

CITY COUNCIL MINUTES

Tuesday, July 2, 2002 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

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

INVOCATION

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

PUBLIC COMMENTS

- Dale Gustin invited the public to attend the *Great Americana Festival* scheduled for July 6th in the City Park.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS - None

NOTICED HEARINGS

1. **General Plan Amendment 02-01 – Parts 1, 2, 3 and 4**

R. Lata, Community Development Director

The General Plan is the City's primary long-range planning tool for land use, infrastructure and public facilities. The State places a limit of four (4) amendments to any one element of the General Plan in a calendar year. In order to accommodate requests and needed updates, it is common, and permitted under Government Code Section 65358(b), to combine multiple General Plan Amendments into a single General Plan Amendment.

General Plan Amendment 02-01 is comprised of four separate components as stated below

(1) **Borkey Area Specific Plan (BASP)** This project involves 273 acres located west of Buena Vista Drive, north of Experimental Station Road. A request to amend the General Plan land use designation from Agriculture to Public Facilities and rezone of 23 acres from Agriculture to Public Facilities for use by Cuesta College and to amend the General Plan designation to place 117 acres (located north of and adjacent to the Borkey Area Specific Plan and east of the Salinas River) annexed to the City in January 2000 into Subarea "A" of the Borkey Area Specific Plan. The General Plan Amendment is accompanied by consistent, specific plan and zoning amendments.

(2) **Hastings/Food 4 Less** A proposed change from Neighborhood Commercial (NC) to Community Commercial (CC) for nine (9) acres located on the northeast corner of Creston Road and Sherwood Road. The General Plan Amendment application is accompanied by a Zone Change Request 02-002; the requested change is from CP-PD (Neighborhood Commercial - Planned Development) to C2-PD (Highway Commercial - Planned Development).

(3) **Pete Cagliero** A request to change the land use designation of 2.2 acres located along the east side of South River Road, South of Serenade Drive, just east of the Woodland Plaza II (Wal Mart) shopping center, from Residential Multi Family Low Density (8 units per acre) (RMFL) to Residential Multi-Family High Density (16 units per acre) (RMF-H). The general plan amendment would also include a change in the text in Table LU-10 to allow dwelling unit densities up to 16 units per acre on sites that are 2 acres or larger in area rather than 3 acres. The application also includes Zone Change 02-003, a proposal to change the zoning designation of the same 2.2 acres from R2-PD (Low Density Multi Family Residential, Planned Development) to R4-PD (High Density Multi Family Residential, Planned Development).

(4) **Oak Creek Park** Request to amend the General Plan land use designation of parcels within Oak Creek Park from Residential Single-Family (RSF) to Parks and Open Space (POS). The application includes the request to modify the zoning designation of these parcels from Residential Single-Family, Planned Development overlay (R1-PD) to Parks and Open Space (POS). Oak Creek Park site consists of seven contiguous City-owned parcels forming Oak Creek Park located between Scott Street and Cedarwood Drive, east of Creston Road and west of residences along Driftwood Drive.

Note: Even though the four land use components are proposed as a single General Plan Amendment, it would be appropriate for each component to be considered as a separate public hearing item. The Council is requested to take a "straw vote" on each of the four parts at the conclusion of the respective public hearings. Final action on the General Plan Amendment as a whole should not be taken until the Council completes consideration of the last of the four components.

1.1 General Plan Amendment 02-01 (Part 1 of 4): Borkey Area Specific Plan - Specific Plan Amendment 02-01A and Rezone 01-006

R. Lata, Community Development Director

Consider Part 1 of a 4-part amendment to the City's General Plan land use designations for property within and adjacent to Subarea A of the Borkey Area Specific Plan (BASP), along with a related amendment to the Borkey Area Specific Plan and Zoning for the subject area.

