

CITY COUNCIL MINUTES
Tuesday, March 18, 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

- Leslee Smiley spoke about the private portion of Walnut Drive.
- Ralph Blodget expressed opposition to restricting traffic in the 900 block of Walnut Drive
- Susan Harvey (President of Paso Watch) asked Council to reconsider endorsement of the Hearst Corporation and American Land Conservancy Conservation Framework presented to Council in February.
- Also speaking in support of the agreement and asking to have this item re-agendized for Council consideration were Carol Antoine, Jay Adams, Mike Menath, Del Velten, Judith Baron, Jerry Fahey, Richard Harvey, Linda Clark, Elliott Perkins, Editha Spencer, Tom Rusch and Kathy Barnett.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS – None

NOTICED HEARINGS

1. Abandonment of Unimproved Portion of Vista Grande

J. Deakin, Public Works Director

Consider formally abandoning an unimproved portion of Vista Grande. (In February 2001 Council directed staff to initiate proceedings to formally declare certain Orchard Bungalow Assessment District streets as public streets. A portion of Vista Grande between Union Road and Walnut Drive was never constructed; it is a “paper” road. Council adopted a Resolution of Intent to abandon this portion of Vista Grande on February 18th.)

Mayor Mecham opened the public hearing. Speaking from the public was Jeff Chadwick. 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. 03-36 formally abandoning the unimproved portion of Vista Grande between Union Road and Walnut Drive as a road easement. 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 02-011 – Employee Housing

R. Lata, Community Development Director

Consider establishing employee housing as a conditionally-permitted use in residential, commercial, industrial, agricultural, and Parks and Open Space zoning districts. (At its meeting of February 18th, Council directed that the employee housing ordinance be returned to the Planning Commission for refinements. The ordinance has been revised to designate employee housing as a conditional use [subject to approval of a conditional use permit] in all zoning districts.) FIRST READING SEPTEMBER 17, 2002; SECOND READING CONTINUED FROM OCTOBER 1, 2002, AND FEBRUARY 18, 2003.

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett, Mike Menath, Del Velten, Stu Larsen and Susan Harvey. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-37 approving a Negative Declaration for Code Amendment 02-011. 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 Picanco, moved to introduce for first reading **Ordinance No. XXX N.S.** amending the zoning code to permit employee housing as a conditional use in residential, commercial, industrial, agricultural, and the Parks and Open Space zoning districts—except in Airport Zones 1 through 5, where this amendment will not apply—provided that employee housing shall be appurtenant to an approved commercial or industrial development; and subject to a provision that the ordinance shall sunset (expire) in 5 years; and set April 1, 2003, as the date for adoption of said Ordinance. Motion passed by the following roll call vote:

AYES: Finigan, Heggarty, Nemeth and Picanco
NOES: Mecham
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. 3– 13 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty.

3. Approve Warrant Registers: Nos. 38897 – 39029 (2/28/03) to 39030 – 39243 (2/21/03)
M. Compton, Administrative Services Director
4. Recognition – The Armed Forces of the United States
5. Proclamation – Public Safety Center Cornerstone Ceremony – March 28, 2003
6. Recognition – Pat Butler – Recipient of Grace Mitchell Lifetime Achievement Award
7. Proclamation – Red Cross Month – March 2003
8. Proclamation – Absolutely Incredible Kid Day – March 20, 2003
9. Read, by title only, and adopt Ordinance No. 854 N.S. amending the Municipal Code to amend Title 11, Streets and Sidewalks, establishing in-lieu fees for sidewalk waivers and installation of partial street improvements (Code Amendment 03-001). (Provides the decision-making body responsible for approving a new development project the authority to waive and/or modify required sidewalk and partial street improvements subject to payment of an in-lieu fee.) FIRST READING MARCH 4, 2003
R. Lata, Community Development Director
10. Adopt Resolution No. 03-38 approving a budget appropriation in the amount of \$17,550 from the Economic Incentive Fund. (Council previously approved economic incentive agreements with JIT Manufacturing. JIT has provided satisfactory documentation of net annual employment/job creation gains to substantiate this incentive payment.)
M. Compton, Administrative Services Director

