

# CITY COUNCIL MINUTES

Tuesday, December 16, 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

**7:40 PM – CONVENED REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENTS**

- Susan Harvey announced her candidacy for County Supervisor of District 1 and gave a summary of her qualifications and interests.
- Kathy Barnett questioned whether the City has approved development in any flood area.

*Councilmember Nemeth noted the success of last week's Toy Bank drive.*

**AGENDA ITEMS TO BE DEFERRED** - None

## **PRESENTATIONS**

Mayor Mecham presented a Certificate of Recognition to Marvin Scantlin on the occasion of his retirement from the City after 21 years of service with the Public Works Department.

## **PUBLIC HEARINGS**

### **1. General Plan Update Program: Final Environmental Impact Report and Draft General Plan Elements**

R. Lata, Community Development Director

Evaluate all applicable information and consider the Planning Commission's recommendations regarding the Final Environment Impact Report (FEIR) and General Plan update. (The Planning Commission recommends certification of the FEIR and adoption of the policies and programs in the General Plan update, but with a limitation of 38,000 residents in the year 2025. The FEIR on the General Plan update analyzed the range of potential impacts that could occur from implementation of a General Plan update with up to a maximum growth scenario of 45,500 residents in the year 2025. Feasible impact mitigation measures were also identified. The scope of the FEIR allows the City Council to consider and approve any option up to and including the maximum growth scenario.)

Council heard a presentation from John Rickenbach (Rincon Consultants) providing an overview of the process and content of the General Plan update.

John Rickenbach (Rincon Consultants) and Marty Inouye (Omni-Means) responded to a letters received from the "California Department of Transportation" (Caltrans) and "Environment in the Public Interest."

*The City Council took a 10-minute break at 9:13 PM.*

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett, Susan Harvey, Jerry Bunin (Homeowners Assoc.), Cody Ferguson, Gary Hoskins (Paso Robles Joint Unified School District), Jay Adams, (Paso Watch), Maureen Wynne, Fred Strong, Gordon Hensley (Environment in the Public Interest), Glenn Rider, Neil Olsen, Mike Menath, Joy Sprague, Aeron Arlin Genet, Carolyn Stewart-Snow, Richard Harvey, Klaus Schumann, Tom Roush, Chris Iverson, Richard Morgan, Pete Cagliero and Larry Werner. There being no further comments from the public, either written or oral, the public hearing was closed.

*Mayor Mecham stepped down from the dais making a declaration of potential conflict in considering the Historic Preservation Overlay District, as his personal residence is within 500 feet of the proposed District.*

*Mayor Pro Tempore Heggarty assumed the Chair and presided.*

*As Mayor Mecham recused himself from discussion on the historic preservation component, Bob Lata suggested that Council first consider the Historic Preservation Overlay District portion of the General Plan Update before moving on to the balance of the General Plan.*

Councilmember Nemeth, seconded by Councilmember Finigan, moved to consider the Historic Preservation component before considering the remaining elements.

Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt the Historic Preservation component of the General Plan, including establishing an Historic Preservation Overlay District.

Motion passed by the following roll call vote:

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

***Mayor Mecham returned to deliberations and presided.***

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-231 to certify the Final Environmental Impact Report for the General Plan update.

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 adopt Resolution No. 03-232 to approve the General Plan update with a maximum population of 44,000 in the year 2025, including support for annexation of the 511 acres that were studied in the FEIR.

Implementation of the General Plan to include the following parameters:

- (1) Carrying out all of implementation and mitigation measures contained in the individual General Plan Elements.
- (2) Pursuing formation of one or more Community Facility Districts (CFD) to supplement Development Impact Fees and Specific Plan Fees to mitigate both infrastructure and service impacts of new development, including but not limited to Specific Plan and annexation areas, for both the City and the School District. Policy options will be presented to the City Council and Planning Commission addressing financial impacts on affordable housing projects as defined in the City's Housing Element.

