

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL

Tuesday, September 18, 2001 7:30 PM

CALL TO ORDER – Library/City Hall Conference Center

The City Council of the City of El Paso de Robles, meeting in regular session at 7:30 PM on the above date in the Library/City Hall Conference Center, was called to order by Mayor Frank Mecham.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS

- Chuck Miller thanked Council for their support of the 28th Annual Airshow held at the Municipal Airport on Sunday, September 9th. He presented Council with a check for \$2,134, which represents 10% of the Airshow sales.
- Dale Gustin expressed his appreciation for the prayer meeting held in the Downtown City Park following Tuesday's terrorist attack on the World Trade Center and the Pentagon. He also criticized Council for not re-calendaring another discussion of the 13th Street Bridge widening project. Council expressed no interest in placing this item on the agenda.

PRESENTATIONS

1. **Foreign Exchange Student Recognition** (Kathy Myers & Greg Williams, International Club)

Presentation of Certificates of Recognition will be awarded to foreign exchange students at the October 2nd Council meeting.

NOTICED HEARINGS

2. Appeal of Tentative Planned Development 01-012 (Applicant: John Moore)

R. Lata, Community Development Director

Consider an appeal filed by John Moore of the Planning Commission’s action to require restroom facilities to be accessible to airplane hangar tenants. (Continued from prior City Council meetings of August 7 and September 4, 2001. Subject site is located on the east side of Wing Way, south of Rollie Gates Drive at the Municipal Airport. The applicant has proposed to develop the vacant west end of the site with a combination office and aircraft hangar building. The Planning Commission approved the Planned Development at their meeting on July 10, 2001. Conditions to the project include the applicant providing a restroom that would be accessible to the tenants within the lease parcel. The requirement for a restroom is consistent with the Airport Advisory Committee restroom policy.)

Mayor Mecham opened the public hearing. Speaking from the public in his role as a private citizen was Richard Morton of the Airport Advisory Committee. There being no further comments either written or oral, the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to uphold the Planning Commission’s action of July 10, 2001, and adopt Resolution No. 01-206 (adding additional language provided by Deputy City Attorney Seitz, to wit: *The availability of restrooms to patrons during off-hours reasonably relates to the use of the property and the 24-hour access to restrooms is roughly proportional to the impacts of the property’s use as hangars*) approving Planned Development 01-012 subject to all standard and site-specific conditions, including the requirement to require the applicant to provide for restroom facilities accessible to the lease tenants on the site, and. Motion passed by the following unanimous roll call vote:

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

3. Appeal of Parcel Map PR 00-168 (Applicant: Ward/Butterfield, et al)

R. Lata, Community Development Director

Consider an appeal of the Planning Commission’s action to require development securities for public improvements associated with a commercial parcel map. (Continued from the City Council meeting of September 4, 2001. The Commission approved the subject parcel on August 28th, which is the division of an approximate 35-acre site into three commercial parcels ranging in size from approximately 6-15 acres. Project is located on north side of Highway 46 East and straddles both the Huer Huero River and Airport Road. Old Paso Robles Boulevard is the western border of the site. The Commission requires that the public improvements for the map be deferred with appropriate securities rather than a full deferral until time of development.)

Mayor Mecham opened the public hearing. Speaking from the public was Ralph McCarthy representing Phil Ward & Frank Clayton. There being no further comments either written or oral, the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to approve the Appeal of the Planning Commission’s August 28, 2001 action and adopt Resolution No. 01-207 approving Parcel Map PR 00-168 subject to all standard and site-specific conditions, but allowing for deferral of said improvements until time of development. Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

The Consent Calendar Items No. 4 to 16, with the exception of Items No. 10, 13, 15 and 16, which were pulled for discussion, were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan.

Those items unanimously approved were as follows:

4. Approve Warrant Register.
M. Compton, Administrative Services Director
5. Receive and file Advisory Body Committee minutes as follows:
Youth Commission meeting of June 6, 2001
6. Adopt Ordinance No. 817 N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 01-003 – Hogue Grips. (Ordinance amends the City's Zoning Map, changing the zoning of the Hogue Grips property from Agriculture to Airport Planned Development [AP-PD]. First reading September 4, 2001.)
R. Lata, Community Development Director
7. Adopt Ordinance No. 818 N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 01-005 – 4th & Pine Streets/City Initiated. (Ordinance brings zoning designation of the area into conformance with the General Plan, rezoning an approximate 2.5-acre property from Planned Industrial [PM, PD] to Highway Commercial [C2, PD]. Property is located on the north side of 4th Street, west and adjacent to Pine Street and east of Spring Street. Existing General Plan Land Use designation for project area is Community Commercial. First reading September 4, 2001.)
R. Lata, Community Development Director
8. Authorize the Chief of Police to execute an agreement with Abbey Group Consultants and allocate a total of \$74,000 to purchase the Computer Aided Dispatch and Records Management System (CAD/RMS) and other related software and equipment. (The City received \$107,000 in funding from the California Law Enforcement Equipment Purchase [CLEEP] budget appropriation. The CAD/RMS software technology and related services will provide independent, stand-alone systems capable of interconnectivity with all participating agencies, providing all necessary components for dispatching resources and maintaining historical data.)
D. Cassidy, Chief of Police
9. Adopt Resolution No. 01-208 as amended to authorize the Mayor to execute a quitclaim deed in favor of H.B. Jenne. (The property being deeded is an approximate 8 ft. by 8 ft. area, which is part of a larger, vacant piece of property located between Pine and Park Streets and 10th and 11th Streets. This transaction is to clear title to the larger property to remove a restriction attached to the conveyance when originally sold to H.B. Jenne in January 1960.)
M. Compton, Administrative Services Director

A revised resolution correcting three clerical errors was provided to Council prior to start of the Council meeting.

11. Adopt Resolution No. 01-210, with amended Exhibit A, approving budget appropriations for fiscal year 2001 budget carry-over requests. (Encumbrances represent carryover requests for unspent budget appropriations for the fiscal year just closed. It has been the policy and past practice of the City that encumbrances are limited to capital outlay, special consultant services, and other non-routine, one-time budget appropriations.)
M. Compton, Administrative Services Director
- A clerical error to Exhibit A of the resolution was pointed out. First 7 items on page 2 of the exhibit were duplicated from page 1, but the carry-over appropriation total is not affected.
12. Modify Council's action of September 4, 2001 to add Item No. 26 to the award of the Annual Sidewalk Maintenance contract, and adopt Resolution No. 01-211 appropriating \$18,600 to Budget Account No. 100.310.5452.162. (On September 4th, Council approved a contract with Brinar Construction at a reduced award amount of \$44,786. The action deleted Bid Item No. 26 in the amount of \$3,780. Staff was directed to return with a resolution to appropriate the unbudgeted amount from the General Fund Reserve to fund the award increase over the budgeted amount.)
J. Deakin, Public Works Director
14. Adopt Resolution No. 01-213 authorizing execution and recordation of the Final Map and Subdivision Agreement for Tract 2281-5 (Shadow Canyon Estates, LLC), a 25 lot subdivision located east of Creston Road and Golden Hill Road; approving the Subdivision Improvement Agreement for Tract 2281-5, authorizing deferred construction of the subdivision improvements, with an established deadline of September 2002 to complete these improvements and authorizing the Mayor to execute the Agreement; and adopt Resolution No. 01-214 annexing Tract 2281-5 into the Landscape and Lighting District as Sub-area No. 52E. (The Subdivider has posted securities to guarantee installation of public improvements in accordance with the Subdivision Agreement, the Subdivision Map Act, and the City, and the Tentative Map was approved by the Planning Commission on August 25, 1998. In conformance with the Conditions of Approval, the developer has also executed a Petition requesting that the subdivisions be annexed into the Landscape and Lighting District.)
R. Lata, Community Development Director

Items pulled for discussion were:

10. Adopt Resolution No. 01-209 approving a budget appropriation in the amount of \$56,700 from General Fund reserves for an incentive payment to the Paso Robles Chamber of Commerce. (The City and Chamber entered into a 4-year agreement in May 1999, which authorized a base annual payment to the VCB, plus an incentive payment based upon transient occupancy tax collections. Payment is now due.)
M. Compton, Administrative Services Director

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

13. Adopt Resolution No. 01-212 (1) accepting the Planning Commission's report that the acquisition of a 4.275 gross acre property located generally in the 100 block of Creston Road (Assessor's Parcel No. 009-401-031) is not in conflict with the City's General Plan; (2) approving a Negative Declaration for acquiring the subject property; and (3) authorizing the City Manager to execute the Acquisition Agreement. (Property is vacant, but is zoned R1. The City Attorney, at the direction of the City Council, drafted an Acquisition Agreement to purchase subject property in order to implement the Circulation Element of the General Plan and the Measure D-98 funded widening of the 13th Street Bridge. The Agreement was forwarded to the property owner, Garrison and Associates, and returned to the City with signature agreeing to sell the property.)
J. Deakin, Public Works Director

Mayor Mecham opened the public hearing. Speaking from the public was Mike Menath, Michael Kane and Walt Heer. There being no further comments either written or oral, the public discussion was closed.

