

**CITY COUNCIL MINUTES**  
**Tuesday, October 21, 2003 7:30 PM**  
**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL**  
**CONFERENCE CENTER, 1000 SPRING STREET**

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**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

**ROLL CALL** Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, and Mayor Frank Mecham. Absent: Councilmember Duane Picanco

**PUBLIC COMMENTS**

- Virginia Harris thanked Council for declaring November 2003 as *Toy Bank Month*. She announced that support from the community and the help of many volunteers enabled toys to be distributed to over 1,500 children in Paso Robles in 2002.

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

**PRESENTATIONS** - None

## **PUBLIC HEARINGS**

### **1. Street Abandonment 03-002 (12th Street – Wyatt)**

R. Lata, Community Development Director

Consider abandoning a portion of 12th Street, an 80-foot right-of-way from Paso Robles Street to State Highway 101. (Applicant Gregg Wyatt's abandonment request seeks to eliminate the requirement for street improvements and to provide parking for his existing commercial building on Paso Robles Street. On September 16, 2003, Council adopted Resolution of Intent to Abandon No. 03-170, setting this date for a public hearing to abandon this right-of-way.)

Mayor Mecham opened the public hearing. Speaking from the public was Steve Sylvester. 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. 03-194 to abandon a portion of 12th Street—an 80-foot right-of-way from Paso Robles Street to State Highway 101—and retain a public services easement for water, sanitary sewer, and public services as shown on the Exhibit "A" as requested by the adjacent property owners subject to conditions set forth.

Motion passed by the following roll call vote:

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

## **CONSENT CALENDAR**

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

Consent Calendar Items No. 2 – 10 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth.

2. Approve City Council minutes of September 18, 2003.  
D. Fansler, City Clerk
3. Approve Warrant Registers: Nos. 43249 – 43400 (10/3/03) and 43401 – 43555 (10/10/03)  
M. Compton, Administrative Services Director
4. Receive and file Advisory Body Committee minutes as follows:  
Parks & Recreation Advisory Committee meetings of August 26 and September 9, 2003  
Senior Citizen Advisory Committee meeting of September 8, 2003  
Transit Advisory Committee meeting of June 4, 2003  
Youth Commission meetings of September 3 and 10, 2003
5. Proclamation recognizing the month of October as *Disability Achievement Month*.
6. Proclamation recognizing the month of November 2003 as *Toy Bank Month*.

7. Adopt Resolution No. 03-195 declaring October 23 through October 31, 2003, as Red Ribbon Week in the City of Paso Robles. (The Red Ribbon Week highlights local substance abuse prevention programs. All citizens are encouraged to demonstrate their commitment to a drug free community by wearing and displaying red ribbons during this observance. )  
D. Cassidy, Police Chief
8. Read, by title only, and adopt Ordinance No. 866 N.S. amending Title 21 of the Zoning Code of the Municipal Code to approve a zoning map change for 935 Creston Road (Assessor Parcel Number 009-641-002) from R1 (Single-family residential) to R2 PD (Duplex/Triplex Planned Development) – Rezone 03-002, Nanci Bernard. (Property is situated generally to the west of Orchard Drive.)  
R. Lata, Community Development Director
9. Dissolve the ad hoc committee formed in September 2001 to evaluate proposals for an airport restaurant operator. (All work is complete.)  
J. Deakin, Public Works Director
10. Adopt Resolution No. 03-196 approving an application to encumber Proposition 40 Roberti-Z' Berg-Harris Block Grant funds in the amount of \$69,863 from the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002. (The California Department of Parks and Recreation requires a resolution approved by City Council to apply for grant monies made available by the Park Bond Act of 2002. No matching funds are required to receive the grant. These funds will be added to those allocated for the Centennial Park Enhancement Project.)  
B. Partridge, Library & Recreation Services Director

## DISCUSSION

11. **Request for Residential Subdivision Septic Systems – Tract 2521 (Bertoni)**  
R. Lata, Community Development Director

Consider a request from John Bertoni to service nine lots (including two with existing houses on septic systems) with septic systems, as part of the development of Tract 2521. (Tract 2521 is 11.9 acres located at 75 21<sup>st</sup> Street and is a subdivision of nine lots, each lot proposed to be at least one acre in size. The Public Works Department recommends that the subdivider extend the sewer in 21<sup>st</sup> Street to serve the subdivision.) CONTINUED FROM AUGUST 19, 2003

Mayor Mecham opened the public hearing. Speaking from the public was John Bertoni. There were no further 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. 03-197 denying a request for use of septic systems for lots in Tract 2521.

