

CITY COUNCIL MINUTES
Tuesday, March 4, 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

PUBLIC COMMENTS

- Joy Sprague expressed her opinion that there was an excess of signs near Cuesta College advertising a new development and encouraged Council to limit the number of signs in the City.
- Marguerite Bader and Jerry Bunin, Co-chairs of the Celebration of Community Housing Committee, invited Council to attend a breakfast and housing tour of for-profit and non-profit housing projects on May 31st.
- Susan Harvey encouraged those from the public with an interest in housing to attend the tour on May 31st.
- Del Velten also encouraged education in housing and expressed her hope that developers would look at alternatives to single-family residences, such as duplexes and triplexes.
- Kathy Barnett encouraged Council to make affordable housing their top goal.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager App advised Council that Agenda Items No. 1 and 2 are being recommended for continuance.

PRESENTATIONS – None

NOTICED HEARINGS

1. Continue Hearing – Code Amendment 02-007 (Signs)

R. Lata, Community Development Director

Consider continuing this item regarding an update of the City's sign ordinance. (In light of legal issues, complexity and other pending projects, additional time is needed to refine the text of the proposed Ordinance.) CONTINUED FROM JANUARY 21, 2003

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to continue the noticed public hearing to the Council's regular meeting of May 6, 2003. Motion passed by the following unanimous roll call vote:

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

2. Continue Hearing - Code Amendment Regarding Limitation on Vehicle Weights in Residential Zones

R. Lata, Community Development Director

Consider continuing a public hearing to establish vehicle weight limits on residential streets. (During the summer of 2002 Council discussed options to limit the weight of trucks within residential zoned areas. Further action was deferred pending a court decision that could impact the City's ability to enforce vehicle weight restrictions. The City Attorney recently advised that the City could proceed with consideration of an Ordinance.) CONTINUED FROM JANUARY 21, 2003.

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue the noticed public hearing regarding weight restrictions in residential areas to the Council's regular meeting of May 6, 2003. Motion passed by the following unanimous roll call vote:

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

3. 2003 Community Development Block Grant (CDBG) Program

R. Lata, Community Development Director

Identify which applications should be approved for funding with the City's 2003 Community Development Block Grant (CDBG) funds. (It is expected that the City will have \$318,000 in CDBG funds available for activities in 2003—\$254,400 available for projects and programs and \$63,600 for program administration. The City has 22 applications for funding, totaling over \$1,148,000.)

Mayor Mecham opened the public hearing. Speaking from the public were Karolyn London (Lifestyle Recovery Center), Dale Gustin (Senior Health Screening Program), Barbara Newsom (EOC Teen Parenting Program, Forty Wonderful Program & Teen Academic Parenting Program), Leora Eide (President of the Board, Boys & Girls Club) Bernadette Bernardi (Literacy Program), Gail Gresham (Mentoring Program/Big Brothers/Big Sisters), Pearl Munak (Motel Voucher Program), and Kathy Barnett. There were no further comments from the public, either written or oral.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to:

Adopt Resolution No. 03-29 allocating the City's allotment of 2002 CDBG funds as shown below:

Carnegie Library Rehab (existing CDBG-funded project)	\$140,100
Muni Pool Changing Room Rehab (existing CDBG project).....	\$ 31,400
EOC Senior Health Program	\$ 4,000
EOC 40 Wonderful Program	\$ 2,000
EOC Teen Academic Parenting	\$ 3,600
Boys & Girls Club operations	\$ 5,000
Literacy Council Program	\$ 2,500
Big Brothers/Big Sisters Mentoring	\$ 6,000
Lifestyles Recovery Center	\$ 4,800
Homeless Housing Project Motel Voucher Program.....	\$ 19,800
Alley Improvements (existing CDBG-funded project).....	\$ 8,000
LED-Lighted Crosswalks (existing CDBG-funded project).....	\$ 26,000
Administration (includes Capacity Building)	\$ 63,600
Total.....	<u>\$318,000</u>

Motion passed by the following unanimous roll call vote:

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

4. 2003 Consolidated Plan and Federal HOME and Emergency Shelter Grant (ESG) Programs

R. Lata, Community Development Director

Consider recommending to the County Board of Supervisors those activities to be approved for funding with the County's 2003 allotments of Federal Home Investment Partnership Act (HOME) and Emergency Shelter Grant (ESG) funds. (HOME and ESG funds are federal funds allocated annually by the Department of Housing and Urban Development [HUD]. Federal regulations governing these funds require a Consolidated Plan, one part of which is

the “Annual Action Plan,” which is adopted annually. The Draft Annual Action Plan proposes award of an additional \$525,000 in HOME funds to People’s Self-Help Housing to assist the Creekside Gardens Senior Housing Project.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-30 supporting the HOME and ESG-funded activities listed in the 2003 Draft One-Year Action Plan. Motion passed by the following unanimous roll call vote:

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

5. AB1600 – Development Impact Fees
M. Compton, Administrative Services Director

Consider adopting revised Development Impact Fees (DIFs). (Council directed a comprehensive review of the City’s development impact fees to determine whether those fees are adequate to defray the cost of public facilities related to development projects. If approved, the new DIFs would become effective 60 days after adoption.)

