

**CITY COUNCIL MINUTES**  
**Tuesday, December 17, 2002 7:30 PM**

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL  
CONFERENCE CENTER, 1000 SPRING STREET**

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**PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR  
TO THE MEETING WITH A COPY TO THE CITY CLERK**

**7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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

**PUBLIC COMMENTS**

- Future Farmers of America (FFA) students from the Paso Robles High School introduced themselves to Council and presented an award to Police Chief Dennis Cassidy for his continued support of the FFA.
- Susan Harvey commended Council and City Management for providing a police escort for Santa Claus, who is touring throughout the City this night.

**AGENDA ITEMS TO BE DEFERRED (IF ANY)** - None

**PRESENTATIONS** – None

## NOTICED HEARINGS

### 1. General Plan Amendment 02-03 – Parts A “Resort/Lodging Overlay” and Part B “Municipal Landfill; Zone Change 02-009 Municipal Landfill; Code Amendment 02-104 (City-initiated)

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 02-03 is comprised of two separate components as stated below

(A) **Resort/Lodging Overlay** This Amendment to the Land Use Element would allow the City Council to consider proposals to establish “Resort/Lodging” (R/L) Zoning Overlays in appropriate locations. The General Plan Amendment is not site specific. Any proposal to apply the R/L Zoning Overlay would be the subject of noticed public hearings before the Planning Commission and City Council for that particular location. The General Plan Amendment is accompanied by a related Zoning Code Amendment that defines what is permitted or conditionally permitted within the R/L Zoning Overlay areas.

(B) **Municipal Landfill** A proposal to establish a “Public Facilities” (PF) land use designation and Zoning designation for the City’s Municipal Landfill. This action is proposed because the record does not reflect that a General Plan and Zoning designation was established when the subject property was annexed in 1972.

*Note: Even though the two 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 both of the two components.*

### 1.1 General Plan Amendment 02-03 (Part A): Resort/Lodging Zoning Overlay Process and Related Zoning Code Amendment 02-014

R. Lata, Community Development Director

Consider Part A of a two-part amendment to the City’s General Plan land use element. The amendment would make provisions for the Planning Commission and City Council to establish an R/L Zoning Overlay designation on properties on a case-by-case basis. A related amendment to the Zoning Code would define what is permitted or conditionally permitted within a Resort/Lodging overlay area.

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.

After considering all available information and public testimony, Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-251 as amended granting Negative Declaration status for General Plan Amendment 02-03 (Part A), along with Zoning Code Amendment 02-014. 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 a 5-0 vote to support approval of General Plan 02-03, which includes this component (Part A) of a 2-Part General Plan Amendment.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to introduce for first reading Ordinance No. XXX N.S. amending the Zoning Code to make provisions for Resort/Lodging Zoning Overlays; and set January 7, 2003, 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 02-03 (Part B): Public Facilities Designation for Municipal Landfill; Rezone 02-009**

R. Lata, Community Development Director

Consider Part B of a two-part amendment to the City's General Plan land use element to establish a Public Facilities (PF) designation for the General Plan and Zoning for the Municipal Landfill. The proposed action is intended to complete the record with regards to the existing use of property that was annexed to the City in 1972.

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

After considering all available information and public testimony, Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-252 as amended granting Negative Declaration status for General Plan Amendment 02-03 (Part B) and Rezone 02-009 (Municipal Landfill, north of the intersection of Union Road and Highway 46 East). 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 a 5-0 vote to support approval of General Plan 02-03, which includes this component (Part B) of a 2-Part General Plan Amendment.

Councilmember Finigan, 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 02-009 / Municipal Landfill, north of the intersection of Union Road and Highway 46 East; and set January 7, 2003, 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

**Upon completion of the hearings on GPA 02-03, 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) and 1.2a(2):**

Councilmember Heggarty, seconded by Councilmember Finigan, moved to Adopt Resolution No. 02-253 approving General Plan Amendment 02-03. 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 02-013 (Building Height Regulations)**

R. Lata, Community Development Director

Consider approving a proposed Code Amendment revising the City's building height regulations and Negative Declaration therefore. (The proposed Code Amendment implements the City's goals as expressed in its General Plan by providing the Planning Commission with the authority through the Planned Development process to modify certain development standards, including allowable building heights. Reliance on a case-by-case review of the specific characteristics of the project site and the project design is thought to be an appropriate way for determining the allowable building height or height(s) for a development project.)

