

# **CITY COUNCIL MINUTES**

**Tuesday, October 19, 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 Nicholas Alexander, Boy Scouts of America, Troop 101

## **INVOCATION**

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

## **PUBLIC COMMENTS**

- Tom Hardwick commented on the mailer he received regarding the 13<sup>th</sup> Street Bridge closure. Mr. Hardwick is requesting that speed bumps be placed on Walnut Drive for safety reasons during the closure of the bridge, as Walnut Drive is used as an alternate route.

## **PUBLIC HEARINGS**

### **1. Appeal of Notice and Order for 1234 Pine Street by the Property Owner**

R. Lata, Community Development Director

Consider continuing 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 OCTOBER 5, 2004

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to continue the open public hearing to the City Council meeting of November 16, 2004.

Motion passed by unanimous voice vote.

### **2. Code Amendment 02-007 (Signs)**

R. Lata, Community Development Director

Consider continuing the open public hearing regarding an update of the City's sign ordinance. (In light of legal issues and complexity, additional time is needed to refine the text of the proposed ordinance.) CONTINUED FROM AUGUST 3, 2004

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.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to continue the open public hearing to the City Council meeting of November 16, 2004.

Motion passed by unanimous voice vote.

### **3. 2004 Housing Element (Amendment to 2003 Housing Element)**

R. Lata, Community Development Director

Consider amending the Housing Element to address concerns raised by the State Department of Housing and Community Development (HCD). (As the Housing Element was part of a comprehensive update of the General Plan, Council determined to adopt the update in December 2003 and address HCD's recommended revisions at a later date. The Planning Commission is scheduled to review the draft at its October 12<sup>th</sup> meeting.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to continue the open public hearing to the City Council meeting of November 16, 2004.

Motion passed by the following roll call vote:

**4. Code Amendment 04-006 – Amend Regulations on Veterinary Clinics for Small Animals**

R. Lata, Community Development Director

Consider amending the Zoning Ordinance to allow veterinary clinics for small animals in the Office Professional (OP) district at the Gateway Center and along the Creston Road corridor in the General Commercial (C-1) and Neighborhood Commercial (CP) zoning districts, subject to approval of a Conditional Use Permit.

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to approve Resolution No. 04-230 adopting the Negative Declaration relating to Zoning Code Amendment No. 04-006.

Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Picanco, 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 November 2, 2004, as the date for second reading of said ordinance.

Motion passed by the following roll call vote:

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

**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 – 7 and 9 - 12 were unanimously approved on a single motion by Councilmember Gary Nemeth, seconded by Councilmember Duane Picanco, with the exception of Item No. 8 being pulled for discussion. Item No. 11 failed on a 2-1 vote, with Councilmember Picanco dissenting.

**5. Approve City Council minutes of October 5, 2004**

D. Fansler, City Clerk

**6. Approve Warrant Register: Nos. 50567 – 50710 (10/1/04) and 50711 – 50873 (10/8/04)**

M. Compton, Administrative Services Director

**7. Receive and file Advisory Body Committee minutes as follows:**

Housing Authority Board meeting of September 14, 2004  
Youth Commission meeting of June 2, 2004

9. Read, by title only, and adopt Ordinance No. 885 N.S. amending the Municipal Code to establish a mixed-use overlay zoning district and development regulations (Code Amendment No. 04-003). (This code amendment will ensure consistency between the General Plan and Zoning Ordinance.) 1ST READING OCTOBER 5, 2004  
R. Lata, Community Development Director
10. Read, by title only, and adopt Ordinance No. 886 N.S. amending the City's Zoning Map regarding three City-owned parcels (Zone Change 04-009 City-initiated). (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.) 1ST READING OCTOBER 5, 2004  
R. Lata, Community Development Director
11. Read, by title only, and adopt Ordinance No. XXX N.S. amending 12.00 et seq. and related provisions of the Municipal Code (Code Amendment 2001-004 regulating commercial vehicle parking) 1ST READING OCTOBER 5, 2004  
R. Lata, Community Development Director

This item will be returned to Council on November 2, 2004.

12. Adopt Resolution No. 04-231 correcting Exhibit "A" to Resolution No. 04-163 approving updated sewer connection and water connection fees, adopted by Council on August 3, 2004. (This resolution would correct a misprint in Resolution No. 04-163.)  
M. Compton, Administrative Services Director

#### **CONSENT ITEM PULLED FOR DISCUSSION:**

8. Proclamation for Red Ribbon Week, October 23 – 31, 2004

Mayor Frank Mecham, assisted by Police Chief Dennis Cassidy, presented Wayne Hansen from County Drug and Alcohol Services with a proclamation from the City of Paso Robles declaring October 23<sup>rd</sup> through October 31<sup>st</sup> as *Red Ribbon Week*.

#### **DISCUSSION**

13. **Mastagni Buildings Walkway Encroachment Permit**

R. Lata, Community Development Director

Consider options regarding an approved encroachment permit issued to Portney Construction for covered walkways for the Mastagni buildings on the corner of 12<sup>th</sup> and Park Streets. (An encroachment permit to establish a pedestrian walkway in the public right-of-way along the property frontages was approved by Council in April 2004 to allow applicant room to excavate, stage equipment, and reconstruct the buildings following the December 2003 earthquake.)

