

CITY COUNCIL MINUTES

Tuesday, January 7, 2003 7:30 PM

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

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

7:30 PM – CONVENE 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

Mayor Mecham extended birthday wishes to Community Development Director Bob Lata.

PUBLIC COMMENTS

- Nick Ferravanti commented on the lack of taxi service after 7:00 PM in the evenings. He asked Council to authorize him to meet with local restaurant owners, taxi service companies, and representatives from the Police Department and Administrative Services to discuss the possibility of establishing a fee to be paid by local restaurant owners to cover any additional cost to the City for offering this service.
- Dale Gustin asked that the font size of the Senior Citizen Advisory Board Web page be enlarged.
- Susan Harvey asked that the south end of Pine Street be included in the Downtown Overlay currently under review.
- Mike Menath praised the way merchants and residents take care to keep the City free of litter, but drew attention to two places (Hwy. 46 west/Hwy. 101 & along Hwy. 46 east) where litter at the sides of the roadways needs to be addressed.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS – None

NOTICED HEARINGS

1. **Appeal of Amendment to Planned Development 97001 (Vince Lavorgna on Behalf of Rosemarie Van Rijn)**
R. Lata, Community Development Director

Consider an appeal filed by Vince Lavorgna on behalf of Rosemarie Van Rijn regarding the Planning Commission's approval of an Amendment to Planned Development 97001 on November 12, 2002. (Project site is the Firestone-Walker Brewery located at 1400 Ramada Drive. The appeal concerns the nature and extent of the City's review process for any potential pretreatment facilities, not an objection to the construction of the warehouse.)

Mayor Mecham opened the public hearing. Speaking from the public was Vince Lavorgna (representing the applicant) and Adam Firestone (Firestone-Walker Brewery). There were no further comments from the public and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-01 denying the appeal, upholding the Planning Commission's approval of the Amendment to PD 97001, based on the requirement for potential onsite pretreatment facilities being consistent with the purpose and intent of PD 97001 and necessary for protection of public health and safety. 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**

PUBLIC HEARING

2. **Oak Park Child Development Center**
R. Lata, Community Development Director

Conduct a public hearing on a request from the San Luis Obispo County Office of Education (COE) to use redevelopment pass-through funds deposited in a trust fund for COE to construct a new Child Development Center at the present CDC site at 3150 Park Street (at the Oak Park Public Housing). (The proposed replacement of the existing CDC appears to be an appropriate use of pass-through funds as spelled out in Redevelopment Law. At its meeting of December 4th, the Redevelopment Project Area Committee reviewed COE's request and unanimously recommended its approval by the Redevelopment Agency. If approved, it is anticipated that the Agency and COE will execute an agreement under which COE's expenses for the project would be reimbursed over time as pass-through funds are received by the City following the bi-annual collection of property taxes.)

Chairman Finigan opened the public hearing. Speaking from the public was Deputy Superintendent Eric Smith. There were no further comments from the public and the public hearing was closed.

Agencymember Picanco, seconded by Agencymember Mecham, moved to adopt Resolution No. RA 03-01 making the findings required by Health and Safety Code Section 33445 and approve the use of current and future pass-through funds for replacement of the Child Development Center. Motion passed by the following unanimous roll call vote:

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

DISCUSSION

3. Participation Agreement for Oak Park Senior Housing

R. Lata, Community Development Director

Consider a Participation Agreement with the Paso Robles Nonprofit Housing Corp. (NPHC) regarding the use of Low and Moderate Income Housing (LMIH) Funds to assist in the Development of Oak Park Senior Housing. (This project is a proposed 40 unit apartment complex for low-income seniors, to be located on the northeast corner of 28th and Park Streets. Funds are requested to offset the estimated \$520,000 in City building and development fees.)

Chairman Finigan opened the public hearing. Speaking from the public were Dick Willhoit (representing the NPHC) and Dale Gustin. There were no further comments from the public and the public hearing was closed.

Agencymember Mecham, seconded by Agencymember Heggarty, moved to approve NPHC's request and adopt Resolution No. RA 03-02 approving a Participation Agreement and Affordability Covenant in conjunction with a grant of Redevelopment Low and Moderate Income Housing funds to assist the development of affordable senior housing by the Paso Robles Nonprofit Housing Corp. and appropriating funds for said grant, incorporating language that is consistent with Resolution 02-05, Section 1.1 regarding the expiration date of the reservation. Motion passed by the following unanimous roll call vote:

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

4. Redevelopment Agency Annual Report

M. Compton, Administrative Services Director

Consider adopting a resolution approving the Redevelopment Agency annual Report for fiscal year 2002. (California Redevelopment Law requires that the Agency Board present an annual report to the City Council. The Annual Report was presented to the Agency's Project Area Committee on December 18, 2002, and they recommended acceptance of the report as presented.)

Chairman Finigan opened the public hearing. There were no comments from the public and the public hearing was closed.

