

D. Monn, Interim Public Works Director

Consider leasing 1500 square feet of office space at 610 10<sup>th</sup> Street to augment City Hall. (Space limitations at City Hall make it difficult to accommodate the expanding information technology operations. Lease space at 610 10<sup>th</sup> Street is economically priced and convenient to primary information technology service sites—City Hall, Library and Public Safety Center).

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 an amended version of Resolution No. 05-243 authorizing the City Manager to enter into a space lease at 610 10<sup>th</sup> Street, Unit B, and allocate up to \$90,000 from water, sewer, and building maintenance funds to complete the necessary upgrades at this location.

Motion passed by the following unanimous roll call vote:

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

## **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 – 12<sup>th</sup> 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 12<sup>th</sup> 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.)

Chairman Nemeth opened the public hearing. Speaking from the public were Mike Gibson (Chamber of Commerce) and Nick Gilman (Project Area Committee Member). There were no further comments from the public and the public discussion was closed.

## CITY COUNCIL ACTION

Mayor Mecham, seconded by Councilmember Strong, moved to 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.

Motion passed by the following unanimous roll call vote:

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

## REDEVELOPMENT AGENCY ACTION

Agencymember Strong, seconded by Agencymember Mecham, moved to 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. Council further directed that there be Project Area Committee involvement throughout the process.

Motion passed by the following unanimous roll call vote:

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

**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.)

Chairman Nemeth opened the public hearing. There were no comments from the public and the public discussion was closed.

**CITY COUNCIL ACTION**

Mayor Mecham, seconded by Councilmember Heggarty, moved to receive and file the Redevelopment Agency overview.

Motion passed by unanimous voice vote.

**CONSENT ITEM PULLED FOR DISCUSSION:**

- 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

Mayor Mecham opened the public hearing. 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 approve Consent Calendar Item No. 12 as written.

Motion passed by unanimous 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

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

It was the consensus of Council to set 7:00 p.m. on Wednesday, December 7, 2005, as the date for interviewing applicants and making appointments to the Planning Commission and Project Area Committee.

**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.

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

It was the consensus of Council to appoint Councilmembers Strong and Nemeth to an 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.

## **COUNCIL COMMENTS**

- Councilmember Strong questioned the City/County preparedness in the event of an Avian bird flu outbreak.

**PUBLIC COMMENT ON CLOSED SESSION - None**

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

*It was the consensus of Council to adjourn from regular session at 11:12 PM.*

*The City Council thereupon adjourned to Closed Session in the 2<sup>nd</sup> floor Large Conference Room.*

**CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor

*The City Council returned to Regular Session at 11:15 PM.*

**RETURN TO OPEN SESSION**

**CLOSED SESSION REPORT**

*City Attorney Iris Yang announced that no reportable action was taken.*

*By unanimous voice vote, Council moved to adjourn from regular session at 11:45 PM.*

**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

Submitted:

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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.**