15. Adopt Resolution No. 01-215 authorizing execution and recordation of the Final Map for Tract 2071 (Don Ernst, applicant); approve the Subdivision Improvement Agreement for Tract 2071, authorizing deferred construction of the subdivision improvements, with an established deadline of September 2011 to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopt Resolution No. 01-216 annexing Tract 2071 into the Landscape and Lighting District as Sub-area No. 60. (This subdivision consists of 10 single-family residential parcels on an approximate 10.75-acre parcel, and is located on the south side of Pacific Avenue, east of the intersection of Merry Hill Road and adjacent to the City limits. The Planning Commission approved the Tentative Map on September 22, 1992.)
R. Lata, Community Development Director

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

16. Adopt Resolution No. 01-217 accepting the public improvements of Tract 2284 into the City's maintenance system, and authorizing release of the Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$15,350. (This subdivision is located north of Union Road and west of Golden Hill Road. Street, sewer and water improvements have been completed. It is expected that the few remaining landscape improvements will be completed to the satisfaction of City staff prior to the Council meeting.)
R. Lata, Community Development Director

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

The pulled items were approved on a single motion by Councilmember Nemeth, seconded by Councilmember Picanco, with the following unanimous roll call vote:

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

PUBLIC DISCUSSION

**17. Acceptance of Public Improvements – PR 93-087
(Golden Hill Road / Gilead Lane)**

R. Lata, Community Development Director

Consider the acceptance of public improvements resulting from the development of Parcel Map PR 93-087 (Golden Hill Road/Gilead Lane – Gearhart) into the City’s maintenance system. (Subdivision is located on the southeast corner of the intersection of Golden Hill Road and Gilead Lane. A condition of approval was undergrounding of overhead utilities. This condition has not been satisfied, but the developer is working with PG&E to complete.)

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. 01-218 accepting the public improvements of PR 93-087 into the City’s maintenance system and allowing issuance of certificates of occupancy for this subdivision. Further, that the Performance and Payment Bonds on file be retained until overhead utility lines adjacent this subdivision have been placed underground, in accordance with the Condition of Approval of PR 93-087, and that staff be authorized to release the bonds upon completion of this improvement work. Prior to the release of the Performance and Payment Bonds, the Subdivider shall post a Maintenance Bond in the amount of \$6,985 to guarantee the public improvements for a one-year period from the date of acceptance by the City Council. Said maintenance bond may be released upon the completion of all correction items to the satisfaction of City staff. Motion passed by the following unanimous roll call vote:

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

18. Landscape Maintenance in the Downtown Area

J. Deakin, Public Works Director

Consider options to provide landscape maintenance in the downtown area.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to discuss this item at the end of the agenda. Motion passed by unanimous voice vote.

**19. Economic Incentive Agreement – Pacific Hotel Properties I, LLC
(Hampton Inn)**

R. Lata, Community Development Director

Consider a financial assistance proposal for a Hampton Inn Hotel. (Pacific Coast Hotel Properties I, LLC has received Planning Commission approval to construct a Hampton Inn hotel on property located in the southwest quadrant of the intersection of Highways 46 West and 101. Applicant is seeking financial assistance with permit fees and project development costs. Council’s Fiscal Committee [Councilmembers Picanco and Nemeth] discussed the financial assistance request on August 3, 2001 and have recommended approval of a financial assistance agreement.)

Mayor Mecham opened the public hearing. Speaking from the public was Kevin Bierl (Pacific Coast Hotel Properties I, LLC) and Michael Kane. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-219, as amended, approving the Economic Incentive Agreement with the economic incentives recommended by the Council's Fiscal Committee; and authorize the Mayor and City Clerk to execute an Agreement substantially consistent with the attached draft (the final form to be approved by the City Attorney). 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 10-minute recess at 8:55 PM.

20. Presentation of Draft Short-Range Transit Plan

M. Compton, Administrative Services Director

Presentation of the draft Short-Range Transit Plan (SRTP) to Council. (Transportation Development Act regulations require public agencies that utilize TDA funds for transit purposes to prepare a SRTP. A SRTP is a 5-year transit plan to guide public agencies with regard to their transit operations and the use of TDA funds.)

Jim Moore of Moore & Associates presented Council with a review of the draft Short-Range Transit Plan. Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin and Mike Menath. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to approve the draft Short-Range Transit Plan. Motion passed by the following unanimous roll call vote:

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

21. Analysis of C2 Properties in the City Where Mini-Storage Could Be Built (City-Initiated)

R. Lata, Community Development Director

Review information outlining properties within the C2 Zoning Districts that, subject to a Conditional Use Permit, could potentially be developed with mini-storage land uses. (Council is requested to give staff direction on whether to leave the Code as is, or to draft a code amendment to further limit mini-storage projects on C2 zoned properties.)