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-122 as revised granting Negative Declaration status for General Plan Amendment 02-01 (Part 1 of 4), Specific Plan Amendment 02-01A and Rezone 01-006 (Kiessig Family Trust). Motion passed by the following unanimous roll call vote:

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

A **straw vote** was taken with unanimous approval to adopt a revised Resolution No. 02-xxx granting approval of General Plan Amendment 02-01, which includes this component as Part 1 of a 4-Part General Plan Amendment.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to introduce for first reading Ordinance No. XXX N.S. amending the Borkey Area Specific Plan to include 117 acres along the northern boundary of the plan area, confirm land use and zoning designations for Subarea A of the plan area, change the zoning designation for a 23-acre parcel within Subarea A from Agriculture (AG) to Public Facilities with a Planned Development Overlay (PF-PD); and set July 16, 2002, as the date for adoption of said Ordinance. 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 Finigan, moved to introduce for first reading Ordinance No. XXX N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 01-006/Subarea A, Borkey Area Specific Plan, west of Buena Vista Road – City-initiated; and set July 16, 2002, as the date for adoption of said Ordinance. Motion passed by the following unanimous roll call vote:

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

1.2 General Plan Amendment 02-01 (Part 2 of 4): Hastings/Food 4 Less – Rezone 02-002

R. Lata, Community Development Director

Consider Part 2 of a 4-part amendment to the City’s General Plan land use designations changing from Neighborhood Commercial (NC) to Community Commercial (CC) for a 9-acre site located along the northeast corner of Creston Road and Sherwood Road; and a rezone request to change from CP-PD (Neighborhood Commercial – Planned Development) to C2-PD (Highway Commercial – Planned Development).

Mayor Mecham opened the public hearing. Speaking from the public was Newlin Hastings. There were no further comments at this time from the public, either written or oral.

Council, by general consensus, agreed to defer Agenda Item No. 1.2 to follow Agenda Item No. 1.4 to give staff time to retrieve additional documentation.

1.3 General Plan Amendment 02-01 (Part 3 of 4): Cagliero - Rezone 02-003

R. Lata, Community Development Director

Consider Part 3 of a 4-part amendment to the City’s General Plan land use designations changing designation of 2.2 acres located along the east side of South River Road, south of Serenade Drive, just east of Woodland Plaza II (Wal Mart) shopping center from Residential Multi-Family Low Density (RMFL – 8 units per acre) to Residential Multi-Family High Density (RMF-H – 16 units per acre), including a change to the text in Table LU-10 of the General Plan Land Use Element to allow densities up to 16 units per acre on sites that are 2 acres or larger in area rather than 3 acres. Includes a proposed change in the zoning designation of the same 2.2-acre site from R2-PD (Low Density Multi-Family Residential, Planned Development) to R4-PD (High Density Multi-Family Residential, Planned Development).

Mayor Mecham opened the public hearing. Speaking from the public were Pete Cagliero, Dale Gustin, Tom Sidel, Brenda Sullivan, Scott Larsen, Gary Johnson, Liz Silvera, Phyllis Soto, Charles Nunnally, Kathy Barnett, Susan Harden, and Mike Toohey. There were no further comments from the public, either written or oral, and the public hearing was closed.

Council adjourned for a 10-minute recess at 9:13 PM.

Councilmember Finigan, seconded by Mayor Mecham, moved to adopt Resolution No. 02-123 granting Negative Declaration status for General Plan Amendment 02-01 (Part 3 of 4) and Rezone 02-003. Motion passed by the following roll call vote:

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

A **straw vote** was taken with a 3-2 vote to adopt a revised Resolution No. 02-xxx granting approval of General Plan Amendment 02-01, which includes this component as Part 3 of a 4-Part General Plan Amendment.

Councilmember Finigan, seconded by Mayor Mecham, moved to introduce for first reading Ordinance No. XXX N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 02-003 / southeast corner of Serenade Drive and South River Road, changing the zoning designation from R2-PD (Low Density Multi-Family Residential - Planned Development) to R4-PD (High Density Multi-Family Residential - Planned Development); and set July 16, 2002, as the date for adoption of said Ordinance. Motion passed by the following roll call vote:

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

1.4 General Plan Amendment 02-01 (Part 4 of 4) and Rezone 02-004 (City-Initiated)

R. Lata, Community Development Director

Consider Part 4 of a 4-part amendment to the City’s General Plan land use designation of Oak Creek Park Assessor Parcel Nos. 009-756-005 and 007 from Residential Single-Family (RF) to Parks and Open Space (POS). Includes Rezone 02-004 to modify the zoning designation for Assessor Parcel Nos. 009-756-003, 004, 005, 006, 007, 008, and 009-753-080 from Residential Single-Family, Planned Development overlay (R1-PD) to Parks and Open Space (POS).