Agencymember Mecham, seconded by Agencymember Heggarty, moved to adopt Resolution No. RA 03-03 approving the Redevelopment Agency Annual Report for fiscal year 2002. Motion passed by the following unanimous roll call vote:

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

ADJOURN TO CITY COUNCIL MEETING

CONSENT CALENDAR

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.

Consent Calendar Items No. 5 to 16 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty, with Councilmember Finigan abstaining from voting on Items No. 9 and 10 due to a possible conflict of interest, as the project site is in close proximity to his personal residence.

5. Receive and file Advisory Body Committee minutes as follows:
Library Board of Trustees meeting of November 14, 2002
Parks & Recreation Advisory Committee meeting of November 12, 2002
Senior Citizen Advisory Committee meeting of November 18, 2002
6. Approve Warrant Register – Warrant Nos. 37408-37557 (12/13/02), 37558-37691 (12/20/02) and 37692-37827 (12/27/02).
M. Compton, Administrative Services Director
7. Adopt Ordinance No. 846 N.S. amending Title 21 of the City's Zoning Code regarding Resort/Lodging Zoning Overlay (Code Amendment 02-014 – City-initiated.) (This amendment to the Zoning Code. related to Part A of General Plan Amendment 02-03. would define what is permitted or conditionally permitted within a Resort/Lodging overlay area.)
FIRST READING HELD DECEMBER 17, 2002.
R. Lata, Community Development Director
8. Adopt Ordinance No. 847 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. (This amendment to the Zoning Code, related to Part B of General Plan Amendment 02-03, establishes a “Public Facilities” zoning designation for the City’s Municipal Landfill. This action is proposed because the record does not reflect that a zoning designation was established when the property was annexed to the City in 1972.) FIRST READING HELD DECEMBER 17, 2002.
R. Lata, Community Development Director

9. Adopt Ordinance No. 848 N.S. amending the Borkey Area Specific Plan to expressly address and allow development of the Bastide Village Project. (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, and consists of an 80-room destination resort/spa hotel and ancillary/related land uses surrounded by a 17-lot single-family residential subdivision.) FIRST READING HELD DECEMBER 17, 2002.

R. Lata, Community Development Director

Councilmember Finigan abstained from voting on this item.

10. Adopt Ordinance No. 849 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). (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, and consists of an 80-room destination resort/spa hotel and ancillary/related land uses surrounded by a 17-lot single-family residential subdivision. The site is currently zoned R1 B4 [residential Single-family – 1.0 acre minimum lot size] with a PD Overlay [Planned Development]. FIRST READING HELD DECEMBER 17, 2002.

R. Lata, Community Development Director

Councilmember Finigan abstained from voting on this item.

11. Adopt Resolution No. 03-02 accepting the Redevelopment Agency annual Report for fiscal year 2002. (California Redevelopment Law requires that the Agency Board present an annual report to the City Council. The Annual Report was presented to the Agency's Project Area Committee on December 18, 2002, and they recommended acceptance of the report as presented.) SEE AGENDA ITEM NO. 4

M. Compton, Administrative Services Director

12. Receive and file the Annual Transit Report for fiscal year ended June 30, 2002. (The Transit Annual Report includes fare revenues, operating expenses and ridership statistics for all City transit services—Fixed-route and Dial-a-Ride.)

M. Compton, Administrative Services Director

13. Set 7:00 p.m. on Thursday, January 16, 2003, as the date for an adjourned regular meeting/workshop to review the development impact fee study. (Under discussion will be pending adjustments to the City's Development Impact Fees, pursuant to State Assembly Bill 1600. Development impact fees would pay for infrastructure [roads and other facilities] that would be needed to accommodate future growth and development. Fees would be applied to new developments to pay for their proportionate shares of these infrastructure costs.)

M. Compton, Administrative Services Director

14. Adopt Resolution No. 03-03 approving an amendment to the Compensation and Benefit Plan for the Paso Robles Professional Firefighters, effective April 1, 2002, to March 31, 2006. (A tentative agreement has been ratified by the Paso Robles Professional Firefighters [previously a "non-represented" work group] that will establish pay and benefits that are comparable to the City's defined labor market and are internally aligned with the balance of the City work force.)

M. Williamson, Assistant to the City Manager

15. Adopt Resolution No. 03-04 approving a Job Classification and Salary Range for Information Systems (IS) Technician. (Creation of the new job classification within the S.E.I.U. employee group provides the ability for the City to fill an existing budget position on a regular full-time basis, rather than contract. The IS Technician position is created with pay and benefits comparable to the City's defined labor market and is internally aligned with the balance of the City work force. The S.E.I.U. bargaining group has concurred with the Job Specifications and salary range that was independently determined through a Human Resource Specialist.)
M. Williamson, Assistant to the City Manager
16. Adopt Resolution No. 03-05 approving the Ground Lease with the County of San Luis Obispo for 940 Spring Street for the purpose of construction and use as a Superior Court facility and authorizing the Mayor to execute the Lease upon acceptance by the County of San Luis Obispo. (The lease has been drafted and reviewed by both City and County counsel. The City, County and Superior Court staff are in concurrence over the language and terms contained in the lease. It has designed to make the project fiscally and logistically feasible for the County and the Court, while maintaining City land use control and design oversight for a key commercial parcel within the community. Project design and environmental analysis will take place in conjunction with future development application processing.)
M. Williamson, Assistant to the City Manager

