

CITY COUNCIL MINUTES

Tuesday, June 3, 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

- City Librarian Annie Robb, speaking as a representative of the Paso Robles Library Foundation, introduced Jennifer Langstaff, Chairperson for this year's *Midsummer Magic*.
- Jennifer Langstaff invited the public to attend the *Midsummer Magic* event being held on Saturday, June 28th, to raise money for enhanced library services.
- Dale Gustin read from an article in the *Daily Press* published on Friday, April 10, 1981, regarding a loop road around the City. (Copy provided for record.)
- Kathy Barnett expressed concerns about an entitlement and indemnity clause given to the developer of Tract 2457 (Oak Knoll) at the Council meeting of May 20th.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App informed Council that Agenda Item No. 13 has been recommended for continuance.

PRESENTATIONS - None

NOTICED HEARINGS

1. City Budget and Financial Plan FY 2004 - 2007

M. Compton, Administrative Services Director

Consider adoption of the proposed Budget and Financial Plan for Fiscal Years 2004 – 2007. (Council held two public budget workshops to review the proposed budgets. Council's ad hoc budget committee and staff have undertaken a lengthy review of the preliminary four-year financial plan, operating budget, and capital improvement projects budget. Given the State budget crisis, the adoption of a one-year budget is recommended, deferring consideration of a second year until the first quarter of 2004.)

City Manager Jim App made introductory remarks, explaining that a one-year budget is being proposed for adoption due to the uncertain impact of the State budget crisis on future local revenues.

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

A straw vote was taken on Item No. 8 of the resolution regarding the 3% franchise fee on City sewer and water utility operations, with Councilmembers Nemeth, Finigan and Heggarty expressing support and Councilmember Picanco and Mayor Mecham being opposed.

A straw vote was taken on Item No. 10 of the resolution regarding the Transient Occupancy Tax ballot proposal. All Councilmembers expressed their support, with the caveat that it be made clear for the record that authorization of a November 2004 ballot measure as detailed in Item No. 10 of the resolution is a "provisional" authorization only and that, in accordance with State law, this matter would automatically come back to Council for final approval before an initiative could be placed on the ballot.

Making a declaration of conflict due to business associations with Paso Robles Waste Disposal, Mayor Mecham and Councilmember Picanco stepped down from the dais and abstained from participation in discussions or voting regarding the proposed solid waste franchise fee and associated curbside rate increase, and automated solid waste recycle containers program.

Mayor Pro Tempore Jim Heggarty assumed the Chair and presided.

A straw vote was taken on Item No. 9 of the resolution regarding a 10% increase in the solid waste franchise fee and associated curbside rate increase, with Councilmembers Nemeth, Finigan and Heggarty voting in favor.

A straw vote was taken for support of a proposal by Paso Robles Waste Disposal regarding implementation of an automated container co-mingled recycling program, with Councilmembers Nemeth, Finigan and Heggarty voting in favor.

Mayor Mecham and Councilmember Picanco returned to deliberations.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to adopt Resolution No. 03-86 and approving revenue estimates and appropriations for operating and capital improvement project budgets.

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 Nemeth, moved to introduce for First Reading Ordinance No. XXX N.S. modifying sewer user fees; and set June 17, 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

2. **Specific Plan Amendment 03-002 for a Neighborhood Commercial Center – The Marketplace at River Oaks, Borkey Area Specific Plan (Dick Willhoit, Estrella Associates, Inc.)**
R. Lata, Community Development Director

Consider amending the Borkey Area Specific Plan (BASP) to allow a 10-foot building setback along Buena Vista Road instead of the prescribed 30-foot setback. (The approximately 5.45-acre Neighborhood Commercial Center site is located at the northwest corner of Buena Vista Drive and Experimental Station Road. The Planning Commission has recommended that Council approve the reduction of the setback.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-87 issuing a Negative Declaration for the Specific Plan Amendment 03-002 to the Borkey Area Specific Plan.