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-124 granting Negative Declaration status for General Plan Amendment 02-01 (Part 4 of 4) and Rezone 02-004. Motion passed by the following unanimous roll call vote:

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

A **straw vote** was taken with unanimous approval to adopt a revised Resolution No. 02-xxx granting approval of General Plan Amendment 02-01, which includes this component as Part 4 of a 4-Part General Plan Amendment.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to introduce for first reading Ordinance No. XXX N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 02-004 / Oak Creek Park that would change the zoning designation from R1 (Residential Single-Family) to POS (Parks and Open Space); and set July 16, 2002, as the date for adoption of said Ordinance. Motion passed by the following unanimous roll call vote:

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

1.2 General Plan Amendment 02-01 (Part 2 of 4): Hastings/Food 4 Less – Rezone 02-002

R. Lata, Community Development Director

Consider Part 2 of a 4-part amendment to the City’s General Plan land use designations changing from Neighborhood Commercial (NC) to Community Commercial (CC) for a 9-acre site located along the northeast corner of Creston Road and Sherwood Road; and a rezone request to change from CP-PD (Neighborhood Commercial – Planned Development) to C2-PD (Highway Commercial – Planned Development).

Mayor Mecham re-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 hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt a revised Resolution No. 02-125 granting Negative Declaration status for General Plan Amendment 02-01 (Part 2 of 4), but not to include the rezone. Motion passed by the following unanimous roll call vote:

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

A **straw vote** was taken with unanimous approval to adopt revised Resolution No. 02-xxx granting approval of General Plan Amendment 02-01, which includes this component as Part 2 of a 4-Part General Plan Amendment.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to deny the request for a zone change at this time and direct staff to return to Council at a later date to consider leaving the current CP zoning or changing it to C1 or C2. Motion passed by the following unanimous roll call vote:

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

Final General Plan Amendment 02-01 Action: Upon completion of the hearings on GPA 02-01, the City Council is requested to take action on the Land Use Element amendments that have straw vote support (in the form of a single City Council Resolution).

1.1a(2), 1.2a(2), 1.3a(2) and 1.4a(2).

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt a revised Resolution No. 02-126 approving General Plan Amendment 02-01. Motion was unanimously approved, with the exception of Councilmember Picanco voting no on Item 1.3a(2).

2. Revised Schedule A – Development Impact Fees for Borkey Area Specific Plan (Kiessig Family Trust through Steve Gregory)

R. Lata, Community Development Director

Consider a revised Schedule A – Development Impact Fees for Subarea A of the Borkey Area Specific Plan (BASP). (This project involves 273 acres located west of Buena Vista Drive, north of Experimental Station Road. The applicant is proposing a phased destination resort development consistent with the allowable uses under the Agriculture zoning. The current fee schedule for Subarea A distributes fees based on a potential for 43 residential units. Given that Subarea A is no longer anticipated to develop with residential uses, it is necessary to revise the unit of measurement for equitable distribution of the fees.)

Councilmember Finigan stepped down from the dais and refrained from voting on Item No. 2 due to a possible conflict of interest.

Mayor Mecham opened the public hearing. Speaking from the public was John McCarthy. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-127 establishing and adopting a revised Schedule of Fees for the Borkey Area Specific Plan. Motion passed by the following roll call vote:

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

Councilmember Finigan returned to deliberations.

3. First Reading of Ordinance Allowing Informal Bidding on Construction Contracts

J. Deakin, Public Works Director

Consider initiating the process to adopt a City Ordinance providing for informal bidding procedures under the Uniform Public Construction Cost Accounting Act (UPCCAA). (Council adopted the UPCCAA method for cost accounting on Public works construction projects on June 4, 2002, allowing the City to more quickly and cost-effectively carry out Public Works construction projects. While competitive bids for construction contracts are still required, there is an informal bid process for projects \$100,000 or less. In addition, projects \$25,000 or less are allowed to be performed with City employees. The subject ordinance must be adopted to fully implement UPCCAA allowed purchases, authorize staff to develop a bidder's list and implement informal bidding. Informal bidding requires staff to provide for open, competitive bidding, similar to the current process, but allows for streamlining the advertising schedule. Competitive bids will still be solicited and evaluated, with awards to the low, responsive bidder remaining the norm.)