Mayor Mecham stated that staff received e-mailed letters from Ellis Partners and counsel at approximately 5:00 PM this date. Deputy City Attorney Seitz gave a summary of the letters, which challenges the methodology of apportioning the impact fees associated with the upgrade to the Hwy. 46/101 interchange and expresses concerns that Ellis Partners may be double-charged, being required to participate in an assessment district and then also charged for the impact fees. Deputy Seitz gave assurance that this would not happen, but stated that their concerns would be reviewed in greater detail and should some validity to their challenge be found, the matter would be brought back to Council during the 60-day period before the new fees become effective.

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Kathy Barnett, Jerry Bunin (representing the Home Builders Association), Cindy Jacinth (People’s Self-Help Housing), Susan Harvey, Dick Willhoit, Newlin Hastings (Food 4 Less), John Knight (RRM Design Group), and Dave Senton. There were no further comments from the public, either written or oral.

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-31 implementing new development impact fees (non-utility), including phasing of commercial and industrial rates, with the understanding that (1) any complete application filed by March 4, 2003, would have 90 days to go through the plan check process and (2) applications filed by March 5, 2003, or later would have to be completed within the 60 day time frame before the new fees become effective in order to qualify for paying the old fees. Motion passed by the following unanimous roll call vote:

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

Council adjourned for a 15-minute recess at 9:30 PM.

6. Code Amendment 03-001 - In-lieu Fees for Sidewalk Waivers and Partial Street Improvements

R. Lata, Community Development Director

Consider a Code Amendment establishing in-lieu fees for sidewalk waivers and partial street improvements. (In October 2002, Council directed that a Code Amendment be initiated to establish in-lieu fees in order to implement the provisions of the Circulation Element of the General Plan. The proposed Amendment implements the City's goals as expressed in these the Circulation Element of the General Plan by providing the decision-making body responsible for approving a new development project with the authority to waive and/or modify required sidewalk and partial street improvements subject to payment of an in-lieu fee.)

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to introduce for first reading, by title only, Ordinance No. XXX N.S. amending Title 11 (Streets and Sidewalks) of the Municipal Code establishing in-lieu fees for sidewalk waivers and installation of partial street improvements. 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 opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items No. 7 and 9 – 14 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan, with the exception of Items No. 8 and 15 being pulled for separate discussion.

7. Approve City Council minutes of February 18, 2003
D. Fansler, City Clerk

9. Receive and file Advisory Body Committee minutes as follows:
Housing Authority meeting of February 11, 2003
Parks & Recreation Advisory meeting of January 7 and 14, 2003
Senior Citizen Advisory Committee meeting of January 13, 2003
Youth Commission meeting of January 8, 2003

10. Read, by title only, and adopt Ordinance No. 853 N.S. amending the Municipal Code to amend Zoning Title to approve a zoning map change for APN 018-031-008, Rezone 02-008 - Annexation No. 84 (McKinley). (Property is a 1.92-acre parcel located at 3650 Plymouth Hill Road, west of the intersection of 38th and Vine Streets, just north of the City limit. Applicant wishes to annex in order to obtain City water service.) FIRST READING FEBRUARY 18, 2003
R. Lata, Community Development Director

11. Certificate of Recognition – San Luis Obispo County Cattlemen’s Association - sponsor of 13th Annual Cattlemen’s Western Art Show and Sale – March 14, 15 & 16, 2003.
F. Mecham, Mayor
12. Certificate of Recognition and Welcome – Ann Hanson – featured artist of the 13th Annual Cattlemen’s Western Art Show and Sale – March 14, 15 & 16, 2003.
F. Mecham, Mayor
13. Adopt Resolution No. 03-32 awarding a janitorial contract to North County Industries (NCI) of Paso Robles for the monthly amount of \$13,045. (Bids were solicited for janitorial services for City facilities. Specifications were provided to all requesting individuals and four bids were received at the Bid Opening on February 13th. The bids ranged from \$13,045 per month to \$16,445 per month, with NCI submitting the low bid.)
J. Deakin, Public Works Director
14. Adopt Resolution No. 03-33 accepting the recordation of Parcel Map PR 00-285, a 3-lot subdivision on Vine Street, between 4th and 5th Streets. (Applicants are Dan and Roberta Conner. All conditions imposed by the Planning Commission having been satisfied, the Planning Commission tentatively approved the Parcel Map on February 27th.)
R. Lata, Community Development Director

Pulled for discussion:

15. Approve the elimination of the General Fund transfer to the Economic Incentive Fund in fiscal year 2003 and the transfer of the residual balance remaining in the Orchard Bungalow Assessment District Fund to the General Fund (OBAD). (The current 2-year budget/4-year financial forecast includes General Fund transfers to the Economic Incentive Fund. The revised forecast presented to Council as part of their goal-setting process included the elimination of the transfer in fiscal year 2003 and the transfer of the residual balance remaining in the Orchard Bungalow Assessment District Fund to the General Fund. The residual balance will be used to offset ongoing General Fund expenditures relating to the acceptance of the OBAD streets into the City’s maintenance network.)
M. Compton, Administrative Services Director

Making a declaration of conflict (his personal residence being in the Orchard Bungalow development area), City Manager Jim App stepped down from the dais.

