



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

CITY COUNCIL MINUTES

Tuesday, May 6, 2008 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 JOINT MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL **Councilmembers** John R. Hamon, Duane Picanco, Fred Strong, Mayor
Pro Tem Gary Nemeth
ABSENT: Mayor Frank Mecham

Planning Commissioners Thomas Flynn, Margaret Holstine, Ron Johnson,
Joel Peterson, Vice Chairman Charles E. Treach,
ABSENT: Chairman Ed Steinbeck, Christie Hodgkin

PUBLIC COMMENTS

- Chuck Miller announcing upcoming events at Estrella Warbird Museum
- Natalie Schaefer, Executive Director Paso Robles Children's Museum (attached)
- John Borst, water rates
- Maggie Cox, of Barnett Cox notifying Council that the Police Department recruitment video had received an advertising award (copy attached).

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

Mayor Pro Tem Nemeth asked for General Consent to consider Item No. 3 ahead of the presentation to accommodate members of the public attending for this item in particular. Motion carried.

PRESENTATIONS

3. Drainage Maintenance Assessment District Formation & Landscape and Lighting Sub-Areas 112 and 2A-1 Balloting

D. Monn, Director of Public Works

The City Council conducted a Public Hearing for the proposed formation of Ashwood Drainage Maintenance District, and the proposed increased assessments for Paso Robles Landscape & Lighting District Sub-Area 112 and 2A-1.

Mayor Pro Tem Nemeth opened the public hearing. Speaking from the public was Mike Harrod. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Hamon, seconded by Councilmember Picanco, moved to close the Public Hearing and continue the balloting process to the City Council meeting of May 20, 2008 at which time the results of the balloting will be announced and the appropriate resolutions will be presented for Council consideration.

Motion passed by the following roll call vote:

AYES: Hamon, Picanco, Strong, and Nemeth

NOES:

ABSTAIN:

ABSENT: Mecham

1. Uptown / Town Centre Specific Plan Pre-Charrette Workshop

R. Whisenand, Community Development Director

The City Council and Planning Commission received a report regarding the Uptown/Town Centre Specific Plan, public input and data collection, and provided direction in advance of the community design *charrette* process to be held May 12-16, 2008. David Sargeant presented the report

Mayor Pro Tem Nemeth opened the workshop to the public for comments. Following public comment, the Planning Commission and Council provided their thoughts and direction. The Joint City Council and Planning Commission meeting adjourned at 8:50 PM. Council adjourned for a short recess and reconvened at 9:05 PM.

PUBLIC HEARINGS

2. Gateway Design Standards

R. Whisenand, Community Development Director

The City Council considered Gateway Design Standards and the associated Negative Declaration. The staff report was presented by Susan DeCarli and consultant David Sargeant.

Mayor Pro Tem Nemeth opened the public hearing. Speaking from the public was Dale Gustin, John Wallace, Matt Masia, Ron DeCarli, and Larry Werner. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Strong, seconded by Councilmember Hamon, moved to continue the item to a date uncertain.

Motions passed by the following roll call vote:

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

CONSENT CALENDAR

Mayor Pro Tem Nemeth 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.

4. [Approve City Council minutes of April 15, 2008](#)
5. [Approve Warrant Register: Nos. 76715—76866 \(04/11/08\) and 76867—77039 \(04/18/08\), 77040-77215 \(04/25/08\) and Other Payroll Services.](#)
6. [Receive and file Advisory Body Committee minutes as follows:](#)
[Library Board of Trustees meeting of March 13, 2008](#)
[Senior Citizens Advisory Committee meeting of March 10, 2008](#)
7. [Proclamation](#) designating May 2008 as Paso Robles Wine Month and the week of May 10-18, 2008 as National Tourism Week.
8. [Proclamation](#) designating May 11-17, 2008 as National Police Week, and May 15, 2008 as Peace Officers' Memorial Day.
9. [Proclamation](#) designating May 2008 as Bike Month, and May 19-23, 2008 as "Bike to Work and School Week".
10. [Proclamation](#) designating May 2008 as "Safe Jobs for Youth" Month.
11. [Adopt Resolution No. 08-058](#) accepting a Grant of Avigation Easement for 3965 Buena Vista Drive, located in the unincorporated area of the County. Placement of a mobile home has been approved by the County Building Department (Loftus).
12. [Adopt Resolution No. 08-059](#) accepting the recordation of Parcel Map PR 07-0065, a two-lot commercial subdivision located at 3450 Riverside. All conditions imposed by the Planning Commission have been satisfied. (Dorsey)

Consent Calendar Items Nos. 4 - 12 were approved on a single motion by Councilmember Strong, seconded by Councilmember Picanco.