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 hearing was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to introduce for first reading Ordinance No. XXX N.S. adopting informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000 of the Public Contract Code); and set July 16, 2002, for second reading of the Ordinance. Motion passed by the following unanimous roll call vote:

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

4. Negative Declaration for Airport Test Wells

J. Deakin, Public Works Director

Consider approval of a Negative Declaration for the drilling of two test wells at the airport. The test well with the higher production rate will be developed into an operating well. (Both test sites are located on undeveloped land. One site will be approximately 1,300 feet north of Propeller Drive and 1,000 feet east of Airport Road. The other site will be located approximately 700 feet north of Propeller Drive and 1,700 feet east of Airport Road. An initial study by the City Planning Division concludes that the project will not have any significant effects on the environment.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-128 adopting a negative declaration for the drilling of two test wells and development of an operating well at the Municipal Airport. Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. 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.

Calendar Items No. 5 - 20.1 were unanimously approved on a single motion by Councilmember Picanco, seconded by Councilmember Finigan, with the exception of Items No. 9 and 20.2 being pulled for discussion.

Those items approved were as follows:

5. Approve City Council minutes of June 4, 2002.
D. Fansler, City Clerk

6. Receive and file Advisory Body Committee minutes as follows:
Youth Commission meeting of May 1, 2002
Library Board of Trustees meeting of May 9, 2002
Senior Citizen Advisory Committee meeting of May 13, 2002
Parks & Recreation Advisory Committee meeting of May 14, 2002
Housing Authority meeting of June 11, 2002
7. Approve Warrant Register.
M. Compton, Administrative Services Director
8. Adopt Ordinance No. 826 N.S. amending the Zoning and Building Titles of the Municipal Code defining the allowed accessory uses for social halls, clubs, lodges, scout huts, and fraternal organizations (Code Amendment 02-005). (Proposed amendment would allow for food service and/or the sale of alcohol to members and guests only, with a valid Type 51 or Type 52 Club Liquor License from the ABC, Alcoholic Beverage Control. Modifying the definition of social halls, clubs, etc. to include these common accessory uses would avoid a conflict with ABC regulations.) FIRST READING HELD JUNE 18, 2002.
R. Lata, Community Development Director
10. Adopt Resolution No. 02-118 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 5, 2002, for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law Cities and for the submission to the voters of a measure relating to the office of the City Treasurer. (DECEMBER 18, 2001, STAFF REPORT ENCLOSED FOR REFERENCE.)
D. Fansler, City Clerk
11. Adopt Resolution No. 02-120 requesting Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 5, 2002, with the Statewide General Election to be held on the same date, and requesting the services of the San Luis Obispo County Clerk in conducting the election.
D. Fansler, City Clerk
12. Adopt Resolution No. 02-119 adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, November 5, 2002.
D. Fansler, City Clerk
13. Adopt Resolution No. 02-117 setting priorities for filing written arguments regarding a City measure and directing the City Attorney to prepare an impartial analysis.
D. Fansler, City Clerk
14. Adopt Resolution No. 02-121 providing for the filing of rebuttal arguments for City measure submitted at Municipal Election.
D. Fansler, City Clerk
15. Adopt Resolution No. 02-129 approving a professional services contract with Northcross, Hill & Ach for financial advisory services. (In order to properly issue long-term financing debt, the City must engage the services of various financing professionals to provide necessary services. The City has utilized the financial advisory services and expertise of Mark Northcross and Craig Hill since 1987.)
M. Compton, Administrative Services Director