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to direct staff to return to Council with a Code Amendment that will consider precluding or further restricting mini-storage projects in C2 and C3 zones. Motion passed by the following unanimous roll call vote:

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

22. Water Tank Property Landscaping

R. Lata, Community Development Director

Discuss water tank site landscaping design and confirm the design approach. (Subject parcel is located between Golden Hill Road and Rolling Hills Road, north of Creston Road. The approximate 7-acre water tank site is surrounded by 90 acres of property that is currently being graded for development of residential lots.)

Mayor Mecham opened the public hearing. Speaking from the public were Jim Burrows of Firma Design (the applicant's Landscape Architect) and Mike Menath. There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to provide confirmation that the Landscape Plan exhibits are consistent with the City Council's expectations for the Water Tank site, thereby authorizing the planting installation to proceed. Motion passed by the following unanimous roll call vote:

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

23. Buena Vista Widening and Traffic Signal

J. Deakin, Public Works Director

Consider contract for widening of Buena Vista Road and the installation of a traffic signal to the low bidder Souza Engineering Contracting in the amount of \$868,869. The low bid exceeds the project engineer's cost estimate, therefore, an additional \$340,000 is required to construct as designed.

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

Councilmember Picanco, seconded by Councilmember Nemeth, moved to (1) adopt Resolution No. 01-220, as amended, awarding the Buena Vista Widening and Traffic Signal installation project to Souza Engineering Contracting, Inc. in the amount of \$868,869; and (2) appropriate \$340,000 to Budget Account No. 130-910-5452-307 from Measure D Reserves and transfer \$15,000 from Borkey Specific Plan fees into the Measure D Reserves. Motion passed by the following unanimous roll call vote:

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

24. Proposals to Prepare Downtown Parking and Circulation Analysis and Action Plan

R. Lata, Community Development Director

Consider authorizing execution of Consultant Services Agreements with Kimley-Horn, the firm recommended by the selection committee for preparation of a Downtown Parking and Circulation Analysis and Action Plan. (Selection committee included representation from the City Council, Planning Commission, Main Street and the Chamber of Commerce.)

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

Councilmember Picanco, seconded by Councilmember Nemeth, moved to consider the recommendation of the ad hoc Committee to proceed with selection of Kimley-Horn to prepare the Downtown Parking and Circulation Analysis and Action Plan based on a program budget of \$85,000, including a reallocation of \$35,000 from the General Plan up-date program, and authorize the City Manager and City Clerk to execute a Consultant Services Agreement with Kimley-Horn based on substantial conformance with the attached Scopes of Work and their proposal of not to exceed \$83,360. Motion passed by the following unanimous roll call vote:

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

25. Options to Increase Energy Efficiency in the City of Paso Robles

R. Lata, Community Development Director

Consider information regarding the City’s options to pursue energy conservation measures and give staff direction regarding areas that they wish to further study.

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to direct staff to plan an “energy fair” to become acquainted with existing energy programs and report back to Council on October 2nd. Motion passed by the following unanimous roll call vote:

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

18. Landscape Maintenance in the Downtown Area

J. Deakin, Public Works Director

Consider options to provide landscape maintenance in the downtown area.

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to continue this item to the Council meeting of October 2nd to allow time for Mr. Flynn to be noticed. Motion passed by unanimous voice vote.

CITY MANAGER - None

CORRESPONDENCE

26. Request to Re-open Downtown City Park Fountain

J. App, City Manager

Consider request from the Paso Robles Main Street Association to re-open the Downtown City Park fountain.

Mayor Mecham opened the public hearing. Speaking from the public were Steve Martin, Nick Sherwin and Barbara Wilcox. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to activate the fountain in the Downtown City Park, restricting the hours from noon to dusk. Motion passed by a 4-1 vote, with Councilmember Finigan dissenting.

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS - None

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only. There were no comments from the public.

CLOSED SESSION

Council moved to adjourn from regular session at 11:15 PM. and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

Deputy City Attorney Jon Seitz announced City Council's authority to go into closed session to discuss the item listed on the agenda.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:20 PM.

CLOSED SESSION

The City Council returned to Regular Session at 12:30 AM on Wednesday, September 5, 2001.

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RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Jon Seitz announced that there was no reportable taken action in closed session.

By unanimous voice vote, Council moved to adjourn from regular session 12:35 AM on Wednesday, September 5, 2001.

ADJOURNMENT: to THE REGULAR MEETING ON TUESDAY, OCTOBER 2, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted by:

Sharilyn M. Ryan, Deputy City Clerk
Approved: October 2, 2001