



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

CITY COUNCIL MINUTES

Tuesday, December 6, 2005 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

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

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ROLL CALL Councilmembers Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong, and Mayor Frank Mecham

PUBLIC COMMENTS

- Commenting on actions recently taken by the County Board of Supervisors regarding antiquated subdivisions on the northwest side of town were Greg Haas, Susan Harvey, Bill Eckert, Ron Stock, Carolyn Dildine, and Kathy Barnett.
- Jesse Patague, General Manager of the Holiday Inn Express, expressed concerns regarding tourism marketing in Paso Robles. He read excerpts of a letter from J. Patel, Owner of the Holiday Inn Express Hotel & Suites.
- Mike Weber, a resident on Wisteria Lane in the Golden Hill/Hwy. 46 area, spoke about drainage problems and an increase in traffic near a new development between Buena Vista and Airport Road, north of Hwy 46.

- Dave Troescher asked for Council support of a proposal to the State Legislature for a reduction in the approval waiting time for issuing handicapped veteran license plates.
- Dale Gustin commended the owners of the Mastagni Building for completing construction of their new building.
- Tom Rusch asked for clarification of the "vested interest" requirement for Planning Commissioners.
- Mareeling Torres thanked the Firefighters for supporting the Muscular Dystrophy Association in their fight against neuromuscular disease.
- Kathy Barnett asked to have the agenda for the County Board of Supervisors agendas available to the public in the Library.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS - None

PUBLIC HEARINGS - None

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

ROLL CALL Agencymembers Jim Heggarty, Frank Mecham, Duane Picanco, Fred Strong, and Chairman Gary Nemeth

DISCUSSION

1. Supplemental Low and Moderate Income Housing Funds for Oak Park Senior Housing

R. Lata, Community Development Director

Consider a request from the Paso Robles Nonprofit Housing Corp. (PRNPHC) for additional monies from the Low and Moderate Income Housing (LMIH) Funds to assist in the development of Oak Park Senior Housing. (This project is a proposed 40 unit apartment complex for low-income seniors, to be located on the northeast corner of 28th and Park Streets. Commitment of funds would be used to guarantee payment of a 10-year deferred-payment loan in the same amount [\$1.2 million] that the PRNPHC has applied for from the California Housing Finance Agency.)

Director Lata informed Council that the Project Area Committee is recommending approval of the Paso Robles Nonprofit Housing Corporation's request for a supplemental loan of Redevelopment Low and Moderate Income Housing (LMIH) funds.

Chairman Nemeth opened the public hearing. Speaking from the public was Gene Bergman (Director of the Housing Authority), Matt Masia, (Chairman of Project Area committee) Kathy Barnett, Pat Crawford (PAC Committee Member), Chuck Treach (PAC Committee Member) and Randal Moos. There were no further comments from the public and the public discussion was closed.

Agencymember Strong, seconded by Agencymember Picanco, moved to adopt an amended Resolution No. RA 05-03 authorizing preparation of an amended Participation Agreement between the City and the Applicant, which would include the following conditions to be met prior to disbursement of any funds by the Agency: (1) evidence must be provided verifying that the prevailing wage is not in effect for this project; (2) construction must begin within six months of the date of the amended Participation Agreement, (3) submittal of a financial pro forma, including evidence that the project's financing package, including the subject request for additional Low and Moderate Income Housing Funds, is capable of repayment of any and all loans, including both principal and interest. Council also directed staff, and requested the applicant, to undertake these steps, while amended Agreement is being prepared.

Motion passed by the following unanimous roll call vote:

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

Council recessed for a 15-minute break at 9:10 PM.

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. 2, and 4 - 7 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with the exception of Item No. 3 being pulled for separate discussion.