11. Adopt Resolution No. 03-39 (1) accepting the recordation of Tract 2369-2; (2) approving the Subdivision Improvement Agreement for Tract 2369-2 authorizing deferred construction of the subdivision improvements, with an established deadline of March 18, 2004, to complete these improvements, and that the Mayor be authorized to execute the Agreement; and (3) adopt Resolution No. 03-40 annexing Tract 2369-2 into the Landscape and Lighting District. (This is a 35-lot subdivision of a 15.6-acre site, located on Skyview Drive and Christina Court, north of Union Road along the south side of Montebello Oaks Drive. Applicant is Fallingstar Homes, Inc. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied. Acceptance of public improvements and release of the securities occurs only after these improvements have been constructed to the satisfaction of the City Engineer.)
R. Lata, Community Development Director
12. Adopt Resolution No. 03-41 (1) accepting the recordation of Tract 2404; (2) approving the Subdivision Improvement Agreement for Tract 2404, authorizing deferred construction of the subdivision improvements, with an established deadline of March 18m, 2004, to complete these improvements, and that the Mayor be authorized to execute the Agreement; and (3) adopt Resolution No. 03-42 annexing Tract 2404 into the Landscape and Lighting District. (Applicant Oak Creek Commons has requested that Tract 2404 be accepted by the City for recordation. This tract is a 31-unit condominium subdivision, along with five single-family lots [total of 36 units] of a 13.8-acre site, located on Nicklaus Drive, south of Niblick Road. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied. Acceptance of public improvements and release of the securities occurs only after these improvements have been constructed to the satisfaction of the City Engineer.)
R. Lata, Community Development Director
13. Adopt Resolution No. 03-43 declaring intent to abandon the old Hilltop Drive sewer line and setting a Public Hearing for the abandonment proceedings. (Re-routing of the sewer line along Hilltop Road was approved as part of a Capital Improvement Project and Council authorized staff in November 2002 to award the construction contract to Raminha Construction. When the work is completed, the City could then abandon whatever interest it could be considered to have in the old sewer line, following all required notice and hearing procedures.)

PUBLIC DISCUSSION

14. Downtown Diagonal Parking

J. Deakin, Public Works Director

Consider adding diagonal parking areas on downtown streets and appropriating the funds needed to accomplish the project work. (In October 2002, Council directed staff to study downtown streets and return with a plan to implement diagonal parking in the downtown core. The plan was reviewed by the Streets and Utilities Committee and recommended for presentation to Council.)

Mayor Mecham opened the public hearing. Speaking from the public was Mike Menath. There were no further 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. 03-44 authorizing the appropriation of \$6,000 to mark approximately 40 additional diagonal parking spaces in the downtown core area; and directed staff to return to the Streets and Utilities

Committee with information on possible diagonal parking spaces at 13th Street and Riverside Drive. Motion passed by the following unanimous roll call vote:

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

15. 2003 Annual Street Maintenance Program

J. Deakin, Public Works Director

Consider a recommendation from the Streets and Utilities Committee for the 2003 Annual Street Maintenance Program. (On February 28th, the Streets and Utilities Committee considered two options regarding utilization of approximately \$400,000 street maintenance funds for 2003 and selected Option B, choosing to perform annual street maintenance on several streets rather than just one.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to accept the recommendation from the Streets and Utilities Committee to perform street maintenance for 2003 on the streets indicated by lines 5, 7, 8, 10, 14, 16 and 17 of the exhibit attached to 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

16. 4th Street Underpass Alternative Alignments

J. Deakin, Public Works Director

Consider a recommendation from the Streets and Utilities Committee regarding conceptual design for the future re-configuration of the 4th Street Underpass. (The underpass is located at the southerly end of both Pine Street and Riverside Avenue, providing access to the southbound on and southbound off "hook ramps" at Highway 101. URS Corporation developed three alternative alignments to re-configure the underpass. The Committee recommends that Alternative No. 2 be adopted as the official "plan line" for the Underpass.)

