

# **CITY COUNCIL MINUTES**

**Tuesday, October 5, 2004 7:30 PM**

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL  
CONFERENCE CENTER, 1000 SPRING STREET**

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## **7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

## **PLEDGE OF ALLEGIANCE**

Led by Scout Kevin Alexander, Boy Scouts of America, Troop 101

## **INVOCATION**

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

## **PUBLIC COMMENTS**

- Dale Gustin reminded Council and the listening audience that Pioneer Day is Saturday, October 9<sup>th</sup>, and encouraged participation in the activities.

## **AGENDA ITEMS TO BE DEFERRED (IF ANY)**

City Manager Jim App announced that Agenda Item No. 1 has been recommended for continuance.

## **PUBLIC HEARINGS**

1. **Appeal of Notice and Order for 1234 Pine Street by the Property Owner**  
R. Lata, Community Development Director

Continue the open public hearing regarding an appeal of a Notice and Order issued for a leaning building at 1234 Pine Street. (Property is a 120-year old wood, framed building. The City's recent assessment showed that the building is leaning and rotating four inches, exceeding limits set by code for this type of building.) CONTINUED FROM SEPTEMBER 21, 2004

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to continue the open public hearing to the City Council meeting of October 19, 2004.

Motion passed by unanimous voice vote.

**2. Code Amendment - Regulations of Truck Routes, Weight Limits, and Truck Parking (City-initiated)**

R. Lata, Community Development Director

Consider proposed updates to the City's regulations regarding truck parking. (Current commercial vehicle parking provisions are inconsistent with the weight threshold for truck routes. On September 7<sup>th</sup>, Council deferred consideration of establishing truck routes for two years.) CONTINUED FROM SEPTEMBER 7, 2004

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Jim Cromwell, and 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 Finigan, moved to adopt Resolution No. 04-211 approving a Negative Declaration.

Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to revise the text of Section 12.38.040 in accordance with Exhibit A (as corrected, deleting "*or public or private property*" in Section B to make it consistent with Section C; reducing the gross vehicle weight in Section C to 8,000 pounds; and revising Section C.5 to extend permissible parking to within 300 feet of the business premises where the commercial vehicle, trailer and/or commercial equipment operator is a registered guest of a motel or hotel), by introducing for first reading attached Ordinance No. XXX N.S. and setting October 19, 2004, as the date for second reading of said Ordinance, and direct staff to provide public information to communicate new Commercial Vehicle Parking requirements.

Motion passed by the following roll call vote:

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

**3. Code Amendment 04-003 to Establish a Mixed-Use Overlay Zoning District and Development Regulations**

R. Lata, Community Development Director

Consider adding an overlay district and establish development regulations, including site development standards and design guidelines, for mixed-use development projects. (This code amendment will ensure consistency between the General Plan and Zoning Ordinance. It is recommended that parking standards be removed from the text of the code amendment until such time as parking requirements are modified in the future.) CONTINUED FROM AUGUST 17, 2004

Mayor Mecham opened the public hearing. Speaking from the public was Tom Hardwick. 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. 04-212 approving the Negative Declaration relating to Zoning Code Amendment No. 04-003.

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 Finigan, moved to introduce for first reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code, approving a zoning map change, and zoning text amendment; and set October 19, 2004, as the date for second reading 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

**4. Zone Change 04-009 (City-initiated)**

R. Lata, Community Development Director

Consider the Planning Commission's recommendation to rezone three City-owned parcels to conform with the General Plan. (Parcels are located at the westerly terminus of Dry Creek Road, formerly the site of a wastewater treatment facility. Current zoning is Residential-Agriculture, Planned Development [R-A-PD]; proposed zoning is Public Facilities [PF]. There are no projects or change of use under consideration.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-213 approving a Negative Declaration of environmental impact.