2. Approve City Council minutes of November 1 and 15, 2005
D. Fansler, City Clerk
4. Receive and file Advisory Body Committee minutes as follows:
Library Board of Trustees meeting of October 13, 2005
Parks & Recreation Advisory Committee meeting of October 11, 2005
Senior Citizen Advisory Committee meeting of October 10, 2005
Youth Commission meeting of October 5, 2005
5. Proclamation – Muscular Dystrophy Association Firefighters Appreciation Week – November 14 – 18, 2005
F. Mecham, Mayor

6. Read, by title only, and adopt Ordinance No. 909 N.S. adopting fiscal year 2005-06 budget appropriations for the Redevelopment Agency. (The adopted RDA plan requires the annual operating budget be adopted by ordinance rather than by resolution. The budget is identical to the prior year's budget. As in prior years, all unallocated tax increment revenues are dedicated to repay the City for debt service on City Hall/Library.) FIRST READING
NOVEMBER 15, 2005
M. Compton, Administrative Services Director

7. Adopt Resolution No. 05-244 certifying and adding properties to CFD No. 2005-1 (Annexation No. 05-010) and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and adopt Resolution No. 05-245 accepting the recordation of Parcel Map PR 05-0088, a residential development and subdivision at 1435 Pine Street, between Park & Pine Street and 14th and 15th Streets. (Owner of the parcels, Gary Mulholland, has given consent and approval that the property be annexed to CFD No. 2005-1. Owner has agreed and intends that such consent and approval constitutes election to annex to the CFD and approval of the authorization for the levy of the Special Tax within the property. Parcel Map PR 05-0088 was tentatively approved by the Planning Commission in June 2005. All conditions imposed by the Planning Commission have been satisfied.)
R. Lata, Community Development Director

CONSENT ITEM PULLED FOR DISCUSSION:

3. Approve Warrant Register: Nos. 58557 – 58687 (11/10/05), 58688 – 58849 (11/18/05), and 58850 – 58981 (11/23/05)
M. Compton, Administrative Services Director

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 Strong, moved to approve Consent Item No. 3, with Councilmember Picanco abstaining on Warrant Items Nos. 058636, 058644, 058808, 058810, 058840, 058933, 058934 and 058970, and Mayor Mecham abstaining on Warrant No. 058671 due to possible conflicts of interest

Motion passed by the following unanimous roll call vote:

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

DISCUSSION

8. **Ordinance Pertaining to Residency Restrictions for Certain Sex Offenders**
D. Cassidy, Chief of Police

Consider adopting an ordinance augmenting residence restrictions for certain convicted sex offenders. (Current State law restricts only those sex offenders currently on parole who are convicted of certain crimes from living within a quarter of a mile from certain locations where children congregate. This ordinance would enhance the protection of our children by establishing areas around locations where children regularly congregate that prohibit certain

sexual offenders from establishing temporary or permanent residency. It would also require property managers, landlords, and realtors to disclose the existence of the ordinance prior to the commencement of any sale, rental, or leasing transaction.)

Mayor Mecham opened the public hearing. Speaking from the public were Roberta Barrett (President of PR Association of Realtors), Ann Wilson (Attorney for PR Association of Realtors), Dale Gustin, Carl Moore, Chuck Cooper, Lynn Miller, and Tim Parrish (Real Estate Agent for Prudential), Tim Bryan (ReMax Agent), Vickie Sylva, 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 Heggarty, moved to return this item at the first Council meeting in January 2006 to allow time for legal and practical issues to be addressed.

Motion passed by the following unanimous roll call vote:

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

9. 2006 Community Development Block Grant (CDBG) Program

R. Lata, Community Development Director

Identify which applications for the City's 2006 Community Development Block Grant funds should be recommended in the Draft Annual Action Plan, and set date for conducting a noticed public hearing to determine which activities are to be approved for funding with the City's 2006 CDBG funds. (Available CDBG funds are estimated to be between \$316,490 and \$383,870. The City has received 18 applications for funds, totaling approximately \$1,174,400. In mid-January 2006, the County will publish a Draft Consolidated Plan, which will list summaries of the activities that are recommended for consideration by the various city councils and Board of Supervisors at public hearings to be held in February and March 2006.)