Council heard a presentation by George Aguilar, Project Manager. for U.R.S. Greiner (transportation engineers), on three alternative alignments for the 4th Street Underpass.

Mayor Mecham opened the public hearing. Speaking from the public were Pat Connally and Mike Menath. 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 continue this item to the Council meeting of April 1, 2003. Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham

NOES: None
ABSTAIN: None
ABSENT: None

17. Temporary Road Closure (Sherwood Road, D. Spurr Excavating)

R. Lata, Community Development Director

Consider allowing the temporary closure of westbound Sherwood Road from Creston Road to Commerce Way. (Applicant has formally requested this temporary closure for a period of ten working days to facilitate road construction associated with the development of new Food 4 Less store. Closure is proposed between the hours of 7:00 AM to 4:00 PM each day of the construction period.)

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 allow the temporary closure of westbound Sherwood Road, in accordance with the proposal by Dave Spurr Excavating. Motion passed by the following unanimous roll call vote:

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

Council adjourned for a 10-minute recess at 9:35PM.

18. Governmental Accounting Standards Board Station No. 34

M. Compton, Administrative Services Director

Presentation to Council regarding implementation of Governmental Accounting Standards Board Statement No. 34 (GASB 34) and its impact upon the City's financial statements. (GASB 34 is a fundamental change in the financial reporting model for government entities and must be implemented by the City beginning with the current fiscal year.)

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 Finigan, moved to receive and file the presentation. Motion passed by unanimous voice vote.

19. Council Advisory Bodies, Boards & Commission Bylaws

J. App, City Manager

Consider standard bylaws for all City Council Advisory Bodies, Boards and Commissions. (Council adopted policies in 2001 that govern Council-related activities. Pursuant to adoption of the Policies, Council requested development of standard bylaws for all such bodies, and in

December 2002, an ad hoc committee was formed to work with staff in preparing standard bylaws.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to authorize distribution of the standardized bylaws for review and comment by each Council Advisory Body, Board and Commission, approving a change in wording to Section 3 requiring all members to be residents of the City to read a *“majority” of all members must be residents of the City.* Motion passed by the following unanimous roll call vote:

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

20. Special Event Appropriations

M. Compton, Administrative Services Director

Consider providing budget appropriations for City staff special event overtime. (In fiscal year 2002, Council appointed an ad hoc committee for the purpose of reviewing options for recouping the cost of City services provided for special events. The recommendation of the committee was to continue subsidizing the special events. Council agreed with the committee's recommendation, but also agreed to allocate additional budget appropriations from General Fund reserves to cover direct departmental costs.)

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 continue this item to a future Council meeting after budget deliberations. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

21. Transit Advisory Committee – Appointment to Fill Vacated Term

J. App, City Manager

Consider making an appointment to fill a vacancy on the Transit Advisory Committee. (Advertising to solicit applicants was published with local newspaper. One application has been received.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to appoint Chris Iversen as a regular member to the Transit Advisory Committee to complete the vacated regular term expiring 10/31/05 created by the resignation of Lydia Francis. Motion passed by the following unanimous roll call vote:

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

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION – None

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 10:15 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 Council received an update from the City's negotiator on Closed Session Items (a), (b) and (c) and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 11:49 PM.

ADJOURNMENT: to the PLANNERS INSTITUTE, MARCH 19 – 22, 2003, AT THE HYATT REGENCY, SAN DIEGO MARINA; TO THE PUBLIC SAFETY CENTER CORNERSTONE CEREMONY AT 11:00 AM ON FRIDAY, MARCH 28, 2003, AT 900 PARK STREET, PASO ROBLES; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, APRIL 1, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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