Motion passed by the following unanimous roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to introduce for first reading Ordinance No. XXX N.S. that would bring the zoning of the subject parcels into conformity with the General Plan; and set October 19, 2004, as the date for second reading of the ordinance.

Motion passed by the following unanimous 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 were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items Nos. 5 - 16 and 18 - 28 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with the exception of Item No. 17 pulled for discussion.

5. Approve City Council minutes of September 7 and 21, 2004  
D. Fansler, City Clerk
6. Approve Warrant Register: Nos. 50020 – 50134 (9/3/04), 50135 – 50273 (9/10/04), 50274 – 50446 (9/17/04) and 50447 – 50566 (9/24/04)  
M. Compton, Administrative Services Director
7. Receive and file Advisory Body Committee minutes as follows:  
Airport Advisory Committee meeting of July 22, 2004  
Library Board of Trustees meeting of August 12, 2004  
Parks/Recreation Advisory Committee meeting of August 10, 2004  
Senior Citizen Advisory Committee meeting of July 12, 2004
8. Proclamation for *Domestic Violence Awareness Month – October 2004.*  
D. Cassidy, Chief of Police
9. Accept the public safety memorial monument as City property. (A monument recognizing public safety professionals who daily dedicate their lives for the public's protection, and honoring those who have lost their lives to this service, is complete and ready to be placed at the Public Safety Center.)  
D. Cassidy, Chief of Police

10. Adopt Resolution No. 04-214 terminating the City's interest in a 1958 lease of property for a billboard sign. (In 1958 the City entered into a 10-year lease with a private property owner to establish a billboard on the north side of Highway 46 East, just west of Old Paso Robles Boulevard. The term of the lease has expired, but until officially terminated in writing, the lease still "clouds title" of the underlying private property.)  
M. Williamson, Assistant to the City Manager
11. Adopt Resolution No. 04-215 awarding a janitorial contract to Clean Sweep Janitorial for \$4,464 a month. (At the bid opening on September 9, 2004, three bids were received, ranging from \$4,464 to \$6,201 per month. The low bid submitted by Clean Sweep Janitorial is responsive.)  
M. Williamson, Interim Public Works Director
12. Adopt Resolution No. 04-216 accepting Irrevocable and Perpetual Offer of Dedication for an easement for public road purposes, adjacent to the south side of Pacific Avenue along the property known as 140 Pacific Avenue. (Applicants Frederick and Beth Gier have constructed a single-family residence at subject location and are dedicating a 2-foot strip for public road purposes to accommodate future improvements to Pacific Avenue.)  
R. Lata, Community Development Director
13. Adopt Resolution No. 04-217 accepting a Grant of Avigation Easement from Estrella Communities, LLC, for Lots 1 through 90, 92, 93, and 148 in Tract 2376, located north of River Oaks Drive and west of Buena Vista Drive. (This residential development is located north of River Oaks Drive and west of Buena Vista Drive.)  
R. Lata, Community Development Director
14. Adopt Resolution No. 04-218 accepting the recordation of Parcel Map PR 04-0021, a 2-lot residential subdivision located on Cherry Street, south of Hilltop Drive. (Applicants: Thomas and Marilyn Bennett. Parcel Map was tentatively approved by the Planning Commission on May 25, 2004. All conditions imposed have been satisfied.)  
R. Lata, Community Development Director
15. Adopt Resolution No. 04-219 accepting the public improvements of Tract 2472 into the City's maintenance system. (Property is located on the north side of Creston Road, between Trigo and Ivy Lanes. The public improvements on Creston Road adjacent to this tract have been constructed satisfactorily.)  
R. Lata, Community Development Director
16. (1) Adopt Resolution No. 04-220 accepting the recordation of Tract 2422, a 22-lot subdivision located on the west side of South River Road at Navajo Avenue, and approving the Subdivision Improvement Agreement for Tract 2422 guaranteeing the construction of the subdivision improvements, with an established deadline of October 5, 2005, to complete these improvements, and authorizing the Mayor to execute the Agreement; and (2) adopt Resolution No. 04-221 annexing Tract 2422 into the Landscape and Lighting District. (Applicant: Mike Harrod. The Planning Commission originally approved Tract 2422 on  
May 14, 2002, and with the exception of the construction of the public improvements, all conditions imposed at that time have been satisfied.)  
R. Lata, Community Development Director