Motion passed by the following roll call vote:

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

DISCUSSION

13. Water Supply – Educational Campaign

J. App, City Manager

The City Council considered engaging assistance to conduct a community-wide educational campaign regarding water resources.

Mayor Pro Tem Nemeth opened the public hearing. Speaking from the public was John Borst, Tom Hardwick. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Hamon, seconded by Councilmember Strong, moved authorize appropriation of \$57,400 from Water Operations Fund Account for, and execution of, a contract with 2 Point Media for a community-wide Water Resource Educational Campaign

Motion passed by the following roll call vote:

AYES: Hamon, Picanco, Strong, and Nemeth

NOES:

ABSTAIN:

ABSENT: Mecham

14. Salinas River Parkway Grant – Land Acquisition Alternatives and Professional Service Contract with Land Conservancy of SLO

M. Williamson, Assistant City Manager

In 2006 the City was awarded a \$4 million Grant by the State Water Resources Board for the acquisition of approximately 260 acres of land within the Salinas River Corridor and for the restoration of portions of public property adjacent to the river and Larry Moore Park.

The City Council considered authorizing alternative land acquisition negotiations along the Salinas River Corridor, and a new contract for a portion of the grant work.

Mayor Pro Tem Nemeth 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 adopt Resolution No. 08-060 authorizing staff to implement a contingency action plan for the land acquisition work scope of the Salinas River Parkway Grant, including the filing of a formal amendment and time extension application with the State; and authorizing a contract with the Land Conservancy of San Luis Obispo County to partner with the City to accomplish the work scope related to the land negotiations and acquisition under the Grant agreement.

Motion passed by the following roll call vote:

AYES: Hamon, Picanco, Strong, and Nemeth

NOES:

ABSTAIN:

ABSENT: Mecham

CITY MANAGER - None

COUNCIL COMMENTS (Including oral reports on conferences attended) - None

CITY COUNCIL ADJOURNMENT TO:

Workshops

May 12-16, 2008

Uptown/Town Center *Charrette*, 8:00 AM daily, at the Library/City Hall Conference Center, 1000 Spring Street

Meetings

Friday May 16, 2008

The Joint Planning Commission/City Council Breakfast Meeting at 7:00 AM, Friday May 16, 2008, at the Touch of Paso Restaurant, Paso Robles

Tuesday, May 20, 2008

The Regular Meeting at 7:30 PM on, at the Paso Robles City Hall & Conference Center, 1000 Spring Street

Planning Commission Adjournment to the Development Review Committee Meeting of Monday, May 12, 2008 at 3:30 pm at Paso Robles City Hall, 1000 Spring Street, Paso Robles,

subsequent adjournment to the Uptown/Town Centre *Charrette*, Monday, May 12 through Friday, May 16, 2008, at 8:00 AM daily, at Paso Robles City Hall, 1000 Spring Street, Paso Robles

subsequent adjournment to the Joint Planning Commission/City Council Breakfast Meeting of Friday, May 16, at 7:00 AM, at the Touch of Paso Restaurant, Paso Robles

subsequent adjournment to the Development Review Committee Meeting of Monday, May 19, 2008 at 3:30 pm at Paso Robles City Hall, 1000 Spring Street, Paso Robles,

subsequent adjournment to the Regular Planning Commission Meeting of Tuesday, May 27, 2008, at 7:30 PM at Paso Robles City Hall, 1000 Spring Street, Paso Robles

Submitted:

Deborah D. Robinson, 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.**



**PASO ROBLES CITY COUNCIL PRESENTATION
MAY 6, 2008**

From November 23, 2007 to May 5, 2008, we have accomplished the following benchmarks –

- Attendance: 11,410
- Memberships: 427
- School Children: 1,055
- Volunteers: 24
- Voted one of the **Best Places to Take Your Children** (New Times Poll, Spring 2008)

Museum Events:

- Earth Day with Zoo To You
- Bike Safety Rally
- Positive Parenting Classes (Paso Robles Public Schools)
- Autism Awareness Day
- California Voices
- Flex Your Power Campaign