- (3) Establishing a Level of Service (LOS) standard of “D” as an interim standard until such time as either the Charolais Road extension to Highway 101 is constructed or the Highway 46 East is established as a Freeway configuration between Highway 101 and Airport Road.
- (4) Directing staff to present policy options to the City Council and Planning Commission providing alternatives to wide, high-speed streets in order to maximize public safety while at the same time promoting slower, more constant traffic flow through innovative street design; these provisions will include pedestrian-friendly design and an expanded focus on public transit opportunities.
- (5) Directing staff to implement the General Plan goals, policies and action items, including but not limited to:
  - Working with LAFCO to update the City’s Sphere of Influence boundary to include the 511 acres addressed in the FEIR.
  - Directing staff to prepare an amendment of the Housing Element to address questions and comments received from the State Department of Housing and Community Development.
  - Updating the City’s Water, Sewer, and Storm Drain Master Plans to anticipate both the scope of the 2025 General Plan and potential future expansions within the Planning Impact Area.
  - Updating the City’s Development Impact Fee schedule to reflect the full potential growth and infrastructure needs outlined in the General Plan.
  - Utilizing the City’s Fiscal Impact Analysis Model to evaluate all Specific Plans, including those that are to be prepared for proposed Annexation Areas, to insure fiscal neutrality in terms of impacts on the City’s ability to provide services.
  - Preparing design standard for high density multi-family development and application of the mixed use and senior housing overlays; no new projects pursuant to the RMF-20 zoning or overlay areas can be approved until the new standards are adopted.
  - Working with applicants for annexation in the areas anticipated in the General Plan and with LAFCO to process pending applications concurrent with LAFCO updating the City’s Sphere of Influence.
  - Working with property owners / applicants in preparation for the City to establish Specific Plans for proposed annexation areas.
  - Taking steps to pursue identification of the “purple belt” boundaries and alternative mechanisms for financing preservation of open space.
  - Working with property owners, the National Park Service, and other agencies and interested persons in actively pursuing long-term plans for land uses and facilities within the Salinas River Overlay Area.
  - Bringing forward Design Guidelines for the Historic District, including more specific standards for signage in that area.
- (6) Directing staff to present policy options to the City Council and Planning Commission for requiring “Inclusionary Zoning” for new development projects and/or payment of “in lieu” fees for affordable housing.

- (7) Directing staff to present policy options to the City Council and Planning Commission to phase/meter/manage growth & development beyond what can be accomplished through a Specific Plan (e.g. limiting the number of Building Permits for any calendar year or in relation to infrastructure capacity).

Motion passed by the following unanimous roll call vote:

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

*The City Council took a 10-minute break at 11:20 PM.*

#### 1.1 General Plan Update Program: Final Environmental Impact Report and Draft General Plan Elements

R. Lata, Community Development Director

Consider additional information on the General Plan Update staff report. (A Special Meeting of the Planning Commission has been scheduled for Tuesday, December 16, 2003, at 6:00 p.m., just prior to the City Council meeting. The purpose of the Commission's meeting is to provide an opportunity to obtain a minimum of four votes on a motion to recommend one of the General Plan options presented in the Commission's staff report of November 25, 2003. Staff will then present a verbal summary of the Commission's action and recommendation at the City Council meeting commencing at 7:30 p.m.)

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to receive and file the verbal staff report on the Planning Commission's recommendation along with other input and testimony received at the noticed public hearing on the General Plan Update that is scheduled for 6:00 p.m. on Tuesday, December 16, 2003.

Motion passed by the following roll call vote:

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

#### **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 were approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan, with Items Nos. 1 and 3 - 16 being passed unanimously and Item No. 2 approved on a 4-1 vote with Councilmember Picanco abstaining.

