

**CITY COUNCIL MINUTES**  
**Tuesday, October 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**

**7:00 PM – CALL TO ORDER**

The City Council of the City of El Paso de Robles, meeting in regular session at 7:00 p.m. on the above date in the City Hall Large Conference Room, 2nd Floor, was called to order by Mayor Frank Mecham.

**ROLL CALL** Councilmembers George Finigan, Gary Nemeth, Duane Picanco and Mayor Frank Mecham. Councilmember Jim Heggarty was seated at the dais at 7:35 p.m.

**CLOSED SESSION**

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

*The City Council thereupon adjourned to Closed Session.*

*The City Council returned to Regular Session at 7:25 p.m.*

**REGULAR SESSION**

**7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

## PLEDGE OF ALLEGIANCE

Led by Nick Alexander, Boy Scouts of American, Troop 101 of Atascadero.

## INVOCATION

**ROLL CALL** Councilmembers George Finigan, Gary Nemeth, Duane Picanco and Mayor Frank Mecham. Councilmember Jim Heggarty was seated at the dais at 7:35 p.m.

## PUBLIC COMMENTS

- Leroy Brandon, Co-chairman of the Pioneer Day Committee, reminded the public that Pioneer Day would be held on Saturday, October 11th, with the Pioneer Day parade beginning at 10:00 a.m. Selling Smooth Puss Badges to Council were "Gypsy" James, "Kinky" Crespin, "Cheatin' Heart" and "Sparkles."

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

**PRESENTATIONS** - None

## PUBLIC HEARINGS

1. **Specific Plan Amendment 03-004 (Borkey Area Specific Plan Fee Update for Sub-area "B")**

R. Lata, Community Development Director

Consider revising Development Impact Fees for Subarea "B" of the Borkey Area Specific Plan to establish fees for the commercial components of the approved River Oaks and "The MarketPlace" Planned Developments. (Subarea "B" contains a total of 198 acres, including properties located generally north of Experimental Station Road, east of North River Road, south of the Paso Robles Hot Springs Resort, and west of Buena Vista Drive. The River Oaks Planned Development [PD] includes a 6-hole golf course and a clubhouse with a pro-shop. The MarketPlace PD includes a service station, commercial/office, and a gourmet market. The proposed revisions would ensure that the costs are properly apportioned amongst the properties that benefit from or are served by the public improvements and infrastructure.) CONTINUED FROM SEPTEMBER 16, 2003

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 hearing was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-181 establishing a Revised Schedule of Fees for Subarea "B" of 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

**2. Rezone 03-002: Zone Change for 935 Creston Road (Bernard / 3F Holding Corporation)**

R. Lata, Community Development Director

Consider a zone change of the approximate one-acre property located at 935 Creston Road to bring the zoning into conformity with its General Plan land use designation of RMF-L (Residential Multiple Family – Low, up to 8 units/acre). (Property is situated generally to the west of Orchard Drive. Application seeks to change the present zoning of R1 [Single-family Residential] to R2 PD [Duplex/Triplex Planned Development].) CONTINUED FROM SEPTEMBER 16, 2003

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to introduce for first reading Ordinance No. XXX N.S. amending Title 21 of the Zoning Code of the Municipal Code approving a zoning map change for 935 Creston Road (Assessor Parcel No. 009-641-002) from R1 (Single-family Residential) to R2 PD (Duplex/Triplex Planned Development); and set October 21, 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

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

**CONSENT**

**3. Signatory Authority – Local Agency Investment Fund (LAIF) - Redevelopment Account**

M. Compton, Administrative Services Director

Consider modifying signatory authority on certain City Accounts. (The hiring of a new finance manager makes the authorizing resolution currently on file with the Local Agency Investment Fund outdated and necessitates modifying signatory authority for various City accounts.)

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

Agencymember Nemeth, seconded by Agencymember Mecham, moved to adopt Resolution No. RA 03-04 designating certain City and Agency officers to make deposits and withdrawals with the Local Agency Investment Fund.

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 called for public comments on Consent Calendar items. There were no comments from the public and the public discussion was closed.

Consent Calendar Items No. 4 – 16.1 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Items No. 042855, 043101, 043205, 043237 and 042878