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.

After considering all available information and public testimony, Councilmember Picanco, seconded by Councilmember Finigan, moved to continue this item to the Council meeting of January 21, 2003. Motion passed by the following unanimous roll call vote:

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

*Councilmember Finigan stepped down from the dais and refrained from voting on Item No. 3 due to a possible conflict of interest, as project site is in close proximity to his personal residence.*

**3. Bastide Village Project – Specific Plan Amendment 02-004, Zone Change 02-007, and Oak Tree Removal Permit (Beatrice and Didier Cop)**

R. Lata, Community Development Director

Consider approving a Specific Plan Amendment, modifying the Borkey Area Specific Plan to expressly address the Bastide Village Project (an 80-room destination resort/spa hotel and ancillary/related land uses surrounded by a 17-lot single-family residential subdivision), a zone change and removal of two Blue Oak trees located within the right-of-way of Experimental Station Road. (Project site is located at the northeast corner of Buena Vista Drive and Experimental Station Road in Subarea D of the Borkey Area Specific Plan. The site is zoned R1 B4 [residential Single-family – 1.0 acre minimum lot size] with a PD Overlay [Planned Development]. The proposal is to rezone the site RSF 1 [Residential Single Family – 1.0 acre] with a PD Overlay [Planned Development] and an R/L [Resort/Lodging] Overlay.)

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett, Didier Cop (developer), Dale Gustin, Mike Menath, Susan Harvey, Tom Roush, Larry Werner and Jack Brazeal (arborist). There were no further comments from the public, either written or oral, and the public hearing was closed.

After considering all available information and public testimony, Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-254 as issuing a Negative Declaration for the Bastide Village Project, including the Specific Plan Amendment, Zone Change, amending wording to remove language regarding an oak tree removal permit. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to introduce for first reading Ordinance No. XXX N.S. amending the Borkey Area Specific Plan to expressly address and allow development of the Bastide Village Project, and set January 7, 2003, as the date for adoption of said Ordinance. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to introduce for first reading Ordinance No. XXX N.S. amending the City's Zoning Map to rezone the site as RSF 1 (Residential Single Family – One Acre) with a PD Overlay (Planned Development) and R/L Overlay (Resort/Lodging), and set January 7, 2003, as the date for adoption of said Ordinance. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to table action on the removal of the two Blue Oak trees to a future date to assess the impact to oak trees and options with regard to design of Experimental Station Road along the south boundary of this project. 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.*

*Council adjourned for a 10-minute recess at 8:55 PM.*

**4. Code Amendment 02-015 to Prohibit Drive-Through Restaurants in the Downtown Area and Clarify the Status of Other Drive-Through Uses City Wide (City-initiated)**

R. Lata, Community Development Director

Consider approving a City-initiated Code Amendment that would amend the Zoning Code regarding drive-through uses in the City. The Code Amendment would establish the following code changes: (a) Add language that would prohibit drive-through restaurants in the downtown area; (b) Clearly provide for other types of drive-through sales and service uses as an accessory to banks, coffee shops, pharmacies and other similar uses; and (c) add definitions for Drive-through Restaurants and Drive-through Sales/Services to the Municipal Code. (In conjunction with approval of Code Amendment 02-010 on September 3, 2002, allowing drive-through restaurants in C1 zones with a Conditional Use Permit, Council directed staff to initiate a Code Amendment that would prohibit drive-through restaurants in the downtown area.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin and Susan Harvey. There were no further comments from the public, either written or oral.