Grants:

- County Board of Supervisors – Title 1 School Groups and Family Memberships
- Santa Ynez Band of Chumash Indians - Storytelling
- Flex Your Power Grant – Energy Conservation
- *Albertson's – Nutrition Program
- **SLO Community Foundation – School Fieldtrips/Inclass Presentation; Music Program
- *Hamburger Helper – Outdoor Sitting Area
- *American Society of Dermatology – Shade Structure
- *application pending

Partnerships:

- | | | |
|---|--------------------------------------|----------------------------|
| Pioneer Museum | Estrella Warbird Museum | Paso Robles City Library |
| SLO County Libraries | Zoo to You | Paso Robles Public Schools |
| All Star Pets | Hospitality Catering | Zoo Med Labs |
| Home Depot | Adopt a Highway | The Nature Corps |
| Girl Scouts of California's Central Coast | Central Coast Autism Spectrum Center | |
| CalPoly Publicity Class | Cuesta College Speech Class | |

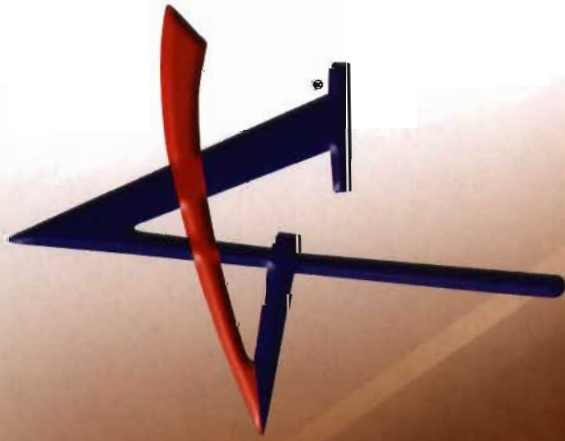
Summer Programs:

- | | |
|---|---|
| Ice Cream at the Museum | Chumash Storytelling (Paso Robles City Library) |
| Creek Sitters (Atascadero Community Center) | Earth Explorers (Cuesta College North Campus) |
| Come Fly With Us! (Estrella Warbird Museum) | Eat Smart, Play Hard |

P.O. Box 2526, Paso Robles, CA 93447
805-238-7432

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*For Excellence in Creativity and Execution,
Presented To:*

Barnett Cox & Associates

Internet Commercials

City of Paso Robles

"Paso Robles Police Department Recruitment Video"

Credits:

Maggie Cox , Account Manager



TO: Doug Monn, Public Works Director
FROM: Dennis Fansler, Maintenance Services Superintendent
SUBJECT: SA 2A-1, 112, Ashwood drainage district balloting
DATE: May 6, 2008
CC: City Council, City Manager

Per our conversation the following is a brief history of the balloting issue to help Council recall the steps that have been taken to date and some suggestions for getting through the public hearing as effectively as possible.

The issue:

The balloting of Sub areas 2A-1 and 112 for assessment increases and balloting for the formation of the Ashwood Drainage Maintenance Assessment District.

Sub Area 2A-1

In the fall of 2007 I was contacted by Sue Scholl, a property owner in SA 2A-1, asking what could be done to get service back up to an acceptable level in her Sub area. The maintenance had been cut back due to lack of funds and the failure of two previous efforts to get residents to approve an assessment increase. I outlined the history and the options she had to change the service level. Once she understood the process she went to work contacting the residents in her Sub area and putting together a petition asking CC to ballot them again. The petition was submitted to Council in November of 2007.

Sub Area 112

Again in the fall of 2007 I contacted Mike Harrod (Owner of all propertied in SA112) and discussed the fact that his current assessment is inadequate to allow us to provide full service to his new development. He agreed to support a balloting.

Ashwood drainage assessment district

At the direction of Doug Monn I have been working with John Falkenstien to form a new Ashwood Drainage assessment district to satisfy the requirements of a flood damage settlement agreement. Mike Harrod is the sole owner of the property involved and has agreed to support the balloting required to form the drainage district.

What has happened to date?

December 18, 2007

City Council approved a resolution allowing staff to proceed with the formation of a Drainage Maintenance District and the reballoting of Sub Areas 2A-1 and 112. Shortly after this approval staff contacted Muni Financial and directed them to put together the appropriate documents and proceed with balloting.