Mayor Mecham opened the public hearing. Speaking from the public were Pearl Munak (Homeless Housing Project), Lillian Judd (EOC), and Wanda McFarlane (Caring Callers). There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to Identify the following applications to be listed in the Draft One Year Action Plan as being recommended for funding and to set Thursday, March 2, 2006, as the date for the public hearing for 2006 CDBG allocations:

Therapy Pool Rehab.....	\$163,676 (to be a multi-year project)
Seismic Mitigation.....	\$ 87,000 (to supplement 2004 funds)
Public Services Activities.....	\$ 57,194 (full 15% of 2006 allocation)
<u>Administration</u>	<u>\$ 76,000</u>
Total	\$383,870

Motion passed by the following unanimous roll call vote:

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

10. Creston Road Corridor – Development of a Plan Line

D. Monn, Interim Public Works Director

Consider expanding the adopted Scope of Work and associated contract with URS Corporation for the Creston Road Corridor Plan Line. (It is proposed that the entire corridor from 13th and Riverside to Niblick be included in an amended Scope of Work to produce a more cohesive and relevant plan versus trying to interface multiple plans by different engineers during future construction. The Council ad hoc committee recommends approval of the expanded Scope of Work as presented in the staff report.)

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

Doug Monn noted an error in the agenda wording of Option A 1-4. Option should correctly read "Include a feasibility study for improvements at...." instead of "...feasibility study for a roundabout at...."

Councilmember Strong clarified that the fee amounts are all "not-to-exceed" amounts.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to authorize staff to expand the current contract for the Creston Road Plan Line with URS Corporation to:

- 1) Extend the study to Niblick Fee: \$18,000
- 2) Include a feasibility study for improvements at Creston/Lana Fee: \$35,000
- 3) Include a feasibility study for improvements at Paso Robles/13th Fee: \$30,000
- 4) Include a feasibility study for improvements at Riverside/13th Fee: \$35,000

Motion passed by the following roll call vote:

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

11. **Municipal Landfill: Property Acquisition – 53 Acres Near the Highway 46E and Union Road Intersection**

D. Monn, Interim Public Works Director

Consider approving the acquisition of four parcels equaling 53 acres abutting the westerly side of the Landfill. (Property consists of four parcels and is under County jurisdiction and zoned Agricultural, which would allow the construction of a single-family residence on each parcel. Residential construction adjacent to the landfill could result in future compatibility issues affecting the operation of the Landfill.)

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

Heggarty, seconded by Councilmember Strong, moved to (1) adopt Resolution No. 05-246 authorizing the execution and delivery of a sublease agreement and site lease, and directing certain actions in connection therewith, including authorizing the Director of Administrative Services/City Treasurer to execute any and all documents associated with said financing; and (2) adopt Resolution No. 05-247 approving budget appropriations for the property acquisition and annual debt service obligation.

Motion passed by the following unanimous roll call vote:

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

12. **Contract Services – Chandler Ranch Area Specific Plan**

J. App, City Manager

Consider authorizing contract services agreements related to the Chandler Ranch Area Specific Plan (CRASP) project. One proposal is to hire Heidi Tschudin to assist with negotiation of one or more Development Agreements with property owners and to provide project management services if the project extends beyond April 2006. A second proposal is to enter into a contract services agreement with Bob Lata to provide project management services for Chandler Ranch through April 2006. (The limitation of City staff resources, in terms of time and experience in negotiating these types of agreements, make hiring a qualified consultant a cost-effective approach that would help keep the CRASP on schedule. The costs of the contract services would be charged to those properties that are seeking to have the City enter into a Development Agreement.)