Councilmember Heggarty stepped down from the dais and abstained from voting on Item No. 15 due to a conflict of interest, his personal residence being in the Orchard Bungalow development area.

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 Finigan, moved to approve the elimination of the General Fund transfer to the Economic Incentive Fund in fiscal year 2003 and the transfer of the residual balance remaining in the Orchard Bungalow Assessment District Fund to the General Fund (OBAD). Motion passed by the following roll call vote:

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

Councilmember Heggarty and City Manager App returned to their seats at the dais.

PUBLIC DISCUSSION

16. Storm Water Management

J. Deakin, Public Works Director

Consider adopting the Storm Water Management Plan and authorizing its submittal to the Regional Water Quality Control Board. (The Federal Clean Water Act requires each municipality to protect surface waters through storm water management practices. The City of Paso Robles intends to adopt a Storm Water Management Plan, and submit it to the Central Coast Regional Water Quality Control Board by the March 10, 2003, deadline. The plan addresses compliance with the Clean Water Act requirements, also known as National Pollution Discharge Elimination System [NPDES] regulations. A copy of the plan can be viewed on the City website, at the Library, or can be purchased.)

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 Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-34 (1) adopting the Final Storm Water Management Plan; and (2) directing staff to submit the Storm Water Management Plan to the Regional Water Quality Control Board. Motion passed by the following unanimous roll call vote:

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

17. Salinas River Enhancement

J. Deakin, Public Works Director

Consider accepting assistance from the National Park Service to prepare an outreach and mapping project for the Salinas River. (The Federal National Park Service has a Rivers, Trails and Conservation Assistance Program to assist communities by providing expertise and experience to conserve rivers, preserve open space and develop trails and greenways. Each year the National Park Service takes on new projects to help communities achieve their goals. In July 2002, the City submitted a proposal requesting assistance in preparing an outreach and mapping project to enhance the Salinas River. In January 2003, the City received notice that the City of Paso Robles has been selected for assistance.)

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

Councilmember Heggarty seconded by Councilmember Finigan, moved to (1) adopt Resolution No. 03-35 appropriating a one-time allocation of \$5,000 for the Salinas River outreach and mapping project to Budget Account No. 100-310-5235-178, reducing the budget account already established for the Salinas River clearing project by the same amount; (2) direct staff to give notification of the project's scope to property owners adjacent the river; and (3) appoint Mayor Mecham and Councilmember Finigan to a two-member ad hoc committee to work with City staff on this project, returning to Council on August 19, 2003. Motion passed by the following unanimous roll call vote:

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

18. Water Service from Templeton Community Services District (TCSD) in City Sphere of Influence

J. Deakin, Public Works Director

Consider a request from AJ Contractor Supply for fire-suppression water service from Templeton Community Services District within the City's Sphere of Influence. (The applicant is requesting water service for fire protection purposes only from TCSD at 2301 Ramada Drive.)

Mayor Mecham opened the public hearing. Speaking from the public were Nick Gilman (representing AJ Contractor Supply), and 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 Nemeth, moved to:

- (1) Allow AJ Contractor Supply to apply to Templeton Community Services District for water service limited to fire suppression service at 2301 Ramada Drive, if the developers agree to (a) limit the septic tank holding capacity to that which is minimally required for current operation, (b) not oppose future annexation to the City and (c) connect to City water and/or sewer services when available in the immediate area; and
- (2) Direct staff to ensure that the wording in the LAFCO resolution approving the outside user agreement contains the three points above.

Motion passed by the following unanimous roll call vote:

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

19. Airport Improvements Reimbursement

J. Deakin, Public Works Director

Consider authorizing reimbursement for public improvements by an airport Lessee, and/or amending the lease to modify the reimbursement timing and process. (As reflected in the current long-term lease agreement between the City and Milton and Donald Culver on Parcel 52 in the Airport Industrial Park, the Lessee is entitled to 100% reimbursement for the Cloud Way frontage improvements completed by the Lessee.)

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 Picanco, moved to maintain Lease provisions providing a reimbursement for improvements to Cloud Way at \$600 per month for 59 months, with a final payment of \$97. 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 – None

CONSENT ITEM PULLED FOR DISCUSSION

8. Approve Warrant Register – Warrant Nos. 38610 – 38766 (2/14/03) to 38767 – 38896 (2/21/03) plus other payroll services 2/21/03
M. Compton, Administrative Services Director

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

Consent Calendar Item No. 8 was unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Finigan, with Councilmember Picanco abstaining on Warrant Register Items No. 038624 and 038756

It was the consensus of Council to adjourn from regular session at 10:42 PM.

COUNCIL COMMENTS - None

ADJOURNMENT: to the CHANNEL COUNTIES DIVISION LEAGUE OF CALIFORNIA CITIES MEETING AT 6:00 PM ON FRIDAY, MARCH 14, 2003, AT THE CLIFFS RESORT, PISMO BEACH; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, MARCH 18, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: April 1, 2003