After considering all available information and public testimony, Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue this item to the Council meeting of January 21, 2003, and directed staff to bring back language in the ordinance that would provide for the boundaries to extend from 1st to 21st Streets, Vine Street to the Union Pacific Railroad. Motion passed by the following unanimous roll call vote:

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

**5. 13<sup>th</sup> Street Bridge Widening Project Environmental Impact Determination**

J. Deakin, Public Works Director

Consider approving a Mitigated Negative Declaration for the proposed 13<sup>th</sup> Street Bridge Widening and Roadway Improvements. (A Draft Mitigated Negative Declaration was prepared and circulated for public review and a public hearing was held on November 19, 2002, at which comments were received. These comments were evaluated and along with the responses, have been incorporated into the Final Mitigated Negative Declaration. On the basis of this evaluation, the proposed project could have significant effects on the environment; however, all of the effects will be mitigated to an insignificant level. No significant unmitigated impacts are anticipated.) CONTINUED FROM COUNCIL MEETING OF NOVEMBER 19, 2002

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

After considering all available information and public testimony, Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-255 as amended approving and adopting the Mitigated Negative Declaration for the proposed 13<sup>th</sup> Street Bridge Widening and Roadway Improvements, making certain findings and incorporating the recommended mitigation measures as part of the proposed project. Motion passed by the following unanimous roll call vote:

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-256 approving the 13th Street Bridge Widening and Roadway Improvements as a project to be implemented, authorizing the use of the Measure D funds to pay for such project, and directing the City Clerk to cause a Notice of Determination approving the Project to be filed and posted by the Clerk of San Luis Obispo County. Motion passed by the following unanimous roll call vote:

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

**ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY,  
REDEVELOPMENT AGENCY & CITY COUNCIL**

**ROLL CALL** Agencymembers Jim Heggarty, Gary Nemeth, Frank Mecham, Duane Picanco, and Chairman George Finigan

## DISCUSSION

### 6. Creekside Gardens Seniors Apartments – Request for Additional Funds (Peoples’ Self-Help Housing Corp.)

R. Lata, Community Development Director

Consider a request from Peoples’ Self-Help Housing Corp. (PSHHC) for an additional \$200,000 in Low and Moderate Income Housing (LMIH) funds to assist the Creekside Gardens Senior Apartments project. (This project is a proposed 29-unit apartment complex for low-income seniors to be located on the northwest corner of Nicklaus Drive and Oak Hill Road. The additional fees requested would be used to offset increases in City water and sewer connection fees enacted in early 2002 and to compensate for unforeseen increases in construction costs.)

Chairman Finigan opened the public hearing. Speaking from the public were Jeanette Duncan (Executive Director of Peoples’ Self-Help Housing), Dale Gustin and Kathy Barnett. There being no further comments either written or oral, the public discussion was closed.

Agencymember Nemeth, seconded by Agencymember Picanco, moved to adopt Resolution No. RA 02-04 approving a Third Implementation Agreement to the Participation Agreement for the Creekside Gardens Seniors Apartments project. This Third Implementation Agreement would increase the total amount of LMIH assistance to this project to \$635,000. Motion passed by the following unanimous roll call vote:

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

### 7. Oak Park Senior Housing: Request for a Reservation of Low and Moderate Income Housing Funds

R. Lata, Community Development Director

Consider a request filed by Paso Robles Non-profit Housing Corp. (NPHC) for a Reservation of Low and Moderate Income Housing (LMIH) funds to assist in the development of the Oak Park Senior Housing project. (This project is a proposed 40 unit apartment complex for low-income seniors to be located on the northeast corner of 28<sup>th</sup> and Park Streets. Funds are requested to offset the estimated \$520,000 in City building and development fees. As funds are for payment of City fees, the City may enter into a three-way agreement under which LMIH funds can be committed for the project, but payment of the fees from the Agency to the City may be deferred until they are received by the Agency over the next two fiscal years.)

Chairman Finigan opened the public hearing. Speaking from the public was Dick Willhoit. There being no further comments either written or oral, the public discussion was closed.

