

**COUNCIL MINUTES
CITY OF PASO ROBLES**

ADJOURNED REGULAR MEETING

Tuesday, April 3, 2001 7:30 PM

CALL TO ORDER

The City Council of the City of El Paso de Robles, meeting in regular session at 6:45 p.m. on the above date in the 2nd Floor Large Conference Room, was called to order by Mayor Frank Mecham.

ROLL CALL Present: Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham.

CLOSED SESSION

Deputy City Attorney Jon Seitz announced City Council's authority to go into closed session as stated in the agenda packet. Under discussion was the sale of property.

The City Council thereupon adjourned to Closed Session.

The City Council returned to Regular Session at 7:30 p.m.

REGULAR SESSION

7:30 PM - CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL Present: Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham.

REPORT ON CLOSED SESSION

Deputy City Attorney Jon Seitz announced City Council's authority to go into closed session pursuant to Government Code §54956.8 to discuss a property sale at 406 Spring Street. Instruction was given to the City negotiator and there was no further reportable action.

Deputy City Attorney Jon Seitz gave a report on last Friday's record request from The Tribune newspaper for a proposal the City received from the Big League Dreams organization. Deputy City Attorney Seitz noted that this issue first came to his attention when he received a call from the City regarding the newspaper's request. His response was to inquire whether the City had received a Public Records Request under the Public Records Act from the newspaper and, upon learning that it had not, advised the City to seek from the newspaper a Public Request document. If someone—an individual, a newspaper, an organization—makes a request for a document and it is not an administrative document (i.e., an agenda, documents that are part of the agenda, are going to be part of the agenda, or were part of a past agenda), Seitz's typical response is automatic: "We need to have a Public Records Request under the Public Records Act." The reason is so that it can be determined whether the requested document actually is a Public Record. If it is a Public Record, it must then be ascertained if there is confidential or proprietary information in that record from the person who delivered the document to the City. In other words, it must be determined if privacy rights are attached with the public record with the third party.

Deputy City Attorney Seitz reported that City Manager Jim App had advised the newspaper on Friday that there was also the potential, in addition to privacy issues, that the Big League Dreams proposal may be a confidential document subject to the Brown Act in closed session issues.

Also on Friday, the newspaper reporter had a conversation with City Attorney Yang. During that conversation, City Attorney Yang advised the newspaper that the City would be requesting a Public Records Request and the document would be reviewed for confidential information to determine if it is a Public Record and, if it is a Public Record, whether some information may or may not need to be redacted.

Later on Friday, the City did receive a Public Records Request from the newspaper and City Attorney Yang reviewed the document and filed a report with the City. After review of the document and the document request, Yang rendered an opinion: First, she stated again that public records must be reviewed, especially with a complicated document, to make sure that the document does not contain confidential proprietary information. She advised that she had completed her preliminary review of the document and determined that it might not, pending confirmation with Big League Dreams. The next question is whether the document is a Public Record. Yang's conclusion is that if the proposal of Big League Dreams to lease Barney Schwartz Park was to be considered by the City Council in closed session in order to give direction to its negotiator, which it would be entitled to do, such information would not be considered a Public Record and it would not be subject to disclosure. If, on the other hand, because of the extensive public discussion of the previous proposal by Big League Dreams, the City determines that this revised proposal should be scheduled for additional public discussion, it may do so. If the Big League Dreams proposal is scheduled for discussion at a City Council meeting and would, therefore, be included as part of the agenda packet, then under the provisions of Government Code §54957.5(a), the proposal becomes a Public Record when the agenda packet is made available to the public and not before.

PUBLIC COMMENTS

- David Schultz, Hunt and Associates, provided information regarding completion of the Bella Vista development, Phase 2 (Tract No. 2223-2), and asked that this matter be added to tonight's agenda. It was the decision of the Council to take this matter under consideration at a meeting between the developer and the City Manager on Thursday, April 5th.

- Pat Mackie expressed concerns about “suspicious” structures being built at the Barney Schwartz Park project location, voicing suspicions that the City is building outside the approved project design in preparation for having the Big League Dreams organization manage the park. He stated his fear that “something is going on out there” that the community is not being made aware of. Mayor Mecham refuted Mr. Mackie’s insinuations and invited anyone with similar concerns to visit the park to view the development for themselves. City Manager App also pointed out that the approved architectural design plans for the park hang on the lobby wall outside the Council chambers and have hung there for the past two years, identifying all structures currently under construction in the park.
- Dale Gustin thanked Council for responding to Mr. Mackie’s remarks.