4. Approve City Council minutes of September 16, 2003.  
D. Fansler, City Clerk
5. Approve Warrant Registers: Nos. 42801 – 42915 (9/12/03, 42916 – 43119 (9/19/03), and 43120 – 43248 (9/26/03  
M. Compton, Administrative Services Director
6. Receive and file Advisory Body Committee minutes as follows:  
Citizens Airport Advisory Committee meeting of September 25, 2003  
Housing Authority meeting of September 9, 2003  
Library Board meeting of August 14, 2003  
Parks & Recreation Advisory Committee meeting of July 8 and August 26, 2003  
Pioneer Museum Board meeting of August 14, 2003  
Senior Citizen Advisory Committee meeting of July 14, 2003  
Youth Commission meeting of June 4, 2003
7. Adopt Resolution No. 03-182 supporting the Paso Robles Main Street Program. (The National Main Street Center is organizing the Great American Main Street Awards for 2003. Our Paso Robles Main Street Association will be applying for this national award, which recognizes outstanding revitalization of downtown commercial districts. The application process requires a Resolution of Support from the City Council.)  
J. App, City Manager
8. Extend the duration of the ad hoc committee formed in December 2002, to work with staff to address downtown parking and circulation related issues to July 6, 2004. (Committee has continuing responsibilities to formulate recommendations regarding implementation of the Downtown Parking & Circulation Action Plan that was approved by Council on October 29, 2002.)  
R. Lata, Community Development Director

9. Dissolve the ad hoc committee formed in January 2002 to evaluate options to re-stripe Niblick Road to a four lane arterial from River Road to Creston Road. (The assigned task of the ad hoc committee is complete.)  
J. Deakin, Public Works Director
10. Dissolve the ad hoc committee formed in July 2001 to review and select a citywide fee study consultant. (With the selection of Maximus for preparation of the citywide fee study [non-development impact and utility user fee], the assigned task of the ad hoc committee is complete.)  
M. Compton, Administrative Services Director
11. Adopt Resolution No. 03-183 designating certain City officers to make deposits and withdrawals with the Local Agency Investment Fund (LAIF). (The hiring of a new finance manager makes the authorizing resolutions currently on file with LAIF outdated and necessitates modifying deposit and withdrawal authority.)  
M. Compton, Administrative Services Director
12. Adopt Resolution No. 03-184 authorizing various bank accounts and designating certain City officers for signatory authority. (The hiring of a new finance manager necessitates modifying deposit and withdrawal authority.)  
M. Compton, Administrative Services Director
13. Adopt Resolution No. 03-185 adopting Relocation and Real Property Acquisition Rules and Regulations. (The 13th Street Bridge Widening Project has required the City to acquire certain properties. Council has adopted a Resolution of Necessity to acquire a portion of one property. Acquisition of that property will necessitate relocation of the occupants. In accordance with state law, the City must adopt certain rules and regulations regarding relocation guidelines and procedures.)  
J. Deakin, Public Works Director
14. Adopt Resolution No. 03-186 accepting the recordation of Parcel Map PRAL 01-348, a lot-line adjustment of commercial property located on the south and west sides of the Linne Road corner and accept the Offer of Dedication for road purposes on said map. (Applicant is Holmes Living Trust. The lot-line adjustment was tentatively approved by the Community Development Director on January 24, 2002.)  
R. Lata, Community Development Director
15. Adopt Resolution No. 03-187 approving an application to encumber Proposition 40 Per Capita grant funds in the amount of \$220,000 from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. (The State of California Department of Parks and Recreation requires a resolution approved by the City Council to apply for grant monies made available by the Park Bond Act of 2002.)  
B. Partridge, Library & Recreation Services Director
16. Adopt Resolution No. 03-188 approving the addition of two arborists (Ted Elder and Chip Tamagni) to the City's Pre-approved Certified Arborist List. (The City Municipal Code requires that a person who provides services as an arborist in the City must be certified by the Western Chapter of the International Society of Arboriculture [ISA] and must be on a list of certified arborists approved by the City Council.)  
R. Lata, Community Development Director

- 16.1 Adopt Resolution No. 03-189 authorizing the City Manager to (1) execute a contract with Blue Cross for medical coverage for one additional year; (2) execute a contract with Principal for dental coverage for two years; and (3) execute Side Letters of Agreement with Police Officers Association (P.O.A.), Service Employees International Union (S.E.I.U.) Paso Robles Professional Firefighters (I.A.F.F. Local 4148) and the Unrepresented Confidential, Professional and Management bargaining groups to modify employer and employee participation in monthly premium costs, effective October 1, 2003, for medical and effective November 1, 2003, for dental. (All employee bargaining groups have reached tentative agreements that will establish how future premium increases will be distributed between employees the City.)  
M. Williamson, Assistant to the City Manager

## DISCUSSION

17. **Oak Tree Removal – Montebello Tract 2369, Lot 100 (Falling Star Homes)**  
R. Lata, Community Development Director

Consider removing a four-stem 48-inch Valley Oak tree on Lot 100 of Tract 2369 (212 and 214 Kayla Court). (The tree is near the southern boundary of the Montebello Tract. The hill on which the tree is located is one of the highest elevations in the area. The arborist stated in a report performed on August 4, 2003, has several areas of weakness and disease and recommends that the tree be removed.)