Agencymember Mecham, seconded by Agencymember Nemeth, moved to approve NPHC’s request and adopt Resolution No. RA 02-05 reserving funds for six months to assist the development of low income senior housing at Oak Park. Motion passed by the following unanimous roll call vote:



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

**8. Redevelopment Plan and Implementation Plan: Required Public Hearing**

R. Lata, Community Development Director

Conduct a public hearing to hear testimony evaluating the progress of the redevelopment project as described by both the Redevelopment Plan and the Implementation Plan; and consider a recommendation from the Project Area Committee (PAC) to amend the Implementation Plan regarding priorities for spending Low and Moderate Income Housing

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

Agencymember Nemeth, seconded by Agencymember Mecham, moved to adopt Resolution No. RA 02-06 amending the Implementation Plan to revise the priorities for LMIH fund expenditures per PAC's recommendation to give priority to multi-family residential projects and to adopt this staff report as a status report on the Redevelopment Plan and Implementation Plan. Motion passed by the following unanimous roll call vote:

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

**ADJOURN TO CITY COUNCIL MEETING**

**CONSENT CALENDAR**

Mayor Mecham called for public comments on Consent Calendar items. There being no comments either written or oral, the public discussion was closed.

Consent Calendar Item Nos. 9 to 16 and 19 to 23 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Finigan, together with the recommendations and findings as set forth therein, waiving the reading of resolutions and ordinances in full, with Item No. 10 approved by a 4-1 vote with Councilmember Picanco abstaining on Warrant Register Item No. 037368, and Item No. 11 approved by a 4-1 vote with Councilmember Nemeth dissenting. Items No. 17 and 18 were pulled for discussion at the end of the meeting.

Those items approved were as follows:

**9. Receive and file Advisory Body Committee minutes as follows:**

Youth Commission meeting of October 2, 2002

**10. Approve Warrant Register – Warrant Nos. 37153-37271 (11/27/02) to 37272-37407 (12/06/02).**

M. Compton, Administrative Services Director

Councilmember Picanco abstained from voting on Warrant No. 037368.

11. Adopt Ordinance No. 845 N.S. amending Chapter 21 et seq. (Zoning Code) – Code Amendment 2002-016 – Mortuaries (City-initiated). (This ordinance provides a Zoning Code Amendment to eliminate the existing provisions that would allow an applicant to apply for a Conditional Use Permit to establish a mortuary on multi-family zoned property within 300 feet of a cemetery.) FIRST READING HELD DECEMBER 3, 2002.  
R. Lata, Community Development Director

Councilmember Nemeth cast a no vote on this item.

12. Determine that the conditions and contingencies of the Tentative Partial Cancellation have been satisfied; and adopt Resolution No. 02-273 granting final partial cancellation of Land Conservation Contracts for 4.97 acres in the Estrella Agricultural Preserve No. 10 and 2.47 acres in the Estrella Agricultural Preserve No. 9. (The Kiessig Family Trust holds title to a 117-acre site, located east of North River Road, west of Buena Vista Road, and south of the City's northern boundary. The site is currently under two land conservation contracts. In August 2002 Council granted tentative cancellation status for two portions of the contract and the applicant informed the City by letter in November 2002 that the conditions and contingencies have been met. Council has 30 days after receipt of the letter to determine that the conditions and contingencies have been satisfied, execute Certificates of Final Cancellation, and have the Certificates recorded.)  
R. Lata, Community Development Director

13. Adopt Resolution No. 02-257 (1) accepting the recordation of Tract 2431 and accept the offers of dedication for Arciero Way and Terrabella Court; (2) accepting the recordation of the off-site offer of dedication for easement for storm drain, drainage basin and sanitary sewer; (3) approving the Subdivision Improvement Agreement for Tract 2431, authorizing deferred construction of the subdivision improvements, with an established deadline of December 17, 2003, to complete these improvements and authorizing the Mayor to execute the Agreement; and (4) adopt Resolution No. 02-258 annexing Tract 2431 into the Landscape and Lighting District. (This tract is a 12-lot subdivision located on Arciero Way and Prospect Avenue, north of Union Road.)  
R. Lata, Community Development Director

14. Adopt Resolution No. 02-259 accepting the public improvements of Tract 2351 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$168,000. (This subdivision is located north of Charolais Road, east of Creston Road.)  
R. Lata, Community Development Director

15. Adopt Resolution No. 02-260 accepting the public improvements of Tract 1771-6 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$76,160. (This subdivision is located on Oxen Street, north of Charolais Road.)  
R. Lata, Community Development Director

16. Adopt Resolution No. 02-261 authorizing the Mayor to sign a Memorandum of Lease and Lease Agreement with Hayward Lumber; and adopt Resolution No. 02-262 accepting the Grant of Easement for landscape pockets in the property owned by Hayward Lumber. (The City received a \$250,000 grant to install pedestrian improvements and enhancements to the

Pine Street corridor between the Transportation Center and the downtown district. Council approved a design requiring small landscape pockets on the properties along Pine Street from 7<sup>th</sup> Street to 10<sup>th</sup> Street. Properties along Pine that are affected by the project are owned by Hayward Lumber or the City, and some of the property owned by the City is leased to Hayward Lumber.)

