



## **CITY COUNCIL MINUTES**

**Tuesday, January 3, 2006 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**

Led by Pastor Dan Katches, Covenant Presbyterian Church, Paso Robles

**ROLL CALL** Councilmembers Gary Nemeth, Duane Picanco, Fred Strong, and Frank Mecham. Absent: Jim Heggarty

**PUBLIC COMMENTS** - None

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

City Manager Jim App announced that Agenda Item No. 12 is being recommended for continuance to February 7, 2006.

### **PRESENTATIONS –**

*Mayor Mecham extended appreciation to the City's Public Works employees for their efforts to assist residents with recent storm related street damage.*

1. **Recognition – Ron Johnson, Planning Commissioner 1988-2005**  
F. Mecham, Mayor

On behalf of the City Council, Mayor Mecham presented a Certificate of Public Recognition to Ron Johnson for his years 17 years of service with the City in his capacity as Planning Commissioner.

#### **PUBLIC HEARINGS –**

2. **Appeal of Planning Commission Denial of Application to Amend Planned Development PD 03-008 (Gilson)**  
J. Falkenstien, Interim Community Development Director

Consider an appeal of Planning Commission denial to amend PD 03-008. The Amendment is an application filed by Jack Wiest on behalf of Robert Gilson to modify the Condition No. 16 of Planned Development 03-008 to eliminate the requirement to pave a portion of an alley. (The Planned Development is for a 16 room hotel with 800 square feet of retail space located on the west side of Pine Street between 10th and 11th Streets. The alley in question bisects the block in an east - west direction between Pine and Park Streets, 10th and 11th Streets.)

Mayor Mecham opened the public hearing. Speaking from the public was Jack Wiest (applicant), and Dale Gustin. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Strong, moved to adopt Resolution No. 06-001 to approve the applicant's request to amend Condition No. 16 of Planning Commission approval of Planned Development 03-008 with the following language: *Prior to occupancy, the applicant shall improve the alley along the north and west sides of the project. The alley improvements shall be constructed in accordance with City Standard A-17 with an alley approach installed at Pine Street in accordance with City Standard B-6.*

Motion passed by the following unanimous roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham  
NOES:  
ABSTAIN:  
ABSENT:

#### **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.

3. Approve City Council minutes of December 7 and 20, 2005  
D. Fansler, City Clerk
4. Approve Warrant Register: Nos. 59375 – 59443 (12/16/05) and 59444 – 59613 (12/23/05)  
M. Compton, Administrative Services Director

5. Receive and file Advisory Body Committee minutes as follows:  
 Library Board of Trustees meeting of November 10, 2005  
 Parks & Recreation Advisory Committee meeting of November 8, 2005  
 Senior Citizen Advisory Committee meeting of November 14, 2005  
 Youth Commission meeting of November 2, 2005
  
6. Read, by title only, and adopt Ordinance No. 910 N.S. amending the City's Zoning Code and extending the current Downtown Parking Code provisions that are set to expire on December 31, 2005. (Extending the current parking requirements for the Downtown Area would continue to encourage the compact urban form that is directly associated with an active, pedestrian oriented downtown, and would not have a direct short term, fiscal impact on the City, particularly if a condition of approval of new development is payment of an "in lieu" fee to help address increased demand for off-street parking spaces.)  
 FIRST READING DECEMBER 20, 2005  
 J. Falkenstien, Interim Community Development Director
  
7. Read, by title only, and adopt Ordinance No. 911 N.S. amending the Borkey Specific Plan, page 19, to provide for a 24 foot paved road width as the Rural Standard Local Street standard. (Tract map is located at the eastern terminus of Experimental Station Road and includes subdivision of the 8.06 acre site into seven parcels.) FIRST READING DECEMBER 20, 2005  
 J. Falkenstien, Interim Community Development Director
  
8. Adopt Resolution No. 06-002 confirming the City's intent to charge applicants for the City's costs of processing development agreements and other requests for land use entitlements. (This action clarifies the City's cost recovery policy.)  
 J. Falkenstien, Interim Community Development Director
  
9. Receive and file Annual Transit Report for fiscal year ended June 30, 2005. (The City operates two types of transit services: demand response, commonly referred to as Dial-a-Ride [DAR], and a fixed route system called Paso Robles City Area Transit System [CATS]. Transit operations are funded from Transportation Development Act [TDA] funds and fares. TDA funding is derived from ¼ of 1% of the sales tax rate, distributed on a population basis.  
 M. Compton, Administrative Services Director
  
10. Receive and file Annual Development Impact Fee Report for fiscal year ended June 30, 2005.  
 M. Compton, Administrative Services Director
  
11. Dissolve the ad hoc committee to address various transit related issues, as the work of the committee has been completed and all current transit issues have been addressed.  
 M. Compton, Administrative Services Director

Consent Calendar Items Nos. 3 - 11 were approved on a single motion by Councilmember Nemeth, seconded by Councilmember Strong, with Councilmember Picanco opposing item No. 7 and abstaining on Warrant Register Items Nos. 059137, 059142, 059181, 059320, 059322, 059358.