16. Adopt Resolution No. 02-130 approving a professional services contract with Foley & Lardner for bond disclosure counsel services. (Larry Jensen of Foley & Lardner has provided bond disclosure counsel services for the City and related sub-agencies on all of the City's recent long-term financings, including services for the Measure D General Obligation Bonds, the RDA Tax Allocation Bonds and current proposed sewer improvement financing. This contract would establish an ongoing contractual relationship.)
M. Compton, Administrative Services Director
17. Adopt Resolution No. 02-131 approving a professional services contract with Robert Haight for bond counsel services. (Robert Haight has provided bond counsel services for the City and related sub-agencies since the early 1970's, including services for the Measure D General Obligation Bonds, the RDA Tax Allocation Bonds and current proposed sewer improvement financing. This contract would establish an ongoing contractual relationship.)
M. Compton, Administrative Services Director
18. Adopt Resolution No. 02-132 awarding a contract for the annual street maintenance program to Ferravanti Grading & Paving and authorizing execution of the contract. (Bid opening for awarding of this contract was June 20, 2002. Six bids were received. The low bid was submitted by Ferravanti Grading & Paving. City staff concluded that the bid was responsive and no bid protests were received.)
J. Deakin, Public Works Director
19. Adopt Resolution No. 02-133 accepting and approving the execution and recordation of the Final Map and Subdivision Agreement for Tract 2254-1 & 2 – Applicants Thomas Erskine and BDC-Paso Robles, LLC); and adopt Resolution No. 02-134 annexing Tract 2254-1 as part of Subarea 70A to the “Paso Robles Landscape & Lighting District No. 1.” (Tract 2254-1 & 2 are the first two phases of a proposed 87-lot subdivision of a 25.3-acre site, located on the northwesterly corner of the intersection of Creston Road and Beechwood Drive. The first two phases will involve the development of 31 lots on 8.25 acres. Applicants guarantee the construction of required public improvements within a one-year period and Payment and Performance Bonds have been submitted and are on file in the office of the City Engineer.)
R. Lata, Community Development Director
20. Receive and file the “2001-2002 Youth Commission Wrap-up” report from the Paso Robles Youth Commission. (This report details the Youth Commission's accomplishments from September 2001 to June 2002.)
B. Partridge, Library & Recreation Services Director
- 20.1 Adopt Resolution No. 02-135 accepting the public improvements of Tract 2223-2 (sub-phase 2) into the City's maintenance system, and authorize the partial release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$58,286.91. The value of the reduction of Payment and Performance Bonds is to be based upon the project engineer's cost estimate for sub-phase 2 construction. (This subdivision is located west of Prospect Avenue and south of Highway 46. The public improvements, which the developer was required to install for this sub-phase, have been completed. Further, the City will retain a Maintenance Bond for a period of one year as warranty for the improvements installed.)
R. Lata, Community Development Director

Consent items pulled for discussion were as follows:

9. Adopt Ordinance No. XXX N.S. amending Section 10.01 et seq. and related provisions of the Municipal Code (Municipal Code Amendment 2001-001 – Oak Trees. (The proposed ordinance amends the Code as follows: [1] 6-inch trunk diameter continue to be the threshold for Council review of oak tree removal requests; [2] a list of approved arborists be authorized to provide services to the City; [3] replace term “drip line” with Critical Root Zone; [4] the level of oak tree protection measure enforcement be increased; [5] the Public Works Department be responsible for approving tree trimming requests; [6] the Community Development Department be responsible for processing tree removal requests.) FIRST READING HELD JUNE 4, 2002. SECOND READING CONTINUED FROM COUNCIL MEETING OF JUNE 18, 2002.
R. Lata, Community Development Director

Councilmember Heggarty, seconded by Councilmember Picanco, moved to continue Item No. 9 to the Council meeting of July 16, 2002. Motion passed by the following roll call vote:

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

- 20.2 Adopt Resolution No. 02-136 allowing a security bond to be posted to comply with condition 25 of Resolution No. 00-133, requiring the private open space improvements to be completed prior to release of the first Certificate of Occupancy. (The property is located on the west side of Buena Vista Drive, across from Cuesta College, in the Borkey Specific Plan area. This is a request to defer implementation of a site-specific condition of approval for Tract 2376. The request is to allow Certificates of Occupancy to be released for units in neighborhood 9 prior to the completion of the Private Open Space amenities on Lot D.)
R. Lata, Community Development Director

Councilmember Nemeth, seconded by Councilmember Picanco, moved to approve Consent Item No. 20.2. Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

21. **Setting Tax Rate for General Obligation Bond Debt Service**

M. Compton, Administrative Services Director

Consider adoption of a resolution approving an ad valorem tax rate for general obligation bond debt service. (Annual debt service requirements for general obligation bonds are funded from the levy of an ad valorem property tax. While there are no legal restrictions, Council direction was to limit the term of any tax to 25 years. The tax would not exceed \$17.75 per \$1000 assessed valuation and the tax would not be imposed until the Paso Robles School District tax override expired.)

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 Finigan, moved to adopt revised Resolution No. 02-137 setting tax rate beginning July 1, 2002, to pay debt service on the general obligation bonds. Motion passed by the following unanimous roll call vote:

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

22. Lease Amendment – Estrella Warbird Museum

J. Deakin, Public Works Director

Consider amending the lease with the Estrella Warbird Museum at the Municipal Airport. (The City has been a recent sponsor of the Museum Airshow, providing financial backing to assure the Museum would not lose money. Typically, the Airshow provides revenue sufficient to pay the City back for the sponsorship, as well as share in the net proceeds from the show, however, considerable City staff time and effort is also contributed. The recommended lease amendment reflects an increased rental amount that will, once escalated to the long-term amount, equal or exceed previous Airshow proceeds to the City.)