PUBLIC DISCUSSION

17. **Request to Remove Oak Tree – 2041 Riverside Avenue (Dieser)**
R. Lata, Community Development Director

Consider a request from Mr. John Dieser to remove one 30-inch Valley Oak from the property located at 2041 Riverside Avenue. (Tree extends over neighboring property at 2027 Riverside, owned by Lennon and Rosie Wesley, and is causing damage to the house at that location. An Arborist determined that the tree has damaged the two adjacent buildings, including foundations, chimneys, and roofs, as well as damage to sidewalks. One branch of the tree recently fell on the Wesley residence causing significant damage. The Arborist recommends removing the subject tree.)

Mayor Mecham opened the public hearing. There were no comments from the public and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-06 approving the oak tree removal request based on the findings, conclusions and recommendation of the Arborist Report identifying that the tree is structurally weak and the removal is necessary to prevent further damage to the existing residences; and require replacement ratio of 7.5-inches of Valley Oaks to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional (e.g., Valley Oaks should be planted in a non-irrigated environment). Motion passed by the following unanimous roll call vote:

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

18. Quail Run Mobile Home Park: Request for Reimbursement of Sewer and Water Connection Fee Increase

R. Lata, Community Development Director

Consider a request filed by Fred Strong, on behalf of Mike Pender, developer of Quail Run Mobile Home Park, for reimbursement of increased amounts of sewer and water connection fees. (This condominium development is located on the north side of Sherwood Road, easterly of the intersection of Sherwood and Creston Roads. Developer is petitioning the City to charge his project the 1986 connection fees rather than the 2002 increased fees. Providing a reimbursement would result in a \$178,185 loss of revenue to the City.)

Mayor Mecham opened the public hearing. Speaking from the public were Fred Strong and Kathy Barnett. There were no further comments from the public and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to reject the request for reimbursement of increased amounts for sewer and water connection fees for Quail Run Mobile Home Park. Motion passed by the following unanimous roll call vote:

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

19. Building Inspection: Temporary Contract Services

R. Lata, Community Development Director

Consider funding for temporary building inspector position during an absence of the City's Building Inspectors. (Because the Building Division has experienced the temporary loss of a Building Inspector as the result of a work-related injury, building inspections are currently being accomplished by reducing the staff time normally attributed to plan review and permit issuance. This shift of resources is impacting plan review and extending the time required to secure building permits. In order to provide for inspection coverage until the Building Inspector returns, the City issued a Request for Proposal to companies known to provide contract services. Only JAS Corp. agreed to provide the city with candidates for interview.)

Mayor Mecham opened the public hearing. There were no comments from the public and the public discussion was closed...

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-07 appropriating \$47,000 to retain building inspections service from JAS Corporation from January 7, 2003, to June 30, 2003, as necessary. Motion passed by the following unanimous roll call vote:

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

20. Annual Development Impact Fee Report

M. Compton, Administrative Services Director

Presentation of the Annual Development Impact Fee Report for fiscal year ending June 30, 2002, for City Council consideration. (The Annual Report contains historical and current year data relative to all City development impact fees.)

Mayor Mecham opened the public hearing. Speaking from the public was Fred Strong. There were no further comments from the public and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to receive and file the Annual Development Impact Fee Report. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

City Manager App spoke about the Regional Housing Needs Plan and asked that Council submit any questions they might have to Mayor Mecham. He also reminded those present and the listening public of the Public Scoping Meeting for the Environmental Impact Report being held from 7 to 9 p.m. on Wednesday, January 15th, and encouraged the public to attend.

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION – None

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS

Councilmember Nemeth asked that Andy Davis be kept in everyone’s prayers while he is undergoing continuing cancer treatment.

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

City Attorney Iris Yang announced Council's authority to go into closed session to discuss the items listed on the agenda.

Council moved to adjourn from regular session at 9:10 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 11:43 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced that no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 11:45 PM.

ADJOURNMENT: to THE DEVELOPMENT IMPACT FEES WORKSHOP AT 7:00 PM ON THURSDAY, JANUARY 16, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JANUARY 21, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

FUTURE MEETINGS

- GOAL SETTING WORKSHOP, 7:00 PM ON **THURSDAY, JANUARY 23, 2003**, AT LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- GOAL SETTING WORKSHOP, 9:00 AM ON **SATURDAY, FEBRUARY 1, 2003**, AT LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- **TENTATIVE** GOAL SETTING WORKSHOP, 9:00 AM ON **SATURDAY, FEBRUARY 8, 2003**, AT LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

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