J. Deakin, Public Works Director

19. Adopt Resolution No. 02-267 awarding the Park and Pine Streets Waterlines Project to low bidder Leo Tidwell Excavating in the amount of \$363,548 and authorizing execution of the contract. (Waterline upgrades throughout the City continue in accordance with the approved Water Master Plan. For the current period, Council adopted a four-year Capital Improvements Plan [CIP] that included upgrading the waterlines along Park and Pine Streets to 12-inch diameter. The City advertised for bids and 19 bids were received, ranging from \$363,548 to \$896,998.)  
J. Deakin, Public Works Director
20. Authorize relocating the Pioneer Statue "Bert" from storage and donating the statue to the Pioneer Museum. (Staff is implementing the plan directed by the City Council in July 2002 to repair and restore "Bert." Once conditioned and treated, "Bert" could be returned to City Park. The Pioneer Museum is requesting that "Bert" be added to their collection, and family members contacted by staff respond that they would support the donation to the Museum.)  
J. Deakin, Public Works Director
21. Dissolve the Council ad hoc committee formed to review options for repairing the City Park fountain fencing; authorize the City Manager to execute a donation agreement and grant permission to Ken Robinson to remove and replace the decorative fence surrounding the Downtown City Park fountain. (Due to fence's state of disrepair, staff gathered cost estimates to remove and replace the fence. During this process, Mr. Robinson offered to remove and replace the fence free of charge. Legal counsel was consulted regarding laws governing offers to donate projects, and the City Attorney stated that the offer was allowable with certain conditions, one of which is that a donation agreement be in place.)  
J. Deakin, Public Works Director
22. Adopt Resolution No. 02-268 awarding a construction contract to low bidder Tim Karp Painting of Atascadero in the amount of \$15,880 to install anti-graffiti coating to the Veterans Memorial Bridge pilasters, walls, planters and concrete barrier. (Three bids were received, ranging from \$15,880 to \$37,776.)  
J. Deakin, Public Works Director
23. Authorize application for grant funding to aid in the completion of an Emergency Operations Plan (EOP) for the City of Paso Robles and an increase of \$25,000 in expenditures of the Emergency Services budget, provided the Department is successful in securing grant funding to fully recover the cost. (An EOP is a document that describes a jurisdiction's policies and procedures related to emergency management, including such things as earthquake emergency response plans, multi-casualty response plans, and bioterrorism response plans. The City currently does not have an adopted, comprehensive Plan. The amount of data to be gathered and assembled into a useful working document is beyond the time capabilities of the existing staff. Grant funding would allow an opportunity to secure additional assistance in completing the EOP by the end of 2003.)  
K. Johnson, Chief of Emergency Services

## **PUBLIC DISCUSSION**

### **24. General Plan Program Schedule and Request to Establish an Ad Hoc Committee**

R. Lata, Community Development Director

Review the schedule for the General Plan update program and consider options related to the ad hoc committee that will work with the consultants and staff in preparation of the Draft General Plan Elements. (The General Plan update program is now entering into its second phase. The first scheduled step is sending a Notice of Preparation and to hold a "scoping session" to start the environmental review process. Beyond providing an opportunity to review the proposed schedule, the purpose of this report is to seek Council direction regarding the composition of the ad hoc committee that will work with the City's consultants and staff in preparation of the Draft General Plan text.)