18. Adopt Resolution No. 04-222 approving the annual claim for Transportation Development Act (TDA) funding. (The City must file an annual claim with the San Luis Obispo Council of Governments in order to receive its allocation of TDA funds. TDA funds may be used for either transit services or street and road construction/maintenance. Funds represent ¼ of 1% of the sales tax collections statewide and are generally distributed back to local agencies based upon County situs and agency population. In addition to transit fares and TDA, the City now receives Federal Transit 5307 funds for City transit operations, resulting in an additional \$150,000 in TDA funds being recommended for allocation to streets and roads.)  
M. Compton, Administrative Services Director
19. As the work of the committee is not yet complete, extend duration of the ad hoc committee (Finigan and Picanco) formed in August 2003 to work with staff to address formulating appropriate regulations regarding newsracks to November 16, 2004.  
R. Lata, Community Development Director
20. As the work of the committee is not yet complete, extend duration of the ad hoc committee (Mecham and Nemeth) formed in April 2004 to work with staff to address formulating the scope of Community Facilities Districts, consistent with the adopted General Plan policy on "fiscal neutrality" to November 16, 2004.  
R. Lata, Community Development Director
21. As the work of the committee is not yet complete, extend duration of the ad hoc committee (Finigan and Nemeth) formed in September 2004 to assist with review of banking services proposal responses to November 2, 2004.  
M. Compton, Administrative Services Director
22. With the recent submittal of standards for Mixed Use Development and work being underway to prepare a draft of the other standards, the work of the ad hoc committee formed in March 2004 (Mecham and Finigan) has been completed and the committee may be dissolved.  
R. Lata, Community Development Director
23. As a Project Study Report has been submitted to Caltrans, dissolve the ad hoc committee (Mecham and Finigan) formed in August 2002 to work with staff to address traffic capacity issues relating to the Highway 46 West/101 Interchange.  
R. Lata, Community Development Director
24. As work has not begun on a Specific Plan for this area and there is no current schedule for one, dissolve the ad hoc committee (Mecham and Finigan) formed in March 2004 to work with staff to address preparation of an Oak Park Specific Plan.  
R. Lata, Community Development Director
25. As a contract has now been awarded, dissolve the ad hoc committee (Finigan and Nemeth) formed in May 2004 to work with staff to address Carnegie Library Seismic Retrofit proposals.  
R. Lata, Community Development Director
26. As a draft plan is being scheduled for Planning Commission and full Council consideration, dissolve the ad hoc committee (Heggarty and Nemeth) formed in May 2004 to work with staff to address preparation of a Hazard Mitigation Plan.  
R. Lata, Community Development Director
27. With recent Council approval of a plan for short-term, and long-term access to and from the East Village Shopping Center, dissolve the ad hoc committee (Finigan and Nemeth) formed in July 2004 to work with staff to address vehicular access issues related to the Center.  
R. Lata, Community Development Director

28. As a contract has now been awarded, dissolve the ad hoc committee (Mecham and Nemeth) formed in June 2004 to work with staff on selection of a contract engineering firm to prepare a Project Study Report for Airport Road/Highway 46 East.  
R. Lata, Community Development Director

**CONSENT ITEM PULLED FOR DISCUSSION:**

17. Set Tuesday, November 30<sup>th</sup>, at 7:00 p.m., as an adjourned regular meeting to consider the Final Environmental Impact Report (EIR) for the Chandler Ranch Area. (In light of the volume of materials and the complexity of the environmental and policy issues, it is recommended that Council set an adjourned regular meeting to hold its public hearing on the Final EIR and Specific Plan.)  
R. Lata, Community Development Director

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to table Agenda Item No. 17.