March 18, 2008

Staff presented the required Engineer's reports (budgets) and related resolutions for SA 2A-1, 112 and the Ashwood Drainage District to City Council. Council approved the resolutions allowing the balloting to commence. Shortly thereafter ballots were mailed out to property owner in the affected sub areas and Drainage Assessment District.

May 6, 2008**What are we doing tonight?**

Tonight is the official deadline for submitting protest ballots. And, as required by L&L rules a public hearing must be held to allow public testimony relating to the balloting of the two Sub areas and the Drainage district.

The steps are as follows:

Open the public hearing and ask for property owners in Sub Areas 2A-1 and 112 and the new Ashwood Drainage district to step forward and make their comments.

Once the comments are received I will do my best to answer any concerns.

After the public comment and question period is complete the mayor will make a "Last call for ballots".

Once all ballots are received the mayor will close the Public Hearing and direct the City Clerk and/or his designee to tabulate the balloting on May 7, 2008.

Lastly, the Council is asked to consider approving option a of the staff report closing the public hearing and continuing the balloting tabulation to the Council meeting of May 20, 2008 at which time the results of the balloting will be announced and the appropriate resolutions will be presented for City Council Consideration.

LAW OFFICES
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REFER TO FILE #
290234-0001

May 5, 2008

VIA OVERNIGHT MAIL

The Honorable Frank Mecham, Mayor and
Members of the City Council
City of El Paso de Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Comments on Gateway Design Plan

Dear Mayor Mecham and Members of the City Council:

We represent Quorum Realty Fund II (“Quorum”) the owner of several large parcels of real property in unincorporated territory adjacent to the southwest boundary of the City of Paso Robles. The purpose of this letter is to provide you with Quorum’s questions and comments regarding the draft “Gateway Design Plan” (“Plan”) you will consider at the May 6, 2008 meeting of the City Council.

Quorum’s questions and comments are focused on those portions of the Plan that deal with South Vine Street and Highway 46 West. Quorum’s comments follow:

South Vine Street

A. The first paragraph describes Vine Street as “iconic” and a “characteristic” street of Paso Robles. The Plan does not define these terms in the context of the Plan.

B. While there may be a rural viewshed along Vine Street, all of the parcels along the corridor both within and outside the Paso Robles city limits have zoning designations that permit development. There is no analysis in the Plan of the impact of the grading standards under the Design Standards on future development along Vine Street. In many cases, particularly regarding those parcels with commercial zoning designations, development may not be possible with the proposed grading standards.

C. There is no analysis in the Plan of the impact of the proposed standard requiring that “buildings shall be built in order to leave the ridgeline unobstructed from the downhill

The Honorable Frank Mecham, Mayor and
Members of the City Council
May 5, 2008
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view.” The many variables involved in protection of ridgeline views, including the distance of the viewer from the site, the angle of the view, etc., must be considered.

- D. The “form based development standards” should be included in the Plan.
- E. The map of the realignment of Vine Street should be deleted as no realignment route has been adopted.
- F. The palette “of forms and materials described for the T2 zone” are not well described. Without an adequate description of the forms and materials, compliance will be impossible. What constitutes a “palette of forms?”

Highway 46 West

- A. In the first paragraph, the statement that the current development at the southwest corner of Highway 46 and Highway 101 does not “act as a gateway landmark” because “the buildings are setback (sic) for from the street and are fronted by large parking lots.” The parking lots do not “front” Highway 46. Further, the proposed grading standards would have made development of a hotel at the site virtually impossible.
- B. “Suburban landscaping” is not defined.
- C. In the Design Recommendations, the requirement to develop a “country road viewshed easement” is inconsistent with the requirement that “new buildings front the highway.”
- D. The “form based development standards” should be included in the Plan.
- E. “Village center” is not defined.
- F. What constitutes a “palette of forms?”

As a general observation, the Plan will be very difficult to implement for the development community, property owners and decision makers. It is impossible to differentiate “standards” from “guidelines” in the document. Furthermore, the document requires that additional standards be developed to address form based development standards, grading standards, building standards, ridgeline development standards and road standards. These standards should have been incorporated into the Plan. Otherwise the Plan serves little or no purpose except to initiate another round of consultant studies. Considering that the preparation of this Plan took nearly two years to complete, one wonders how much longer property owners will be in limbo waiting for the remaining standards.

NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

The Honorable Frank Mecham, Mayor and
Members of the City Council
May 5, 2008
Page 3

Thank you for the opportunity to present these comments. We recommend that consideration of the Plan be continued until the questions and comments raised by Quorum are answered and addressed.

Sincerely,

A handwritten signature in cursive script that reads "Gregory W. Sanders". The signature is written in black ink and has a long, sweeping tail that extends to the right.

Gregory W. Sanders
of NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

GWS/skd

To: Paso Robles City Council
From: John Borst
Re: Agenda Item 13

May 6, 2008

Regarding Mr. App's request tonight to Authorize an appropriation of \$57,400 from Water Operations Fund Account #600-310-5224-165 for, and Execution of, a Contract with 2PointMedia for a Community-Wide Water Resource Educational Campaign, his request appears to violate the City's purchasing code as set forth in the Paso Robles Purchasing and Payment Procedures Manual (2005). I present the below for Council's consideration on this matter tonight.

First, Section 6 Professional Services of the Manual reads:

"For the acquisition of professional services in excess of \$10,000, the executive manager shall solicit written request for qualifications (RFQ) from at least three potential professional service providers."

Ask Mr. App and Mr. Monn if they have solicited 3 written requests. I suspect not. Please have the RFQ's made part of the public record.

Second, we read the following with respect to purchases greater than \$5000 (note the last two sentences in particular):

Section 3.0 PURCHASES GREATER THAN \$5,000

Given that there are adequate budget appropriations available and that no administrative restrictions have been imposed by the City's purchasing authority, an executive manager may purchase supplies and services over \$5,000 subject to purchase order approval from the City's purchasing authority. The purchase order must be prepared and approved prior to the purchase commitment. The executive manager must solicit competitive bids prior to the preparation and issuance of a purchase order. Bid results should be attached or noted on the face of the purchase order.

Have competitive bids been solicited by Mr. Monn? Ask him. Please make these bids part of the public record.

Third, Section 4.0 PURCHASE ORDERS reads

*Purchase orders should be issued for acquisitions of supplies, services **(including professional)**, equipment and/or public works projects wherein the estimated total purchase is expected to exceed \$2,500.*

Purchase orders are required on professional services over \$2500. The contract with 2Point Media requires a purchase order, and hence the Council and Mr. App must ask Mr. Monn to conform to the above purchasing codes before any contract is awarded.

Lastly, Section 4 concludes:

The City's purchasing authority may only authorize a purchase order for non-budgeted expenditures greater than \$10,000 upon full City Council concurrence.

In sum, if at least three requests for qualifications from service providers have not been made by Mr. Monn, and he has not solicited competitive bids, I conclude any Council authorization of a contract to 2PointMedia tonight is illegal. I advise you to reject Option A as stated on Agenda Item 13 until you have evidence that Mr. Monn has conformed with the City's Purchasing Code.

Second, regarding 2PointMedia's Overview, it states

Stay Informed- The Paso Robles Water Project

In community organizing, presence is power! Campaigns must project a clear message to be effective in changing the way people think. The following strategy overview highlights the proactive and powerful campaign for the City of Paso Robles that will assist in gaining control of the current mixed messaging throughout the community regarding this project. Everyone recognizes the need for more water.

Three points should be made about this statement: First, the City should not be hiring consultants to change the way people think. At best, that is a Council member's leadership responsibility that cannot be delegated. If a Council member does not feel qualified enough to inform or persuade people to change attitudes about water costs, they have abdicated their ethical presence in the community to a mere talking head, the blind paid to lead the blind. In community organizing, true power is ethical leadership acting to inform and educate.

Second, when only one perspective on a political issue is presented to a community, it amounts to indoctrination. I assume 2PointMedia will not be presenting different perspectives in its campaign to get people "informed." If they are not doing this, why are they not being required to present different perspectives so people can decide for themselves? Education requires more than indoctrination.

Finally, I again draw your attention to the statement made by 2PointMedia. They say, "everyone recognizes the need for more water." This is an ungrounded assertion. How do they come to the conclusion that "everyone recognizes the need for more water?" Without evidence to support their statement, such statements only serve to indoctrinate, mislead and undermine the firm's credibility as adequate to conduct an "educational campaign." 2PointMedia is a public relations firm schooled best in the techniques of mind control. I don't believe City dollars should be spent on such an enterprise as now presented in their proposal.

Thank you for your time and consideration.
John Borst, PhD