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to (1) review and comment on the proposed work schedule for the second half of the General Plan update program (including the date of Thursday, January 9, 2003, for the EIR scoping session and the deadline for private property requests for General Plan Amendments; (2) appoint Councilmembers Picanco and Finigan to a two-member City Council representation to a General Plan ad hoc committee, which would report back to the full City Council on a periodic basis and provide a final report prior to 12/31/03; and (3) request that the Planning Commission appoint three members to the same ad hoc committee. Staff would confirm the meeting dates with the ad hoc committee and provide the necessary public notice for workshop dates. Public workshops with the full City Council and Planning Commission would be scheduled every three months. Motion passed by the following unanimous roll call vote:

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

### **25. Sherwood Park Master Plan**

J. Deakin, Public Works Director

Consider hiring a landscape architect/park planner to review and amend the Sherwood Park Master Plan pursuant to a community participation process, and to design a replacement for the play area currently at the Park. (Staff issued a Request for Proposals for the Sherwood Park play area enhancement; seven firms submitted proposals. The top candidates expressed the need to first determine the Park Master Plan before siting and designing a new playground. Community Design Group was determined the best designer and planner for the City's needs. They offer the combined ability to study the Master Plan options through a public participation process that involves the neighborhood and community in the planning process, and to design the replacement play structure.) CONTINUED FROM COUNCIL MEETING OF DECEMBER 3, 2002

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 Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 02-269 directing the City Manager to enter a Service Agreement with Community Design Group to assist the City in reviewing the Sherwood Park Master Plan, to develop and implement a community participation program, and to site and design a playground/play area rehabilitation project within Sherwood Park/Oak Creek Park. Motion passed by the following unanimous roll call vote:

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

**26. Proposition 50 Water Bond Initiative**

J. Deakin, Public Works Director

Consider supporting the allocation of Proposition 50 funds for San Luis Obispo (SLO) County. (The California electorate approved Proposition 50 on November 5, 2002. This proposition sets aside \$525 million for allocation, by population, amongst all California counties, allocating approximately \$15 million for SLO County. Staff representatives from 25 local agencies have met several times to develop a Project List to earmark these funds to projects meeting grant definition guidelines for SLO County. The list must be submitted to Senator Bruce McPherson and Assembly Member Abel Maldonado with an accompanying Resolution by December 31, 2002, as apportionment of the funds to each County will be set aside at the beginning of the legislative session in January 2003.)

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-270 supporting the allocation of Proposition 50 funds for SLO County. Motion passed by the following unanimous roll call vote:

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

**27. Authorize Purchase of Replacement Vehicles/Equipment**

J. Deakin, Public Works Director

Consider purchasing new vehicles and equipment from various vendors based on the City Equipment Replacement Program. (This purchase request represents two budget years [FY02 and FY03] of new vehicles and equipment. The new vehicles will replace old rolling stock and equipment eligible for replacement per the City's Vehicle/Equipment Policy. In addition to replacement vehicles, the list contains approved additions to the fleet.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-271 and award the purchase of the new vehicles/equipment to the qualified lowest bidders; and dissolve the Vehicle/Equipment Purchasing Procedures ad hoc committee. Motion passed by the following unanimous roll call vote:

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

**28. Budget Appropriation Transfer**

D. Cassidy, Police Chief

Consider authorizing a budget transfer to fund the new Police Department Communications Center. (During FY 2001-02, the City received monies in State and Federal law enforcement grants, for a total balance of \$184,434. Per State and Federal requirements, the funds were deposited into a special Non-general Fund account until such time as the specific use of the funds was determined. During FY 02-03, approximately \$120,000 will be needed to purchase, install and upgrade the Communications Equipment in the new Emergency Services Center.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-272 authorizing the transfer of \$120,000 of State and Federal Grant funds from the COPS Fund No. 117 to Measure D Fund No. 130 and approve a one-time budget appropriation in the amount of \$120,000 to Budget Account No. 130-910-5452-620 to upgrade the Communications Equipment for the new Emergency Services Center. 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 - None**

**ADVISORY BODY COMMUNICATION – None**

**AD HOC COUNCIL BUSINESS**

**29. Landscape and Lighting District Ad Hoc Committee**

J. Deakin, Public Works Director

Consider dissolving the ad hoc committee appointed June 4, 2002 (comprised of Councilmembers Nemeth and Picanco) to research and develop a program to address sub-areas of the Landscape and Lighting District (L&LD) operating in a deficit. On December 3<sup>rd</sup> Council directed staff to initiate ballot proceedings for each sub-area in the L&LD that is operating in deficit, timing the proceedings such that the results would be incorporated into the annual Levy for FY 03-04.