2. Approve Warrant Registers: Nos. 44385 – 44526 (11-14-03) and 44527 – 44682 (11-21-03)  
M. Compton, Administrative Services Director
3. Receive and file Advisory Body Committee minutes as follows:  
Housing Authority meeting of November 12, 2003
4. Proclamation recognizing Marvin Scantlin for 21 years as member of City staff in the Public Works Department.
5. Read, by title only, and adopt Ordinance No. 867 N.S. amending Title 21 of the Zoning Code of the Municipal Code to approve a zoning map change for 4041 Highway 46 east – APN 015-031-050 – Prezone 03-006, Hunter Ranch Golf Course, Annexation No. 85. (Pre-zoning this site as POS implements the City's Economic Strategy, which encourages and supports the development of resort quality golf courses in Paso Robles and endorses the annexation of all Highway 46 corridors to include existing golf courses and wineries that are in the City's Sphere of Influence. No land use changes or development projects are being proposed as a part of annexation. Any future development, redevelopment, or expansion proposal for the site would require separate City review and approval via its development review process.)  
1ST READING DECEMBER 2, 2003  
R. Lata, Community Development Director
6. Read, by title only, and adopt Ordinance No. 868 N.S. amending Section 21.22.035C of the Municipal Code to provide a Parking Code time extension/amendment to December 31, 2005. (In 1994, the parking code was amended to permanently "grandfather" the use of existing buildings that existed as of 1992 and also to temporarily reduce the requirement for off-street parking for new development in the downtown area. The Planning Commission was also authorized to exempt certain land uses that would be consistent with the City's Economic Development Strategy from providing any off-street parking. These incentives were in place until 1998 and were then extended an additional five years. That incentive for downtown investment is now scheduled to expire December 31, 2003, unless further extended by action of the Council.) 1ST READING DECEMBER 2, 2003  
R. Lata, Community Development Director
7. Extend the duration of the ad hoc committee to work with Community Development and Public works Department staff on traffic capacity and design issues relating to the Highway 46 West / 101 Interchange to September 21, 2004. (The Committee is still needed to assist in evaluating alternative means of addressing the constraints of this interchange.)  
R. Lata, Community Development Director
8. Extend the duration of ad hoc committee to review the Salinas River outreach and mapping project (Salinas River Corridor Plan) to December 21, 2004. (The outreach effort is still in its early stages of process and plan formation. Staff recommends that the Committee be retained to participate in the budget and product formulation process, as well as potential focus group participation.)  
M. Williamson, Assistant to the City Manager
9. Extend the duration of the ad hoc committee to review the Airport Master and Land Use Plans drafts to April 20, 2004. (Work on the Airport Master and Land Use Plans remains in draft and may need further review.)  
J. Deakin, Public Works Director
10. Close out the ad hoc committee to guide staff in developing a public education and outreach program for the Landscape and Lighting District aimed at improving actual service quality and perceived value for the service. (The work of the committee is complete.)  
J. Deakin, Public Works Director

11. Adopt Resolution No. 03-233 authorizing budget appropriation of \$700,000 for the Union/46 Specific Plan 7-acre park site purchase and voiding an appropriation of \$550,000 for a school site within the same plan area. (This action brings the City's 2003/2004 Budget into alignment with previous action to purchase the park site located in the Montebello housing project.)  
M. Williamson, Assistant to the City Manager
12. Adopt Resolution No. 03-234 approving request to extend hours for the closure of 11th Street for the Country Farm and Craft Market. (In August, Council approved the closure of a portion of 11th Street for the Market on Saturdays from 7:30 a.m. to 12:45 p.m. Council is being petitioned to expand the hours to begin at 7:00 a.m. and end at 1:00 p.m. to allow additional time for vendors to set up and take down their exhibits.)  
R. Lata, Community Development Director
13. Adopt Resolution No. 03-235 accepting the recordation of Parcel Map PR 03-005. (Applicants: Ken and Jacqueline Lerno. Property is a two-lot residential subdivision located at 155 Fairview Lane. All conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
14. Adopt Resolution No. 03-236 accepting the recordation of Parcel Map PR 03-0197. (Applicant: East Village Associates, LLC. Property is a 7-parcel commercial subdivision located at the northwest corner of Sherwood and Creston Roads. All conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
15. Adopt Resolution No. 03-237 (1) accepting the recordation of Tract 2369-3; and (2) approving the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements, with an established deadline of December 16, 2004 to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopt Resolution No. 03-238 annexing Tract 2369-3 into the Landscape and Lighting District. (Applicant: Fallingstar Homes, Inc. Property is a 62-lot subdivision of a 48.51-acre site located along the north side of Montebello Oaks Drive and the extension of Kleck Road. All conditions imposed by the Planning Commission have been satisfied except for the construction of the public improvements. Payment and Performance Bonds have been submitted and placed on file in the office of the City Engineer and applicants have signed a petition and voted in favor of annexation into the Landscape and Lighting District.)  
R. Lata, Community Development Director
16. Adopt Resolution No. 03-239 accepting the public improvements of Tract 2430 into the City's maintenance system and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$12,153. (Applicant: Terrabella ABD, LLC. Subdivision is located at the southwest corner of Bella Vista Court and Arciero Way. All public improvements required as Conditions of Approval have been constructed in compliance with the improvement plans and applicable City Standards.)  
R. Lata, Community Development Director