Motion passed by the following unanimous roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham  
 NOES:  
 ABSTAIN:  
 ABSENT:

## DISCUSSION

### 12. Ordinance Pertaining to Residency Restrictions for Certain Sex Offenders

D. Cassidy, Chief of Police

Consider adopting an ordinance augmenting residence restrictions for certain convicted sex offenders. (Current State law restricts only those sex offenders currently on parole who are convicted of certain crimes from living within a quarter of a mile from certain locations where children congregate. This ordinance would enhance the protection of our children by establishing areas around locations where children regularly congregate that prohibit certain sexual offenders from establishing temporary or permanent residency. It would also require property managers, landlords, and realtors to disclose the existence of the ordinance prior to the commencement of any sale, rental, or leasing transaction.)

Mayor Mecham opened the public hearing. Speaking from the public were Ann Wilson, Ed Steinbeck, and Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Strong, moved to continue the introduction for first reading of Ordinance No. XXX N.S. adding a new Chapter 9.46 to Title 9 of the Municipal Code of the City of El Paso de Robles pertaining to residency restrictions for certain sex offenders to February 7, 2006.

Motion passed by the following unanimous roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

### 13. City Park Merry-Go-Round Update

D. Monn, Public Works Director

Consider options regarding the merry-go-round formerly located in the City Park. (In July 2005, Council determined not to return the merry-go-round to the park as active playground equipment. A request was made to evaluate mounting the merry-go-round as a static display.)

Mayor Mecham opened the public hearing. Speaking from the public was Dale Gustin. 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 as part of the City's future Master Plan, to evaluate re-installing the merry-go-round as an operating piece of play equipment.

Motion passed by the following roll call vote:

AYES: Picanco, Strong, and Mecham

NOES: Nemeth

ABSTAIN:

ABSENT:

**14. Special Tax Consulting and Assessment Engineering Services  
Project Award**

M. Compton, Administrative Services Director

Consider awarding professional services contract to undertake assessment engineering and/or special tax consulting services for the Hwy 101/46W interchange improvements. (Many businesses located on Ramada Drive and Theatre Drive have agreed to participate in the formation of an assessment district to fund their proportional share of improvements to accommodate traffic circulation at the Hwy. 101/46W Interchange, including Vine Street. As the City must retain outside expertise to provide special tax consulting or assessment engineering services to form an assessment district, Request for Proposals [RFP] were prepared and distributed. Five responses were received. The Council's ad hoc committee evaluated the RFP responses and recommend the award be given to Berryman & Henigar, Inc.).

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. 06-003 (1) approving a consulting services with Berryman & Henigar, Inc. for special tax consulting and/or assessment engineering services; and (2) dissolve ad hoc committee formed November 15, 2005, to select special tax consultant and assessment engineer.

Motion passed by the following unanimous roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION -**

**15. Project Area Committee – Make Appointment to Fill Current Vacancy**

J. Falkenstien, Interim Community Development Director

Make appointment to fill vacancy on the Project Area Committee.

1 vacancy for 1 regular 3-year term, expiring 12-31-08

1 applicant: Charles S. Sawyer

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 appoint Charles S. Sawyer to a regular term, expiring 12/31/2008.

Motion passed by the following unanimous roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham  
NOES:  
ABSTAIN:  
ABSENT:

**COUNCIL COMMENTS** - None

*By unanimous voice vote, Council moved to adjourn from regular session at 8:47 PM.*

**ADJOURNMENT:** to THE CUESTA COLLEGE BOND INFORMATION TOWN HALL MEETING AT 5:00 PM ON TUESDAY, JANUARY 10, 2006, AT CUESTA COLLEGE NORTH COUNTY CAMPUS, ALLIED HEALTH, MATH & SCIENCE BUILDING, ROOM N2401; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 17, 2006, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

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Deborah D. Robinson, Interim 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.**