



CITY COUNCIL MINUTES

Tuesday, February 21, 2006 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 Frank Mecham: Absent: Jim Heggarty

PUBLIC COMMENTS

- Mike Gibson, Chamber of Commerce; introduced Sonny Zittler, newly appointed Visitors & Conference Bureau Manager. Mr. Gibson also announced that the Visitors & Conference Bureau and Chamber financial statements and year-to-date budgets were presented to the City Council as requested.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS – None

PUBLIC HEARINGS – None

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. Speaking from the public was Tom Hardwick regarding Consent Item No. 2 and this item was pulled for discussion. There were no further comments from the public, either written or oral, and the public discussion was closed for the remaining items.

1. Approve City Council minutes of February 21, 2006.
D. Fansler, City Clerk
3. Receive and file Advisory Body Committee minutes as follows:
Library Board of Trustees meeting of January 12, 2006
Senior Citizen Advisory Committee of January 9, 2006
Youth Commission meeting of January 4, 2006
4. Proclamation designating February 28, 2006 as Spay Day USA.
F. Mecham, Mayor
5. Read, by title only, and adopt Ordinance No. 912 N. S. adding a new Chapter 9.46 to Title 9 of the Municipal Code pertaining to residency restrictions for certain sex offenders. (Adopt ordinance augmenting residence restrictions for certain convicted sex offenders.) FIRST READING
FEBRUARY 7, 2006
D. Cassidy, Chief of Police
6. Adopt Resolution 06-018 approving a list and map of properties located within one-quarter (1/4) mile of protected locations in accordance with Ordinance No. 912 N.S. pertaining to certain sex offenders. (To adopt a list of properties and map showing the protected properties and restricted residency areas.)
D. Cassidy, Chief of Police
7. Approve a Special Events request from the North County Cloud Clippers (a local radio controlled model aircraft club) to utilize a portion of the Municipal Airport to host an open house/air meet Airport Day 2006 on Saturday, September 16, 2006. (The Airport hosts a number of aviation fly-ins and special events each year as part of its on-going promotional effort. The Airport Advisory Committee reviewed the request from the Cloud Clippers at their January 26th meeting and recommends approving the request.)
M. Williamson, Assistant to the City Manager
8. Adopt Resolution 06-019 to initiate proceedings for balloting and annual levy of Landscape & Lighting District for Fiscal Year 2006—2007; adopt Resolution 06-020 adopting the Preliminary Engineer's Levy Report, and adopt Resolution 06-021 setting Public Hearing for June 6, 2006. (The balloting and annual levy is a two-step process. The first step is to initiate the proceedings, and set the Public Hearing date. The second and final step is the Public Hearing where the City Council would approve the final levy.)
D. Monn, Director Public Works

Consent Calendar Items No. 1 and Item Nos. 3-8 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Strong.

CONSENT ITEMS PULLED FOR DISCUSSION

2. Approve Warrant Register: Nos. 60141—60292 (02/03/06) and 60293—60442 (02/10/06)
M. Compton, Administrative Services Director

Mayor Mecham called for public comments on Consent item No. 2. Speaking from the public was Tom Hardwick who requested clarification regarding payment of warrants 60192-60194. Mayor Mecham called upon, Interim Director Library and Recreation Services, A. Robb, who clarified that the items were in connection with youth programs sponsored in part by the City. 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 approve Item No. 1, with Councilmember Picanco abstaining on Warrant Register Items Nos. 060240, 060241, 060398, and 060435 due to possible conflicts of interest.

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

DISCUSSION

9. Development Agreements Related to the Chandler Ranch Area Specific Plan (CRASP)

B. Lata, Contract Planner

Consider providing policy direction regarding the process for city consideration of Development Agreements with property owners within the proposed Chandler Ranch Area Specific Plan, and other pending Specific Plan areas.

Mayor Mecham opened the public hearing. Speaking from the public were Steve Meixner (letter Attachment 1), Urban McLellan, Centex Homes (sub-area 17), John Wallis, representing Worth family, Larry Werner, North Coast Engineering, Kathy Barnett, Dan Lloyd (sub-area 11), Jay Huebner, Joe Kuntze, and Jeff Hoops. 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 continue this item to March 21, 2006.

Motion passed by unanimous roll call vote.

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

10. Cancel Award of Contract for Sherwood Park Phase 1A

D. Monn, Public Works Director

Consider terminating, for convenience, the contract awarded to Wysong Construction for Phase 1A of the Sherwood Park Master Plan and award it to the next responsible bidder, Newton Construction.

Mayor Mecham opened the public hearing. Linda Beck, with McDonough, Holland and Allen, provided detail of the legal standing to cancel the contract with Wysong. D. Monn provided Council with an amended resolution correcting transfer amount from General Fund Reserves to the Park Development Impact Fee Fund. 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. 06-022:

- 1) Terminating for the City's convenience, the contract with Wysong Construction for Phase 1A of the Sherwood Park Master Plan; and
- 2) Authorizing the City Manager to enter into a contract with Newton Construction in the amount of \$1,092,729.00 for Phase 1A of the Sherwood Park Master Plan; and
- 3) Appropriating an additional \$40,000.00 to cover the increased cost of the contract.

Motion passed by unanimous roll call vote.

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

11. Standardization of Contract Plan Review Fees

D. Monn, Building Official

Consider establishing standard hourly rates for Building Division Contract Plans Examiners to reflect more accurately the adoption of the City's Cost of Services Fees.