Mayor Mecham opened the public hearing. Speaking from the public were Steve Sylvester, Kathy Barnett, and Chip Tamagni (Certified Arborist). There were no further comments from the public, either written or oral and the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-190 denying the oak tree removal request and direct the applicant to hire a Landscape Architect to work with the Arborist to come up with a landscape and retaining wall plan (without stairs that would encourage public access). The intent would be to provide stabilization and aesthetic value to the slopes, while still preserving the subject oak tree. Further direction was given by Council that the tree be trimmed to remove the dead branches and that the landscape architect work with the arborist to reduce the weight of the tree to provide the best chance for its survival.

Motion passed by the following unanimous roll call vote:

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

18. **Airport Sublease Agreements – Nunno Corporation, Ltd.**  
J. Deakin, Public Works Director

Consider approving a sublease agreement form between Nunno Corporation, Ltd. and potential aircraft hangar tenants for aircraft storage at 3461 Dry Creek Road. (The City currently holds a long-term property lease with Nunno Corporation, Ltd. on the Municipal Airport. The lease remains in good standing and compliance. It allows the lessee to enter into sublease agreements on the site with the approval of the City.)

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 Heggarty, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-191 approving the sublease agreement form and authorize the City Manager to execute subleases between Nunno corporation, Ltd. and their respective aircraft hangar tenants at 3461 Dry Creek Road at the Municipal Airport once all site development conditions are completed and subsequent to review of each sublease request, as appropriate.

Motion passed by the following unanimous roll call vote:

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

**19. Transit Advisory Committee**

M. Compton, Administrative Services Director

Consider continuing recruitment efforts for the Transit Advisory Committee (TAC) or disbanding the committee. (Three terms of five will expire October 31, 2003. Only two applications have been received for consideration.)

Mr. Compton advised Council that since the time of agenda preparation, a third application has been received received.

Mayor Mecham opened the public hearing. Speaking from the public was Bill Rouch. 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 continue recruiting for additional applicants to the Transit Advisory Committee for one additional month.

Motion passed by the following unanimous roll call vote:

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

**20. Business License Audits and Enforcement**

M. Compton, Administrative Services Director

Consider auditing and enforcing business license provisions of the Municipal Code. (Municipal Auditing Services submitted an unsolicited proposal to the City to undertake an audit of the existing business licensees, as well as search for non-licensed businesses operating in the City.)

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 Finigan moved to ask the Main Street Association and Chamber of Commerce to make inquiries and to inform the City of any businesses that do not have business licenses. Motion failed for lack of a second.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to direct staff to negotiate and present a business license auditing contract for Council approval, with direction to staff to put emphasis on identifying unlicensed businesses.

Motion failed by the following roll call vote:

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

**21. Cost of Services Fee Study**

M. Compton, Administrative Services Director

Consider awarding a cost of services fee study contract to Maximus. (The purpose of this study is to determine the cost of providing a variety of citywide services.)

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 Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-102 (1) awarding the cost of services fee study project to Maximus, (2) authorizing staff to negotiate a final contract subject to City Attorney review, (3) authorizing the Mayor to execute said contract and (4) approving a one-time supplemental budget appropriation in the amount of \$8,000.

Motion passed by the following unanimous roll call vote:

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

**22. Barney Schwartz Park & Public Works General Fund Budget**

J. Deakin, Public Works Director

Presentation of a report on parks maintenance costs. (A summary of the fiscal year 2003 budget projection for all City parks, including Barney Schwartz Park, and yearend expenditures.)

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 Finigan, seconded by Councilmember Heggarty, moved to receive and file.

Motion passed by unanimous voice.

#### **CITY MANAGER**

**23. Schedule Date for Applicant Interviews/Appointments – Citizens Airport Advisory Committee**

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Citizens Airport Advisory Committee

4 vacancies: Two 2-year regular terms ending October 31, 2005 and two 2-year alternate terms ending October 31, 2005

Applicants

Simon Bernau

Chuck Miller (incumbent)

Wayne Caruthers (incumbent)

Mitchell Culver

Thomas Hardwick

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

It was the consensus of Council to set 7:00 PM Thursday, October 30<sup>th</sup>, for conducting interviews and making appointments for vacancies on the Citizens Airport Advisory Committee.

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION** - None

#### **AD HOC COUNCIL BUSINESS**

**24. Fiscal Year 2004 Vehicle Equipment Replacement Ad Hoc Committee**

J. Deakin, Public Works Director

Consider appointing an ad hoc committee to review the vehicle/equipment purchasing policy and requests to modify replacement vehicles.

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 Nemeth, moved to appoint Councilmembers Heggarty and Picanco to an ad hoc committee to review the vehicle/equipment purchasing policy and requests to modify replacement vehicles, and report back to the full Council by December 16, 2003.

Motion passed by unanimous voice vote.

**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 9:15 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 10:20 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, OCTOBER 21, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

---

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