PRESENTATIONS

NOTICED HEARINGS

1. **Rezone 99007 (Bill Ridino)**

R. Lata, Community Development Director

Continued public hearing to consider a proposal by Bill Ridino to rezone an approximate 3-acre property from Residential Single Family (R1 B3) to Residential Multiple Family (R2 PD) consistent with the property’s existing General Plan land use designation.

Mayor Mecham opened the public hearing. Speaking from the public Larry Werner, Joel Koman, Dale Gustin, and Pat Mackie. There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to adopt Resolution No. 01-66 approving a Negative Declaration for Rezone 99007 based on the impacts of the development having been foreseen in the EIR for the 1991 General Plan update. Motion passed by the following unanimous roll call vote:

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

Councilmember Picanco, seconded by Councilmember Nemeth, moved to give first reading of Ordinance No. XXX N.S. amending Section 21.21.020 of the Zoning Code (Title 21); and set April 17, 2001, as the date for second reading and adoption. Motion passed by the following unanimous roll call vote:

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

2. Code Amendment 01-002; Restrictions on Retail Sales

R. Lata, Community Development Director

Consider the Planning Commission’s recommendation to revoke provisions of Ordinance No. 766 N.S., which places restrictions on the sale of “non-taxable merchandise” (generally food) in commercial buildings of 90,000 or greater square feet of gross floor area.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-67 approving a Negative Declaration for Code Amendment 01-002 and introduce for First Reading Ordinance No. XXX N.S. that would amend the City’s Zoning Code to eliminate land use restrictions contained in City Council Ordinance No. 766 N.S., and set April 27, 2001 as the date for adoption of said Ordinance. Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

Councilmember Picanco, seconded by Councilmember Finigan, moved to approve the Consent Calendar together with the recommendations and findings as set forth therein, waiving the reading of resolutions and ordinances in full, with the exception of Item Nos. 12, 13 and 13.1 (pulled for discussion at the end of the agenda). Item Nos. 3, 4, 5, 6, 8, 9, 10 and 11 were passed unanimously and Item No. 7 was approved by a 4-1 vote with Councilmember Nemeth abstaining.

- 3. Approve City Council Minutes of March 12, 2001.
D. Fansler, City Clerk
- 4. Receive and file Airport Advisory Committee Minutes of January 25 and February 22, 2001; Housing Authority Board Meeting Minutes of March 20, 2001; and Parks & Recreation Advisory Committee Minutes of February 13, 2001
- 5. Approve Warrant Register.
M. Compton, Administrative Services Director
- 6. Proclaim April 8-14, 2001, *National Public Safety Telecommunicator’s Week*.
F. Mecham, Mayor
- 7. Approve amendment to the City Personnel policy pertaining to employment of relatives, specifically dependent children (under age 18) of elected City officials and Council-appointed officials, under certain conditions. (Council conditionally approved the suggested changes at the February 6th Council meeting provided that staff met and conferred with employee groups.)
J. App, City Manager
- 8. Adopt Resolution No. 01-68 authorizing submittal of a funding request for a Recycling Block Grant from the California Department of Conservation, Division of Recycling. This grant is made available to promote the continued recovery of redemption value beverage containers, and the City intends to utilize the maximum amount of the grant to establish a multi-family housing-based recycling program.
J. Deakin, Public Works Director

- 9. Adopt Resolution No. 01-69 authorizing submittal of a funding request for a Household Hazardous Waste Grant from the California Integrated Waste Management Board. With the availability of grant funding, the following projects could be submitted: upgrading of the existing Household Hazardous Waste Collection Facility for paint storage, inclement weather operations, security improvements, as well as operation and management.
J. Deakin, Public Works Director
 - 10. Adopt Resolution No. 01-70 approving a budget carryover of funds previously allocated in the 2000-2001 budget for the purchase of an aerial ladder truck. This resolution will correct an administrative oversight at the time Council formally authorized the purchase of the City's aerial ladder truck. While the truck was ordered in fiscal year 1999-00, the truck was not received until after June 30, 2000, and the department did not submit a carryover request of the approved budget appropriation.
D. Hamp, Chief of Emergency Services
 - 11. Authorize the closure of 11th Street between Spring and Park Streets each Tuesday from 3:00 – 8:00 p.m. to accommodate the North County Farmers Market activity.
R. Lata, Community Development Director
- Speaking from the public on this item was Mike Menath. There were no further comments either written or oral.