Motion passed by the following unanimous roll call vote:

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

**DISCUSSION**

29. **City Financial Performance & Projection**  
J. App, City Manager and M. Compton, Administrative Services Director

Consider a 3-part financial performance report and projection for Fiscal Years 2004 – 2008. Results for fiscal year 2004 for the General Fund are significantly better than projected.

- 29.1 **BUDGET APPROPRIATION FOR FISCAL YEAR 2004 ENCUMBRANCES**  
Encumbrances (carry-over requests) are recorded upon the financial records of the City as budget adjustments in the fiscal year they are planned for expenditure and, subsequently, as an expense only when they are actually expended.

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

Councilmember Finigan, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-223 approving budget appropriations for fiscal year 2004 carry-over requests, correcting clerical error on Exhibit A—General Plan carry-over on Page 29.1-6 to read \$755,700.

Motion passed by the following roll call vote:

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

**29.2 PRELIMINARY RESULTS – FISCAL YEAR 2004 MAJOR FUNDS**

Preliminary results for fiscal year 2004 indicate that revenues exceeded budget estimates and expenditures were less than projected.

Mayor Mecham opened the public hearing. Speaking from the public 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 Nemeth, moved to receive and file.

Motion passed by unanimous voice vote.

**29.3 FISCAL YEAR 2005 BUDGET**

In May 2004, Council adopted the fiscal year 2005 maintenance and operating budget that provided for the use of reserves to cover General Fund budget deficits. The operating deficits (use of reserves/savings) were the result of an assumption that the State would take \$1 million annually from the City. Adoption of Proposition 1A would protect local revenues and significantly improve the City's current budget and long term outlook.

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

Motion passed by unanimous voice vote.

*Council adjourned for a 10-minute recess at 9:26 PM.*

**29.4 Local Hazard Mitigation Plan – Carry-over Request**

R. Lata, Community Development Director

Consider carrying over General Funds that were previously appropriated for the preparation of a Local Hazard Mitigation Plan (LHMP). (In June 2004, Council approved a contract with URS Corporation for \$64,911 to prepare the Plan. Partial payment was made to URS in FY 2003/04. A carry-over of the remaining balance is necessary to enable the City to meet its contractual obligations for this project.)

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. 04-224 to approve a carry-over of \$52,000 for Account No. 100-710-5224-209 for the Local Hazard Mitigation Plan.

Motion passed by the following unanimous roll call vote:

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



**30. Traffic Impact Fee Schedule for Santa Ysabel Ranch**

R. Lata, Community Development Director

Consider appropriate traffic impact fee for the Santa Ysabel Ranch project. (This project is located in the County unincorporated area, approximately 2000 feet south of the City of Paso Robles. When this project was considered by the County of San Luis Obispo, Paso Robles requested that traffic impact fees be paid based on anticipated traffic impacts on the City.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 04-225 confirming the amount of the Santa Ysabel Ranch traffic impact fee.

Motion passed by the following unanimous roll call vote:

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

**31. Request to Authorize Additional Funding - Chandler Ranch Area Specific Plan**

R. Lata, Community Development Director

Consider authorizing additional funding for work related to the Chandler Ranch Area Specific Plan (CRASP). (In order to avoid a delay in the project schedule and in anticipation that there may be a property owner request for additional traffic analysis, it is suggested that contingency funds be set aside for traffic analysis and mitigation plan refinements. If additional land use analysis is not requested, the funding will not be used.)

Mayor Mecham opened the public hearing. Speaking from the public was Tom Hardwick. 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 authorize staff to take the steps necessary to provide up to \$30,000 in contingency funding for additional traffic analysis and mitigation plan refinements relative to modifications to commercial land use designated areas within the Chandler Ranch Area Specific Plan. If property owners (Wurth and/or Neixner) do not request consideration of land use refinements, there will be no need for expending these contingency funds.