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 Heggarty, moved to introduce for First Reading Ordinance No. XXX N.S. incorporating Specific Plan Amendment 03-002 into the Borkey Area Specific Plan, and set June 17, 2003, as the date for adoption of said ordinance. Under this option, the applicant's request for a 10-foot minimum building setback along Experimental Station Road would be approved.

Motion passed by the following unanimous roll call vote:

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

3. Code Amendment 03-004 – Second Units

R. Lata, Community Development Director

Consider a City-initiated amendment to the Zoning Code to revise the regulations for second (dwelling) units. (On July 1, 2003, an amended Government Code Section 65852.2, which establishes regulations for second units, becomes effective. Under this law, the City cannot restrict occupancy of second units to seniors and persons related to the owner.)

Making a declaration of conflict (his personal residence being in the Orchard Bungalow development area), Councilmember Heggarty stepped down from the dais and abstained from voting on Item No. 3.

Mayor Mecham opened the public hearing. Speaking from the public were Walter French, Steffany Lear, Phyllis Bollinger and Larry Werner. There were no further comments from the public, either written or oral, and the public hearing was closed.

Council adjourned for a 10-minute recess at 9:15 pm.

Councilmember Finigan, seconded by Mayor Mecham, moved to introduce for First Reading Ordinance No. XXX N.S. amending the Zoning Code to establish regulations for second units, with a revision to limit the maximum size of a second unit to thirty percent of the total floor area of the primary dwelling unit or 1,200 square feet, whichever is greater and to allow second units throughout the City if determined to be in conformance with zoning and development standards; and set June 17, 2003, as the date for adoption of said ordinance.

Motion passed by the following roll call vote:

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

Councilmember Heggarty returned to his seat at the dais after deliberations on Item No. 3 were concluded.

CONSENT CALENDAR

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

Consent Calendar Items No. 4 - 11 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Item No. 040602.

4. Approve City Council minutes of May 20, 2003
D. Fansler, City Clerk
5. Approve Warrant Registers: Nos. 40497 – 40651 (5/16/03) and 40652 – 40804 (5/23/03)
M. Compton, Administrative Services Director
6. Receive and file Advisory Body Committee minutes as follows:
Airport Advisory Committee meetings of March 27 and April 24, 2003
Housing Authority meeting of May 13, 2003
Parks & Recreation Advisory Committee meeting of April 8, 2003
Senior Citizen Advisory Committee meeting of March 10 and April 14, 2003
7. Adopt Resolution No. 03-88 awarding a construction contract for street maintenance and repair to A.J. Diani Construction of Santa Maria in the amount of \$304,658.50. (In March 2003, Council adopted the recommendation from the Streets & Utilities Committee analyzing the top 48 streets in the City requiring maintenance, and directed staff to prepare contract documents for bidding. Five bids were received at the Bid Opening on May 22nd, ranging from \$304,658.50 to \$409,883.)
J. Deakin, Public Works Director
8. Adopt Resolution No. 03-89 accepting the recordation of Tract 2472 (Koman & Herrontown Properties, LLC); approve execution of Subdivision Improvements Agreement authorizing deferred construction of the subdivision improvements; and adopt Resolution No. 03-90 annexing Tract 2472 into the Landscape and Lighting District (L&LD). (Property is a 24-lot Planned Unit Development subdivision of a 2.87-acre site, located on the north side of Creston Road, between North Trigo Lane and Ivy Lane. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission in June 2002 have been satisfied.)
R. Lata, Community Development Director
9. Adopt Resolution No. 03-91 accepting the recordation of Parcel Map PR 01-355. (Property is a 1-lot residential subdivision located at 1650 Kleck Road. Applicant is Margaret Pemberton. In May 2003, Council approved applicant's request to maintain a well on the property for agricultural purposes subject to recordation of constructive notice of termination of such approval upon sale or further development of the property. Said constructive notice has been submitted and will record with the parcel map.)
R. Lata, Community Development Director