Mayor Mecham opened the public hearing. Speaking from the public were John McCarthy, Charles Miller and Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 02-138 approving an amendment to the Airport Lease with the Estrella Warbird Museum, Inc. Motion passed by the following unanimous roll call vote:

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

23. Financial Forecast – City General Fund: Estimated Year End Results, Fiscal Year 2003 Budget & Projected 4-Year Financial Status, and Options to Amend Budget & Financial Plan

M. Compton, Administrative Services Director

Review and consider preliminary estimated year-end results for fiscal year 2002, fiscal year 2003 budget, updated 4-year financial projections, and options to amend the budget and financial plan.

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 Finigan, moved to direct staff to return with a resolution for Council consideration to implement budgetary modifications identified in the staff report. Motion passed by the following unanimous roll call vote:

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

24. Salinas Riverbed Clearing

J. Deakin, Public Works Director

Consider awarding a service contract to low bidder Bob Blanchard/Mitch Roth of Paso Robles for clearing the Salinas Riverbed using goats. (Vegetative clearing was identified as a means to mitigate flooding and enhance Salinas River flow. Council expressed support for clearing the river to mitigate flood potential and directed staff to solicit bids for animal browsing. Two proposals were received at the public Bid Opening on June 20, 2002, and the low bid was submitted by Blanchard/Roth. Staff indicates the proposal is responsive.)

Mayor Mecham opened the public hearing. Speaking from the public was Bob Blanchard. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to continue Agenda Item No. 24 to the Council meeting of July 16, 2002. Motion passed by unanimous voice vote.

25. Senior Center Facility Fees

B. Partridge, Library & Recreation Services Director

Consider adopting a fee structure for the new Senior Center. (The community has a need to utilize facilities for meetings, parties, receptions, workshops and classes, and a fee schedule needs to be set for such use. In May 2002, the Senior Advisory Committee voted to endorse a schedule, with senior groups not being charged except on weekends.)

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 Nemeth, seconded by Councilmember Heggarty, moved to adopt Senior Center Facility Fee Option A. Motion passed by the following unanimous roll call vote:

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

26. Street Furniture Code Amendment

R. Lata, Community Development Director

Consider an amendment to update the City’s Street Furniture Code. (This section of the Municipal Code provides authorization to place items such as portable signs, planters, benches, bicycle racks, flagpoles, tables, chairs, umbrellas, and other items of similar class and nature on public sidewalks in a manner that does not impede pedestrian traffic. The proposed ordinance would revise the Street Furniture Code to include one informational kiosk maintained by Paso Robles Main Street, and require encroachment permits and liability insurance for the placement of street furniture in the public right-of-way.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to introduce for first reading Ordinance No. XXX N.S. amending the Street Furniture Code; and set July 16, 2002, for adoption. Motion passed by the following unanimous roll call vote:

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

27. Water Treatment on Well No. 15

J. Deakin, Public Works Director

Consider appropriating funds to purchase and install a long-term water treatment device in the water delivery system at Barney Schwartz Park. (Water from Well No. 15 is used to irrigate all 37 acres of turf and planter areas at BSP. High levels of constituents that are detrimental to turf grass [sodium and dissolved solids] are present in the well’s water levels and soils at the park are suffering from sodium accumulation. Two solutions exist to remedy the problem: (1) treat the soil and (2) treat the water. Soil treatment is currently being used on a short-term basis, but if continued will cost more than \$41,000 annually. A water treatment option offers the best solution to the high sodium concentration in the Well No. 15 source, with the cost to install a water treatment unit comparable to a one-year soil treatment program.)

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 Heggarty, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-139 appropriating \$45,000 from the Water Operation Fund to purchase and install a water treatment device on Well No. 15 to reduce dissolved sodium in the irrigation water. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

28. Schedule Date for Applicant Interviews & Appointments – Youth Commission

J. App, City Manager

Select an August 2002 date for conducting interviews and making appointments for vacancies on the Youth Commission.

5 vacancies for terms ending 7/01/04

6 applicants:

Nicole Elliott	Tianna Minter
Christina Escobar	Sandra Smith
Mary Joynt (Incumbent)	Jonathan Spencer

29. Schedule Date for Applicant Interviews & Appointments – Parks & Recreation Advisory Committee

J. App, City Manager

Schedule date for conducting interviews and making appointments for vacancies on the Parks and Recreation Advisory Committee. CONTINUED FROM 6/18/02 CITY COUNCIL MEETING.

