

**COUNCIL MINUTES
CITY OF PASO ROBLES**

ADJOURNED REGULAR MEETING

Tuesday, March 6, 2001 7:30 PM

CALL TO ORDER

The City Council of the City of El Paso de Robles, meeting in regular session at 6:45 p.m. on the above date in the 2nd Floor Large Conference Room, was called to order by Mayor Frank Mecham.

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

CLOSED SESSION

City Attorney Iris Yang announced City Council's authority to go into closed session as stated in the agenda packet. Under discussion was one case of anticipated litigation.

The City Council thereupon adjourned to Closed Session.

The City Council returned to Regular Session at 7:30 p.m.

REGULAR SESSION

7:30 PM - CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

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

Councilmember Finigan thanked members of the community for the support and prayers extended to his family during their time of bereavement.

PUBLIC COMMENTS

- Mary Chambers thanked Council for the opportunity of participating in the Public Works Departmental facilities/capital projects tour on February 12th. Mary also announced a Highway 46 meeting at the Elk's Lodge, Wednesday, March 14th, at 1:30 PM.
- Pat Mackie spoke about the recent shooting at Santana High School in Santee, California, and the need for vigilance in our own schools to prevent a similar event from occurring here. Councilmember Heggarty stated that he had a meeting with Officer Jerry Cathey and Larry Moore to tour some schools in the community.
- Del Velten spoke about the Vine Street road improvements and praised the installation of reflectors. She suggested that similar reflectors be installed on Creston Road.
- Dale Gustin commended Council for holding the recent Emergency Services community meetings to gather public input on funding for emergency services.

PRESENTATIONS - None

REPORT ON CLOSED SESSION

City Attorney Iris Yang announced City Council's authority to go into closed session pursuant to Government Code §54956.9(b) to discuss one case of anticipated litigation. There was no reportable action.

NOTICED HEARINGS

1. **Rezone 99007 (Bill Ridino)**
R. Lata, Community Development Director

Consider a proposal by Bill Ridino to rezone an approximate 3-acre property from Residential Single Family (R1 B3) to Residential Multiple Family (R2 PD) consistent with the property's existing General Plan land use designation.

Mayor Mecham opened the public hearing. Speaking from the public were Marie Payne and Pat Mackie. There were no further comments either written or oral.

It was moved by Councilmember Nemeth, seconded by Councilmember Picanco, to continue this item to the April 3rd Council meeting to allow staff time to look explore additional mitigation recommendations regarding cumulative traffic impacts to Creston Road. Motion passed by the following unanimous roll call vote:

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

2.1 General Plan Amendment 1-01(Part 1 of 4): Aircraft Operations Disclosure Requirement

R. Lata, Community Development Director

Subject to consideration of public testimony, consider the Planning Commission's recommendation to amend the City's General Plan to incorporate a requirement regarding aircraft noise that properties east of the Salinas River/Highway 101 corridor are in a potential aircraft noise impact area, and that a Disclosure Statement of the type illustrated in the attached sample must be recorded in conjunction with the issuance of an entitlement for development in the impacted area.

Mayor Mecham opened the public hearing. Speaking from the public were John Cromwell, Pat Mackie, Greg Kudlick and Mary Chambers. There being no further comments either written or oral, the public discussion was closed.

It was moved by Councilmember Picanco, seconded by Councilmember Finigan, to adopt Resolution No. 01-44 granting Negative Declaration status for a component of General Plan Amendment 1-01. Staff was also directed to return to Council at a future meeting to report on the feasibility of having the noise disclosure statement required on all property transactions. Motion passed by the following unanimous roll call vote:

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

A **straw vote** was taken with unanimous approval to adopt Resolution No. 01-xx granting approval to General Plan Amendment 01-01, which includes this component as Part 1 of a 4-Part General Plan Amendment, with an amendment that the geographic area for properties potentially impacted by aircraft noise be expanded to include the entire city and that attempt be made to have voluntary notice of such areas disclosed by Title Companies during escrow to future property purchasers.

2.2 General Plan Amendment 1-01 (Part 2 of 4): Vina Robles Land Use Designation and Rezone 2001-001

R. Lata, Community Development Director

Subject to consideration of public testimony, consider the Planning Commission's recommendation to amend the City's General Plan to amend the General Plan and Zoning Maps. The 94-acre property proposed for future annexation is located on the south side of Highway 46 East, on either side of Mill Road. The property proposed by Vina Robles for redesignation from County Agriculture to Parks and Open Space is approximately 29 acres in size and is located on east side of Mill Road. The remaining approximate 65 acres that is proposed to be rezoned with a City Agricultural designation is located on the west side of Mill Road.