Motion passed by the following unanimous roll call vote:

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

**32. Nacimiento Water Project – Peak Demand / Delivery Analysis**

J. App, City Manager

Consider partnering with the Atascadero Mutual Water Company (AMWC) in a Nacimiento Water Project (NWP) peaking feasibility study. (Paso Robles, AMWC, Templeton Community Service District [TCSD], and the City of San Luis Obispo [SLO] have subscribed to receive water from the NWP. All agencies' water demands peak during summer months; participants need to indicate peaking factor requirements prior to the mid-point of project design. Cost of the study will be divided among North County participants according to NWP subscriptions.)

*Making a declaration of possible conflict, Mayor Mecham stepped down from the dais and left the room until deliberations were concluded. Mayor Pro Tempore Jim Heggarty assumed the Chair and presided.*

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett and Jim Cromwell. 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. 04-226 authorizing the City Manager to enter into a Letter Agreement with the Atascadero Mutual Water Company to study peaking options for Nacimiento Project deliveries and appropriating up to \$33,000 for the study.

Motion passed by the following roll call vote:

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

*Mayor Mecham returned to deliberations following the vote on Item No. 32.*

**33. Centennial Park Repairs**

M. Williamson, Interim Public Works Director

Consider appropriating additional funds to undertake certain general repairs at Centennial Park —ceiling tile replacement and floor refinishing. (If done at this time, the additional work can be added to the earthquake repair contractor's scope in the form of a change order.)

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 approve revised Resolution No. 04-227 authorizing the appropriation of \$19,000 from the City Facility Repair Fund to Budget Account No. 100.310.5221.174.

Motion passed by the following unanimous roll call vote:

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

**CITY MANAGER** - None

**CORRESPONDENCE** - None

### **ADVISORY BODY COMMUNICATION**

**34. Nacimiento Water Project Commission**

J. App, City Manager

Consider appointment of an alternate member to the Nacimiento Water Project Commission. (Mayor Frank Mecham is the City's appointed Commissioner. Appointment of an alternate member is suggested in the event the appointed Commissioner should ever be unable to participate.)

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 Councilmember Heggarty as the alternate commissioner to the Nacimiento Water Project.

Motion passed by unanimous vote.

### **AD HOC COUNCIL BUSINESS**

**35. Transit Services - Ad Hoc Committee**

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to consider a variety of transit service issues.

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

Mayor Mecham, seconded by Councilmember Finigan, moved to appoint Councilmember Picanco and Mayor Mecham to an ad hoc committee to consider a variety of transit service issues, reporting back to the full Council by December 21, 2004.

Motion passed by unanimous vote.

## **COUNCIL COMMENTS**

- Councilmember Picanco suggested agendizing discussion of sidewalk placement at 12<sup>th</sup> and Park Streets during the holidays. He suggested that staff research the feasibility of moving the temporary sidewalks (now located in the parking area) back to the normal sidewalk area to free up parking spaces. There was support from Council to bring this item forward to a future meeting.
- Mayor Mecham suggested agendizing discussion concerning opposition to State Proposition 68, which concerns non-tribal commercial gambling expansion. Council supported bringing this forward to a future meeting.

## **PUBLIC COMMENT ON CLOSED SESSION - None**

*City Attorney Iris Yang announced Council's authority to go into closed session to discuss the item 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, 2<sup>nd</sup> Floor

*Council returned to Regular Session at 10:50 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 item, and there was no reportable action.*

*By unanimous voice vote, Council moved to adjourn from regular session at 10:51 PM.*

**ADJOURNMENT:** to PIONEER DAY & PARADE AT 10:00 AM ON SATURDAY, OCTOBER 9, 2004, IN PASO ROBLES DOWNTOWN AREA; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, OCTOBER 19, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: October 19, 2004