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 Strong, seconded by Councilmember Nemeth, moved approve the scope of services and hourly rates for Heidi Tschudin and Bob Lata, and authorize the City Manager to enter into contract services agreements, based on the following parameters:

- (1) Heidi Tschudin's scope of work for negotiating Development Agreements would be as described in the attached Exhibit "A," and paid at the rate of \$150 per hour plus expenses. The Agreement with Ms. Tschudin is subject to the interested property owners providing a written commitment to pay, when invoiced, the time and materials costs of preparing Development Agreements. The invoiced costs would include both contract services from Heidi Tschudin and the City Attorney's work on preparing one or more Development Agreements. The City will invoice the respective property owners on a monthly basis and granting of any development entitlements will be subject to the property owners reimbursing the City in full for expenses related to preparation of Development Agreements.
- (2) The scope of work for Bob Lata (and for Heidi Tschudin for project management services if the Chandler Ranch Area Specific Plan schedule extends beyond April 2006) would be based on Attachment "B" and would be expenses charged against the Chandler Ranch Area Specific Plan project budget, to be reimbursed, with interest, by the developers of the subject property at the time of issuance of Building Permits. The service contract with Bob Lata would be at the hourly rate of \$140 per hour and, if project management services are needed beyond April 2006, with Heidi Tschudin at the rate of \$150 per hour plus expenses.

Motion passed by the following unanimous roll call vote:

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

13. **Municipal Pool Re-plastering**

D. Monn, Interim Public Works Director

Consider awarding the bid for re-plastering of the Municipal Pool to South Coast Pool Plastering, Inc. and approving the retention of remaining project funds for a future pool tile replacement and repair project. (Bids were solicited and specifications drafted and advertised per the City's Purchasing and Payment Procedures. One bid was received and opened on November 8th. Staff deemed the bid responsive.)

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 Heggarty, moved to adopt Resolution No. 05-248 awarding a Municipal Pool Re-plastering contract to South Coast Pool Plastering, Inc. for \$72,000 and authorizing the retention of \$58,000 in remaining project funds for a future tile replacement and repair project.

Motion passed by the following unanimous roll call vote:

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

13.1 Caltrans Request for Additional Public Comment Time – Draft Chandler Ranch Area Specific Plan and Draft Environmental Impact Report

R. Lata, Community Development Director

Consider extending the 45-day public review and comment period for the Draft Chandler Ranch Area Specific Plan and Draft Environmental Impact Report. (Request for extension made by a representative of District 5 of Caltrans at a public workshop held November 29, 2005.)

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 Strong, moved to deny the request for a 30-day time extension beyond the 45-day public review period that is provided for under the California Environmental Quality Act and instead provide a two week extension beyond the 45-day public review period that is provided for under CEQA, noting that the deadline for written comments will be 5:00 PM on Monday, January 16, 2006.

Motion passed by the following roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

14. Ad Hoc Committee Formation – Paso Robles Waste Disposal Rate Increase

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to review a solid waste collection rate increase request from Paso Robles Waste Disposal.

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 appoint Councilmembers Heggarty and Nemeth to an ad hoc committee to review a solid waste collection rate increase request from Paso Robles Waste Disposal, and report back to the full Council by April 4, 2006.

COUNCIL COMMENTS- None

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.

It was the consensus of Council to adjourn from regular session at 10:55 PM.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 11:44 PM.

RETURN TO OPEN SESSION

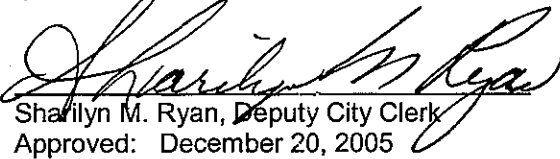
CLOSED SESSION REPORT

City Attorney Iris Yang announced that no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 11:45 PM.

ADJOURNMENT: to **PLANNING COMMISSION & PROJECT AREA COMMITTEE INTERVIEWS** AT 7:00 PM ON WEDNESDAY, DECEMBER 7, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE **VICTORIAN VINE STREET SHOWCASE** AT 6:00 PM ON SATURDAY, DECEMBER 10, 2005, DOWNTOWN PASO ROBLES; TO THE **REGULAR PLANNING COMMISSION MEETING** AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE **13TH STREET BRIDGE NEW DECK OPENING** AT 10:00 AM ON THURSDAY, DECEMBER 15, 2005; AND TO THE **REGULAR MEETING** AT 7:30 PM ON TUESDAY, DECEMBER 20, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:


Sharilyn M. Ryan, Deputy City Clerk
Approved: December 20, 2005