PUBLIC DISCUSSION

- 14. **Completion of Subdivision Improvements – Tract 2276**
R. Lata, Community Development Director

Review the progress status of construction of subdivision improvements for Tract 2276 (Bonita Homes, Inc.).

Mayor Mecham opened the public hearing. Speaking from the public were Greg Reed (Bonita Homes, Inc.), Herb Schloesser, Elise Bates, and Mike Menath. There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt amended Resolution No. 01-73 accepting the public improvements and public park facilities, subject to a ten (10) percent retention bond, contingent upon staff providing the developer with a written list of outstanding requirements and the applicant completing all required conditions of approval prior to issuance of Certificates of Occupancy. Said approval shall include authorization for the contractor to continue work within the public right-of-way until the required work is complete. Motion passed by the following unanimous roll call vote:

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

15. Request to Remove Oak Trees, Tract 2281-2 (Shadow Canyon)

R. Lata, Community Development Director

Consider a request from North Coast Engineering to remove five (5) oak trees in lieu of other oak trees previously authorized for removal in Tract 2281, Phases 3, 4 and 5.

Mayor Mecham opened the public hearing. Speaking from the public was Larry Werner. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 01-71 authorizing the removal of the five (5) oak trees requested in the February 12th correspondence from North Coast Engineering, and superceding Section 2 of Resolution 98-187, by requiring replacement oak trees conforming to Section 10.01.040 (E) of the Municipal Code. Motion passed by the following unanimous roll call vote:

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

16. Santa Ysabel Ranch Development - Opportunity to Comment on the Environmental Document for

R. Lata, Community Development Director

Consider submitting formal City comments on the Draft Expanded Initial Study and Mitigated Negative Declaration for the Santa Ysabel Ranch development project. The property is located approximately 2000 feet south of the City limits, between South River Road and the Salinas River. The applicant is planning 146 dwelling units, an equestrian center and AG (Agriculture) uses on approximately 840 acres. The applicant is Weyrich Development Company.

Mayor Mecham opened the public hearing. Speaking from the public were Janice Nelson, Dale Gustin and Tom Rusch. There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to authorize the Mayor to forward comments on the environmental document for the Santa Ysabel Ranch, identifying concerns regarding potential water supply impacts, and calling for a more comprehensive analysis of the potential impacts and appropriate mitigation measures and to request that a full Environment Impact Report be prepared. Further, to request that the applicant set aside right-of-way for the preferred alignment for the Charolais Road Bridge and to provide recorded constructive notice of the bridge development plan to future property owners within the Santa Ysabel Ranch. Motion passed by the following unanimous roll call vote:

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

Council adjourned for a 15-minute recess at 9:12 PM.

17. Council Goals – Fiscal Year 2002-2005 Financial Plan

J. App, City Manager

Determine top priorities/goals to be addressed in the 2-year budget/4-year Financial Plan (for fiscal years 2002-2005).

Mayor Mecham opened the public hearing. Facilitator John Dunn presented a summary of the 30 goals ranked at the March 17th Council meeting (copy attached) and provided assistance to Council in narrowing the list to their high-priority, *major* goals. Speaking from the public were Dale Gustin, Mike Menath, Chuck Miller, Kathy Barnett and Francis Nicklas. There being no further comments either written or oral, the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to identify the following as Council's top 17 goals, with items 1, 2, 3, 4, 7 and 11 being given number one priority:

1. **Implement Emergency Services Plan and develop sources of financing program**
2. **Identify and achieve new or expanded revenue sources for the City, complete review of development and user fees to cover impact and service costs, improve ongoing maintenance and fund-deferred maintenance/replacement of facilities and equipment (and continue to do so every two years)**
3. **Develop plan to have sufficient City staff, a retention/succession plan, and proper compensation for staff**
4. **Review and update General Plan including hillside ordinance, annexation policy, Salinas River corridor plan and project fiscal impact model**
5. Strengthen Code enforcement
6. Implement Information System Strategic Plan to increase public involvement
7. **Upgrade sewer plant and Templeton sewer interceptor lift station/line**
8. Re-establish economic development staff position; re-evaluate program and incentives
9. Pursue transportation/traffic improvement projects
10. Investigate and pursue downtown parking improvements
11. **Develop and implement Airport Business Plan, increase airport development and create long-term improvement plan**
12. Review and document Council policies
13. Develop additional/alternative water supplies
14. Develop design guidelines and improved development construction standards
15. Develop a technology utility master plan (conduit for fiber optic)
16. Select site/build Theatre Drive water reservoir
17. Investigate alternate ways to generate electricity

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE

- 18. Discuss request from Library Board of Trustees and the Paso Robles Library Foundation Board of Directors for review of City’s commitment to vacate the 2nd floor of the Library/City Hall building by 2010 to allow for expansion of the Library.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to place this item on the May 1st agenda. Motion passed by unanimous voice vote.

ADVISORY BODY COMMUNICATION - None

AD HOC

- 19. **General Plan Amendment – Golden Hill Road – Proposed Change from Agriculture to Residential (W. Woodruff)**

G. Nemeth, Councilmember

Determine whether or not the City Council wishes to discuss an application for a General Plan Amendment that has been filed by Woody Woodruff. The subject property is approximately 160 acres, located on the east side of Golden Hill Road, north of Highway 46 East, in close proximity to the Paso Robles Municipal Airport. The current General Plan designation is AG (Agriculture). The applicant is seeking entitlements for approximately 55 residential dwelling units.

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to direct staff to set the Woodruff General Plan Amendment for discussion, providing notice to Mr. Woodruff. Motion passed by the following unanimous roll call vote:

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

- 20. **City Council Policy Options Regarding General Plan Amendments**

G. Nemeth, Councilmember

Consider whether or not to require project plans to be submitted in conjunction with General Plan Amendments.

Mayor Mecham opened the public hearing. Speaking from the public was Dale Gustin. There being no further comments either written or oral, the public discussion was closed.

It was moved by Councilmember Heggarty, seconded by Councilmember Picanco, and passed unanimously by voice vote to direct staff to return to Council on May 1st with additional options for consideration.

CONSENT CALENDAR (PULLED AGENDA ITEMS)

Those items pulled for discussion were as follows:

- 12.** Adopt Resolution No. 01-xx awarding the low bid to install a traffic signal at Creston and Nickerson to Lee Wilson Electric in the amount of \$95,830.
J. Deakin, Public Works Director

Mayor Mecham opened the public hearing. Speaking from the public on this item was Pat Mackie. There being no further comments either written or oral, the public discussion was closed.

It was moved by Councilmember Finigan, seconded by Councilmember Nemeth, and passed unanimously by voice vote to continue this item to a future meeting.

- 13.** Review and approve the information and design of the bronze dedication plaques for the Airport Terminal and Barney Schwartz Park.
D. Monn, Building Official

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

Council directed staff to investigate the cost of placing the names of park volunteers on the dedication plaque and return to Council with estimated costs, size and placement of same. Motion passed by unanimous voice vote.

- 13.1.** Adopt Resolution No. 01-72 awarding \$12,000 contract for consultant services to Pat Perinich & Associates to calculate possible special tax on city parcels to fund implementation of the Emergency Services Growth Management Plan.
M. Compton, Administrative Services Director

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 01-72 awarding \$12,000 contract for consultant services to calculate possible special tax on city parcels to fund implementation of the Emergency Services Growth Management Plan. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adjourn from regular session at 11:15 PM. Motion passed by unanimous voice vote.

ADJOURNMENT: to THE ADJOURNED CITY COUNCIL MEETING FOR PROJECT AREA COMMITTEE INTERVIEWS ON MONDAY, APRIL 9, 2001, AT 7:30 PM IN THE 2ND FLOOR CONFERENCE ROOM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING ON TUESDAY, APRIL 17, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: May 1, 2001