## DISCUSSION

### 17. Award Contract – Vulnerability Assessment of the Water System

J. Deakin, Public Works Director

Consider awarding a contract to Risk Management Professionals to prepare a Vulnerability Assessment of the City's water system. (In accordance with the Bioterrorism Response Act of 2002, the City is required to prepare a Security Vulnerability Assessment of the City's water system. In September 2003 staff issued a Request for Proposal to twelve companies. Six responded to the RFP. Following review by staff and the ad hoc committee comprised of Mayor Frank Mecham and Councilmember Heggarty of the two most comprehensive proposals submitted, it was concluded that the assessment should be prepared by a firm specializing in security systems.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to (1) adopt Resolution No. 03-240 authorizing the City Manager to enter a contract with Risk Management Professionals to prepare a Vulnerability Assessment of the City's Water System in the amount of \$19,925; and (2) dissolve the ad hoc committee formed in November 2003 to review the two top firms responding to the Vulnerability Assessment RFP.

Motion passed by the following roll call vote:

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

### 18. Barney Schwartz Park Concession Operation Ad Hoc Committee Report

B. Partridge, Library & Recreation Services Director

Consider recommendations of the ad hoc committee to contract with NCI Affiliates for concession operations at Barney Schwartz Park (BSP). (Requests for Proposals were solicited for concession operations at BSP. Only one proposal was received. Council's ad hoc committee comprised of Councilmembers Picanco and Nemeth reviewed the proposal and considered other options for concession operations at the Park.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to (1) direct staff to enter into a contractual agreement with NCI Affiliates for concession operations at Barney Schwartz Park; and (2) dissolve the ad hoc committee formed in November 2003 to consider options for concession operations at the Park.

Motion passed by the following roll call vote:

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



**19. Commissioned Art in Children’s Play Area of the City Park**

B. Partridge, Library & Recreation Services Director

Consider Parks and Recreation Advisory Committee’s recommendation to request proposals from artists to create interactive public art to be placed in the children’s play area of the downtown City park. (REC, Inc.—a nonprofit corporation that raises funds to enhance recreational places and programs in Paso Robles—gifted the City with \$10,000 from the 2002 Duck Derby to commission an interactive piece of art for the children’s play area.) CONTINUED FROM NOVEMBER 18, 2003

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to accept the Parks and Recreation Advisory Committee’s recommendation to commission interactive public art consistent with the parameters of the City’s Public Art Policy for the children’s play area of the downtown City Park.

Motion passed by the following roll call vote:

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

**CITY MANAGER**

**20. Schedule Date for Applicant Interviews/Appointments – Project Area Committee**

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Project Area Committee.

**5 vacancies:**

Four 3-year regular terms expiring December 31, 2006 and One partial regular term expiring December 31, 2004, to complete vacated term following Douglas Card resignation.

**7 applicants:**

Robert M. Burgess                      Pat Crawford (incumbent)  
David H. Hanush                        Norma Duncan (incumbent)  
Tom M. Lewis                            Matt Masia (incumbent)  
Rand A. Salke

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to set Thursday, January 15, 2004, at 7:00 PM as date for conducting interviews and making appointments to the Project Area Committee.

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

21. **Sewer & Water User and Impact Fee Updates Ad Hoc Committee**  
M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to review sewer & water user and impact fees. (In December 2001, Council approved modified sewer & water user and impact fees. The adopting resolution and ordinance provided that the fees would be reviewed every two years.)

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 appoint Councilmembers Finigan and Heggarty to an ad hoc committee to review sewer & water user and impact fees, reporting back to the full Council by February 19, 2004.

Motion passed by unanimous vote.

**COUNCIL COMMENTS** - None

**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 11:40 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

*Council returned to Regular Session on Wednesday, December 17, 2003, at 12:08 AM.*

**RETURN TO OPEN SESSION**

**CLOSED SESSION REPORT**

*Deputy City Attorney Seitz announced that there was no reportable action.*

*By unanimous voice vote, Council moved to adjourn from Regular Session on Wednesday, December 17, 2003, at 12:10 AM.*

**ADJOURNMENT:** to THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JANUARY 6, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved:

**THESE MINUTES ARE NOT OFFICIAL OR A PERMANENT PART OF THE RECORDS  
UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING.**