Motion passed by the following roll call vote:

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

**12. Parking Restrictions (Red Curb) on Black Oak Drive**

J. Deakin, Public Works Director

Consider parking restrictions (red curb) on Black Oak Drive in front of 2805 Black Oak Drive. (Applicant: Terry Webb of Shift N’ Gears Pit Stop & Motorcycle Rentals. On September 26, the Streets and Utilities Committee voted to recommend parking restrictions at this location due to site line problems when large trucks and trailers park too close to the curve on either side of Black Oak Drive near Mr. Webb's business.)

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 restricting parking at 2805 Black Oak Drive (255 feet around the corner) and extend parking restriction across the street near entrance to Motel 6 (60 feet).

Motion passed by the following roll call vote:

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

**13. General Plan Residential Densities; Ad Hoc Committee and Planning Commission Recommendations Regarding Transfer of Densities Among Potential Expansion Areas**

R. Lata, Community Development Director

Consider recommendations from ad hoc General Plan committee on the Planning Commission regarding transfer of densities in the Draft General Plan. (Options being presented include transfer of General Plan designations for multi-family densities from two locations: from north of Cuesta College and Our Town to the Beechwood Area and the Olsen Ranch. Both transfers are within the overall density parameters established in the Draft Environmental Impact Report and Draft General Plan.)

Mayor Mecham opened the public hearing. Speaking from the public were Neil Olsen, Tim Bryan, Larry Werner and 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 support the recommendations of the ad hoc committee and Planning Commission to transfer densities as illustrated in Exhibit A for inclusion in the Draft General Plan.

Motion passed by the following roll call vote:

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

**14. Accounting of Oak Tree Removal Permit and Replacement Process**

R. Lata, Community Development Director/J. Deakin, Public Works Director

Receive a report on the City's oak tree removal permit and replacement process. (Staff will provide a summary overview of the oak tree permit removal and replacement process, as well as a report identifying how the planting of the replacement oak trees is tracked.)

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 information on the City's oak tree removal permit and replacement process.

Motion passed by the following roll call vote:

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

**15. Street Sweeper Scope of Work**

J. Deakin, Public Works Director

Consider scope of work for street sweeping. (As the current contractor is not performing to contract standards and the contract is due to expire, the Streets and Utilities Committee suggested at its September 26 meeting to solicit proposals for a new contract with the scope of work as found in current specifications. It is suggested that after an observation period and feedback from the public the level of service be analyzed and adjusted as necessary.)

Mayor Mecham opened the public hearing. Speaking from the public were Chuck Mendelson, Mike Menath, and Patti Nolen. 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 direct staff to prepare street sweeping Request for Proposals with current scope of work, adding language to any contract to ensure that contractor equipment is maintained in good condition for handling the job efficiently and to City standards, add penalties for lack of performance, and look into feasibility of requiring contractor to purchase a performance bond.

Motion passed by the following roll call vote:

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

**16. Budget Appropriation for Fiscal Year 2003 Encumbrances**

M. Compton, Administrative Services Director

Consider carry-over appropriations for fiscal year 2003 encumbrance requests. (Proposed encumbrances represent requests to carry over unspent budget appropriations for the fiscal year just ended June 30, 3003. Carry-over appropriations are not new requests. They represent previously approved Council budget appropriations for projects and/or equipment purchases that were not completed in the prior budget year.)

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 Nemeth, moved to adopt Resolution No. 03-198 approving budget appropriations for fiscal year 2003 carry-over requests.

Motion passed by the following roll call vote:

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

**17. Use of Septic System – 9000 Highway 46E (City)**

R. Lata, Community Development Director

Consider a request to replace a septic leach field serving the office of Pacific Waste Services, Inc., operators of the City-owned landfill at 9000 Highway 46 East. (The current Municipal Code permits construction of any septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage only if the sewer is not available. The City’s landfill property is comprised of 40 acres. The nearest sewer available is located near the Airport, approximately four miles to the west.)

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 Nemeth, moved to adopt Resolution No. 03-199 authorizing replacement and continued use of a septic system for the office of Pacific Waste Services, Inc. (operators of the City-owned landfill at 900 Highway 46 East) subject to Conditions “a” through “k” as stated in Municipal Code Section 14.08.070, K, 4 “Conditions.”

Motion passed by the following roll call vote:

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

**CITY MANAGER - None**

**CORRESPONDENCE – None**

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS** - None

**COUNCIL COMMENTS**

**PUBLIC COMMENT ON CLOSED SESSION** – None

*Deputy City Attorney Jon Seitz 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 9:48 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 10:30 PM.*

**RETURN TO OPEN SESSION**

**CLOSED SESSION REPORT**

*Deputy City Attorney Seitz 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 10:35 PM.*

**ADJOURNMENT:** to THE REGULAR COUNCIL MEETING FOR AIRPORT ADVISORY COMMITTEE INTERVIEWS & APPOINTMENTS AT 7:00 PM ON THURSDAY, OCTOBER 30, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, OCTOBER 24, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: November 18, 2003