4 vacancies / 8 applicants

4 vacancies for terms ending 6/30/04

8 Applicants:

Donna Berg (incumbent)	Scott Graefen (incumbent)
Darwin Curry (incumbent)	Stephen Gregory
Don Durfee	Paul Manni
Robin Fairbairn (incumbent)	Randy Stinchfield

30. Schedule Date for Applicant Interviews & Appointments – Senior Citizen Advisory Committee

J. App, City Manager

Schedule date for conducting interviews and making appointments for vacancies on the Senior Citizen Advisory Committee. CONTINUED FROM 6/18/02 CITY COUNCIL MEETING.

5 vacancies / 7 applicants:

5 vacancies for terms ending 6/30/04

7 Applicants:

Olive Renee Clark	Judy Rupp
Dale Gustin (incumbent)	Dell Velten (incumbent)
Virginia Harris (incumbent)	Velta Williamson (incumbent)
Nettie O'Brien	

31. Schedule Date for Applicant Interviews & Appointments – Housing Authority

J. App, City Manager

Select an August 2002 date for conducting interviews and making appointments for vacancies on the Housing Authority advisory committee. CONTINUED FROM 6/18/02 CITY COUNCIL MEETING.

2 vacancies / 6 applicants

1 appointment to complete Frank Schuh's term expiring 2/28/03

1 regular appointment for term expiring 2/28/06

6 Applicants:

Don Durfee	Lawrence Foelker
Joe Dutra (incumbent)	Steven Meixner
Leo Fisher	David Rouff

Mayor Mecham opened the public hearing on Agenda Items No. 28, 29, 30 and 31. There were no comments from the public, either written or oral, and the public discussion was closed.

On a single motion by Councilmember Nemeth, seconded by Councilmember Finigan, it was unanimously approved by Council to set Thursday, August 22, 2002, at 7:00 PM as the date for conducting interviews and making appointments for vacancies on the Youth Commission and the Parks & Recreation Advisory Committee; and Thursday, September 5, 2002, at 7:00 PM as the date for conducting interviews and making appointments for vacancies on the Senior Citizens Advisory Committee and the Housing Authority.

CORRESPONDENCE

32. Housing Authority Request

J. Deakin, Public Works Director

Consider request from the Housing Authority, dated 18 June 2002, regarding the alley referred to as "Railroad Street" (between 28th Street and 34th Street. Authority requests the City provide \$23,500 to match the Housing Authority's contribution in order to overlay the alley.

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

It was moved by Councilmember Nemeth and unanimously approved by voice vote to receive and file the letter of June 18, 2002, from the Housing Authority of the City of Paso Robles.

33. Ventura/Saticoy Veterans' Home

J. Heggarty, Councilmember

Consider supporting City of San Buenaventura in petitioning the State legislature to reconsider reduction of beds at the Ventura/Saticoy Veterans' Home to ensure that the Ventura facility is adequately sized to provide services to meet the anticipated demand in the tri-county area.

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

It was moved by Councilmember Heggarty and unanimously approved by voice vote to authorize the Mayor to send a letter of support to the Governor on behalf of the City Council.

ADVISORY BODY COMMUNICATION

34. Economic Vitality Corporation

G. Finigan, Councilmember

Consider making a new appointment to represent Council on the Economic Vitality Corporation, as Councilmember Finigan has a conflict in his schedule precluding his attendance at the scheduled meetings. (Meetings are scheduled at 3:00 p.m. on the 4th Wednesday of every month.)

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

It was the consensus of Council to appoint Councilmember Picanco, with Councilmember Heggarty as alternate, to represent Council on the Economic Vitality Corporation Board in light of Councilmember Finigan's conflict of schedule.

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

Council moved to adjourn from regular session at 11:34 PM and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

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

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:36 PM.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 12:40 AM on Wednesday, July 3, 2002.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Jon Seitz announced no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 12:45 AM on Wednesday, July 3, 2002.

ADJOURNMENT: to THE GENERAL PLAN PUBLIC WORKSHOP AT 7:30 PM ON THURSDAY, JULY 11, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JULY 16, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Cindy Pilg, Deputy City Clerk
Approved: August 20, 2002