Mayor Mecham opened the public hearing. Speaking from the public were Barry Kinman, Mark Mastagni, and Dale Gustin. 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 uphold the valid encroachment permit, which is in compliance with City codes and regulations, and continue to permit the pedestrian walkways to remain in their present locations until the permit expires or sooner if the applicant removes them before December 31, 2005.

Motion passed by the following roll call vote:

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

**14. Request for Fee Waiver – Non-Profit Housing Corporation**

R. Lata, Community Development Director

Consider waiving water and sewer connection and development impact fee increases for a low income senior housing project that is sponsored by a non-profit corporation and receiving governmental financial assistance. (The Oak Park Senior Housing project is located at 801 28<sup>th</sup> Street. The Paso Robles Non-Profit Housing Corporation requested a waiver of fee increases. As structured, the fee waiver would apply to fee increases that have been established since adoption of the General Plan in December 2003, but does not waive the basic connection or development impact fees in place at the time of adoption.)

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 Nemeth, seconded by Councilmember Picanco, consistent with General Plan Goal H-3, moved to approve Resolution No. 04-232, which would waive increases in water and sewer connection and development impact fees applicable to the Paso Robles Nonprofit Housing Corporation project, providing housing to “low” and “very low” income senior citizens. The fee waivers would apply to building permits issued after the General Plan adoption date of December 16, 2003, for this specific project that is sponsored by a non-profit housing corporation that has been approved for Federal, State, and local funding assistance.

Motion passed by the following roll call vote:

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

**15. Public Finance Goals and Policies**

R. Lata, Community Development Director

Consider the Draft Goals and Policies for implementing General Plan provisions regarding “fiscal neutrality.” (The intent of the Draft Goals and Policies is to provide tools to off-set adverse financial impacts on the residents of Paso Robles from new residential development—cost of infrastructure or services and/or reduced levels of existing services resulting from the new development. The proposed goals and policies are in accord with the General Plan. In order to assure “fiscal neutrality” and anticipate the fiscal impacts of the

proposed Chandler Ranch Area Specific Plan, pending annexations, and other new residential entitlements, it would be appropriate to establish the parameters necessary for forming a Community Facilities District [CFD] as soon as feasible. Adoption of the Goals and Policies will create a policy framework for forming a CFD.)

David Taussig of David Taussig & Associates conducted a presentation on the formation of Community Facilities Districts [CFD] in the City.

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Jerry Bunin, Angela Hollander, Larry Werner, Gary Hoskins, and Kathy Barnett. 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. 04-233 approving the Draft Goals and Policies, and direct staff to take the steps necessary to form a Community Facilities District as soon as feasible.

Motion passed by the following roll call vote:

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

*Council adjourned for a 10-minute recess at 9:02 PM.*

**16. Update of Needs List for AB-1600 Development Impact Fees**

R. Lata, Community Development Director

Consider approving a list of projects that will be utilized to update the City's Development Impact Fees (tentatively set for November 16, 2004). (Development Impact Fees are updated periodically to anticipate facilities that will be needed to accommodate future growth and development.)

David Taussig of David Taussig & Associates conducted a visual presentation of the AB-1600 Development Impact Fees.

Mayor Mecham opened the public hearing. Speaking from the public were Jerry Bunin and Kathy Barnett. 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. 04-234 approving the needs list as amended (in #1, Section A, deleting *Woodland Plaza* and adding *Highway 46E at Airport Road*; and replacing *Niblick Road at Rambouillet* in #3 with *Niblick Road at Creston Road*) as a basis for preparing an update of the City's AB-1600 Development Impact Fees. Based on the needs list, staff will meet with the Council's ad hoc Committee (Mayor Mecham and Councilman Nemeth) and prepare for presentation of an updated Development Impact Fees.

Motion passed by the following roll call vote:

AYES: Nemeth, Picanco and Mecham  
NOES: None  
ABSTAIN: None

ABSENT: Finigan and Heggarty  
**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**17. California Proposition 68 – Gambling Revenue Act of 2004**

J. App, City Manager

Consider opposing California Proposition 68. (Proposition 68 would authorize existing California horse racetracks and card club owners to operate up to 30,000 slot machines.)

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 Picanco, moved to adopt Resolution No. 04-235 declaring opposition to California Proposition 68.

Motion passed by unanimous voice vote.

**COUNCIL COMMENTS** - None

*Deputy City Attorney Jon Seitz announced Council's authority to go into closed session to discuss the item listed on the Special Meeting agenda.*

*Council moved to adjourn from regular session at 10:05 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 11:45 P.M.*

**RETURN TO OPEN SESSION**

*Deputy City Attorney Jon Seitz 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 11:47 P.M.*

**ADJOURNMENT:** to A SPECIAL MEETING OF THE CITY COUNCIL FOLLOWING REGULAR MEETING OCTOBER 19, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE GOLDEN HILL WATER TANK TOUR AT 10:00 AM ON FRIDAY, OCTOBER 22, 2004; TO THE SUNRISE ROTARY CANDIDATES FORUM AT 7:00 AM ON WEDNESDAY, OCTOBER 27, 2004, AT THE PASO ROBLES INN, 1103 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 2, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Cathy David, Deputy City Clerk  
Approved: November 2, 2004