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 06-023 approving the schedule of plan review fees for contract plans examiners identified in Exhibit A.

Motion passed by unanimous roll call vote.

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

12. Comprehensive Annual Financial Report

M. Compton, Director of Administrative Services

Consider the Comprehensive Annual Financial Report ("CAFR") for the fiscal year ending June 30, 2005.

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 Strong, seconded by Councilmember Nemeth, moved to receive and file the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2005.

Motion passed by unanimous voice vote.

13. Mid Year Budget Report – Fiscal Year 2006

M. Compton, Director of Administrative Services

Consider the Mid Year Budget Report for fiscal year 2006.

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 receive and file the Mid-Year Budget Report for fiscal year 2006.

Motion passed by unanimous voice vote.

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

COUNCIL COMMENTS

14. County Board of Supervisors Consideration of Appeal by Almond Heights, LLC (Boston Tract)

The Community Development Department carefully tracks notifications from the County of development activity along the City's borders. A letter from the City regarding the Boston Tract decision restates the need to have impacts to the City mitigated.

Mayor Mecham opened the public hearing. Speaking from the public was Kim Murray, County of San Luis Obispo Planner, Kathy Barnett, Lawrence Lynch, Carolyn Dildine, and Ron Stock. There were no further comments from the public, either written or oral, and the public discussion was closed.

It was the consensus of the Council to send the letter to the SLO Board of Supervisors.

PUBLIC COMMENT ON CLOSED SESSION – None

City Attorney Jon Seitz 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 9:44 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 11:45 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Jon Seitz announced that Council received an update from the City's negotiator on the Closed Session items and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 11:50 PM.

ADJOURNMENT: to

- TO THE ECONOMIC STRATEGY WORKSHOP, 7:00 PM ON THURSDAY, FEBRUARY 23, 2006 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- TO CHANDLER RANCH FIELD TRIP WITH PLANNING COMMISSION, SATURDAY, FEBRUARY 25, 2006, 9:00 AM AT CHANDLER RANCH
- TO THE CDBG CITY COUNCIL MEETING, WEDNESDAY, MARCH 1, 2006, 7:00 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, MARCH 7, 2006, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

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.

"Item 9"

Attachment
to CC Minutes
Feb 21 / 2006

STEVEN C. MEIXNER
1111 Riverside Avenue, Suite 500
Paso Robles, CA 93446

805-239-3777

February 21, 2006

The Honorable City Council
The City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

RE: Development Agreements pertaining to the Chandler Ranch Area Specific Plan

Gentlemen:

When I have the opportunity to present testimony to the City Council I normally initiate my comments by saying "that it is a pleasure". Tonight that is not the case, I must say that "I am appalled by this staff report and recommendation".

I have two major objections:

1. The lack of honest and open negotiation with the Land Owners,
2. The timing of this Resolution.

Honest and Open Negotiation with the Property Owners

With partners, I own the 17.6 acre property at the North East Corner of the CRASP. Since purchasing the property in July of 2002, the City Staff has:

- Refused to accept an application to subdivide 5 acres of the Property with frontage on Union Road, that could allow development, prior to adoption of the Specific Plan,
- Imposed the Airport Land Use Plan which significantly reduced the potential uses of the Property,
- Planned to Condemn 7.6 acres, 44% of the total land area for public use, with no consideration,
- Planned to reduce total allowable build out of the Property from 175,000 square feet under the General Plan, to 97,500 square feet under the Specific Plan, a further reduction of another 44%,
- Proposed a traffic mitigation fee structure that would exceed \$30.00 per square foot on commercial structures,
- Proposed additional mitigation fees that have not been quantified.

The Honorable City Council

February 21, 2006

Page 2

And now, with this proposed Resolution, the Staff Proposes to require the Property Owners to enter into a Development Agreement, committing to contribute to a further unknown and unquantified “**net community benefit**” (comprised primarily of pre-existing conditions) as a “**quid pro quo**” for vesting rights to all of the benefits listed above.

Timing of this Resolution

The Chandler Ranch Area Specific Plan process was initiated in December 2001, after the City Council voted to disapprove a plan previously proposed on a portion of the Specific Plan Area. The time line has been:

- December 2001 Month 1 Specific Plan Process Initiated
- April 2002 Month 5 Property Owner Workshop establishing the Schedule,
- May 2003 Month 18 Anticipated Adoption off the Specific Plan
- February 2006 Month 51 Most recent City schedule for the Plan
- March 2006 Month 52 Deadline for the execution of Development Agreements
- April 2006 Month 53 Anticipated Adoption of the Specific Plan.

We are 51 months into an 18 month process, when this Resolution is put on the table that demands that Property Owners agree to Development Agreements that have not yet been drafted, and that they execute those Agreements within the next 14 days, or the processing of the Specific Plan will be further delayed.

This is unacceptable. Development Agreements should be based on the voluntary decision of both parties, not sign it or else. I for one refuse to enter into an Agreement that I have not requested, negotiated, nor accepted as being in my best interest.

I urge you to reject this Resolution; instruct the Staff to continue on an its schedule to bring the Specific Plan for your consideration on April 4, 2006; and to negotiate in good faith Development Agreements with Property Owner’s who have requested them as independent actions that will be coordinated with the Specific Plan.

Thank you,



Steven C. Meixner