10. Authorize execution of a Lease Option and Lease for real property, formerly Fire Station #1, to Children's Museum. (Property is located at 623 13th Street. Council authorized negotiation of a non-profit lease to the newly formed Children's Museum. The 30-year lease has been negotiated within established parameters.)
J. App, City Manager
11. Adopt Resolution No. 03-92 approving an amendment for paying and reporting the value of employer paid member contributions for the California Public Employee Retirement System (CalPERS) "miscellaneous" group, effective the payroll period ending July 5, 2003. (This retirement reporting benefit is required under adopted labor agreements and adoption will implement the wage-reporting requirement of these approved agreements.)
M. Williamson, Assistant to the City Manager

ROLL CALL VOTE

PUBLIC DISCUSSION

12. **Request to Remove One Oak Tree – 443 10th Street (Mannen)**
R. Lata, Community Development Director/ J. Deakin, Public Works Director

Consider a request from Alice Mannen to remove one 48-inch Coast Live Oak at 443 10th Street. (An Arborist Report submitted in May 2003 indicates that the tree is an immediate hazard and strongly recommends removal of the tree.)

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 adopt Resolution No. 03-93 approving the oak tree removal request based on the arborist report identifying that the tree has significant trunk and root rot and is an immediate hazard to the existing structures underneath the tree, and require replacement ratio of 12-inches of Coast Live Oaks, which shall be planted on site, in proper locations and proper techniques per the Arborist or other horticulture professional and/or donating trees to the City for future planting in a public area.

Motion passed by the following unanimous roll call vote:

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

13. **Use of Septic System – 1555 Lyle Lane (Stark)**
R. Lata, Community Development Director/ J. Deakin, Public Works Director

Consider a request to allow septic tank usage and replace an existing leach field at an existing single-family residence at 1555 Lyle Lane. (Property is north of Union Road, between Kleck Road and Prospect Avenue. Current Municipal Code only allows for construction of a septic tank if a sewer is not available. The nearest available sanitary sewer main is at the intersection of Kleck Road and Union Road, approximately 800 feet to the west. Adjacent lots in this area are serviced by septic systems.)

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 Item No. 13 to the Council meeting of June 17, 2003.

Motion passed by the following unanimous roll call vote:

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

14. Restaurant Lease – Airport Terminal

J. Deakin, Public Works Director

Consider approving a Food Service Concession and Lease Agreement for the Airport Terminal restaurant. (A Council appointed ad hoc committee was formed in to review proposals to operate restaurant/food service in the Airport Terminal and negotiate with prospective operators. The committee reviewed the proposal submitted by Matthew Riley.)

Mayor Mecham opened the public hearing. Speaking from the public was Lee Agon, Richard Morton and Matthew Riley. 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 adopt Resolution No. 03-94 (1) approving the lease agreement with Riley's Restaurant Corporation for restaurant service in the Airport Terminal; (2) authorizing the City Manager to execute the Equipment Purchase Agreement (per lease clause 4.A) and the Tenant Improvements Agreement (per lease clause 4.B) in accordance with the lease provisions; and (3) directing staff to record the Memorandum of Lease.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

15. Schedule Date for Applicant Interviews/Appointments – Library Board of Trustees

J. App, City Manager

Select date for conducting interviews and making appointments to the Library Board of Trustees.

2 vacancies with 3-year terms expiring June 30, 2006; 3 applicants

Melanie T. Rys
I. Rudyard Stone (incumbent)
Denise E. Surber

It was the consensus of Council to continue this item to the meeting of June 17, 2003.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION – None

AD HOC COUNCIL BUSINESS – None

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION - None

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 10:00 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 10:40 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced that Council received an update from the City's negotiator on the Closed Session items, and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 10:45 PM.

ADJOURNMENT: to THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JUNE 17, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: August 5, 2003