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.

As the work of the Committee has been completed and a report given to the full Council, it was the consensus of Council to dissolve the Landscape and Lighting District ad hoc committee. Motion passed by unanimous voice vote.

ITEMS PULLED FOR DISCUSSION:

*Mayor Mecham stepped down from the dais and refrained from voting on Item No. 17 due to a possible conflict of interest and Mayor Pro Tem Heggarty chaired this portion of the meeting.*

17. Adopt Resolution No. 02-xxx approving a Negative Declaration for the acquisition of property for widening of 13<sup>th</sup> Street/Creston Road and North River, and for passive open space; and adopt Resolution No. 02-xxx accepting the Planning Commission's report that the acquisition does not conflict with the City's General Plan, authorizing the recordation of the Grant Deed to complete the purchase of the property. (Property consists of approximately 5.157 gross acres located at 1401 North River Road, owned by Raymond and Nancy Dodd and Bruce White. The proposed acquisition would facilitate the widening of the 13<sup>th</sup> Street Bridge and adjacent roads. The 13<sup>th</sup> Street Bridge expansion was identified in the 1991 Circulation Element of the General Plan and in the 2001 update as a needed measure to mitigate traffic congestion.)

J. Deakin, Public Works Director

Councilmember Heggarty 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 Finigan, moved to adopt Resolution No. 02-263 approving a Negative Declaration for the acquisition of property for widening of 13<sup>th</sup> Street/Creston Road and North River, and for passive open space; and adopt Resolution No. 02-264 accepting the Planning Commission's report that the acquisition does not conflict with the City's General Plan, authorizing the recordation of the Grant Deed to complete the purchase of the property. Motion passed by the following roll call vote:

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

*Mayor Mecham returned to deliberations.*

18. Adopt Resolution No. 02-xx approving a Negative Declaration for the acquisition of property for widening of Creston and Union Roads; and adopt Resolution No. 02-xx accepting the Planning Commission's report that the acquisition does not conflict with the City's General Plan, authorizing the City Manager to execute the Acquisition Agreement, and authorize recordation of the Grant Deed. (Property is approximately 0.084 acre of land (3,652 square feet) located at 301 Creston Road, owned by Craig and Diana West. The proposed acquisition would facilitate the widening of the 13<sup>th</sup> Street Bridge and adjacent roads. The 13<sup>th</sup> Street Bridge expansion was identified in the 1991 Circulation Element of the General Plan and in the 2001 update as a needed measure to mitigate traffic congestion.)

J. Deakin, Public Works Director

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 Resolution No. 02-265 approving a Negative Declaration for the acquisition of property for widening of Creston and Union Roads; and adopt Resolution No. 02-266 accepting the Planning Commission's report that the acquisition does not conflict with the City's General Plan, authorizing the City Manager to execute the Acquisition Agreement, and authorize recordation of the Grant Deed. . Motion passed by the following unanimous roll call vote:

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

**COUNCIL COMMENTS** - None

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

**PUBLIC COMMENT ON CLOSED SESSION** - None

*Council moved to adjourn from regular session at 10:20 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.*

**CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor



*The City Council returned to Regular Session at 11:15 PM.*

## RETURN TO OPEN SESSION

### CLOSED SESSION REPORT

*Deputy City Attorney Seitz announced that Council received an update from the City's negotiator on Closed Session Items (a) and (b) and took no reportable action. Regarding Closed Session Item (c), City Council, on a 5-0 vote, tentatively approved a Memorandum of Understanding and instructed staff to place the Memorandum of Understanding on the next available regular meeting agenda for final approval.*

*By unanimous voice vote, Council moved to adjourn from regular session at 11:20 PM.*

**ADJOURNMENT:** to THE PLANNING COMMISSION & PAC INTERVIEWS/APPOINTMENTS MEETING AT 7:00 PM ON THURSDAY, DECEMBER 19, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JANUARY 7, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: February 4, 2003