Mayor Mecham opened the public hearing. Speaking from the public were Tim Woodle, Marie Payne, Pat Mackie, Rob Boneso and Kathy Collins. There being no further comments either written or oral, the public discussion was closed.

It was moved by Councilmember Picanco, seconded by Councilmember Heggarty, to adopt Resolution No. 01-45 approving Negative Declaration for General Plan Amendment 1-01 (Part 2) and Rezone 2001-001 in conjunction with a proposed annexation. Motion passed by the following unanimous roll call vote:

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

A straw vote was taken with unanimous approval to adopt Resolution No. 01-xx granting approval to General Plan Amendment 01-01, which includes this component as Part 2 of a 4-Part General Plan Amendment.

It was moved by Councilmember Picanco, seconded by Councilmember Finigan, to give first reading of Ordinance XXX N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21); and set March 20, 2001, for adoption. Motion passed by the following unanimous roll call vote:

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

2.3 General Plan Amendment 1-01 (Part 3 of 4): Paso Robles Glass Land Use Designation and Rezone 2001-002

R. Lata, Community Development Director

Subject to consideration of public testimony, consider the Planning Commission's recommendation to establish a "Commercial Service" General Plan designation for property located in the block east of Oak Street and north of 22nd Street which is being used by Paso Robles Glass, and approve first reading of an ordinance that would bring the zoning of all the property being used by Paso Robles Glass into consistency with both the General Plan and the current land use by establishing a C-3 (Commercial Service) zoning for the subject properties.

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

It was moved by Councilmember Picanco, seconded by Councilmember Finigan, to adopt Resolution No. 01-46 granting Negative Declaration status for a component of General Plan Amendment 1-01 (Part 3) and Rezone 2001-002. Motion passed by the following unanimous roll call vote:

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

A straw vote was taken with unanimous approval to adopt Resolution No. 01-xx granting approval to General Plan Amendment 01-01, which includes this component as Part 3 of a 4-Part General Plan Amendment.

It was moved by Councilmember Picanco, seconded by Councilmember Heggarty, to give first reading of Ordinance XXX N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21); and set March 20, 2001, for adoption. Motion passed by the following unanimous roll call vote:

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

2.4 General Plan Amendment 1-01 (Part 4 of 4): Hogue Grips Land Use Designation and Rezone 2001-003

R. Lata, Community Development Director

Subject to consideration of public testimony, consider the Planning Commission's recommendation to amend the General Plan and Zoning Maps. The subject property is located on the southwest corner of Airport Road and Dry Creek Road, southwest of Runway 19 at the Municipal Airport. Approximately 38 acres of the site are already planted in vineyard and proposed to remain in active agricultural use. Of the remaining 64 acres, the applicant is proposing to develop approximately 27.5 acres with industrial business park, and to retain approximately 36 acres in open space.

Staff requested that consideration of this component be tabled, as Mr. Hogue did not sign the mitigation agreement.

It was moved by Councilmember Heggarty, seconded by Councilmember Picanco, to adopt Resolution No. 01-47 granting approval to General Plan Amendment 01-01, to include component parts 1, 2 and 3 only, with amendment to Part 1 that the geographic area for properties potentially impacted by aircraft noise be expanded to include the entire city and that attempt be made to have voluntary notice of such areas disclosed by Title Companies during escrow to future property purchasers.

Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to approve the Consent Calendar, waiving the reading of resolutions and ordinances in full.

Those items unanimously approved were as follows:

3. Approve City Council Minutes of January 30, February 5, February 12 (Public Works Tour), February 12 (Emergency Services Community Meeting) and February 19, 2001.
D. Fansler, City Clerk
4. Approve Warrant Register.

M. Compton, Administrative Services Director

5. Rescind Resolution No. 00-61 and, in order to clarify Council's original intent and make a new resolution consistent with the approved meeting minutes, adopt Resolution No. 01-48 appropriating \$110,000 to cover the cost of a full-time regular building inspector and a contract clerical position to be funded through June 30, 2001, and direct the Administrative Services Department to reflect the Building Inspector as a part of the base budget of the Community Development Department.
R. Lata, Community Development Director
6. Adopt Ordinance No. 803 N.S. by regular motion, ordering that the Ordinance be read by title only, then by separate motion adopting the Ordinance amending Chapter 3.40 Revenue and Finance of the Municipal Code to modify the Fiscal Year 2000/2001 budget for the Redevelopment Agency of the City of El Paso de Robles.
R. Lata, Community Development Director
7. Adopt Resolution No. 01-49 awarding the low bid for the North County Transportation Center – Phase IV, DPW Project No. 94-10, to Wysong Construction (Atascadero, California) in the amount of \$101,214.
J. Deakin, Public Works Director
8. Authorize the City Attorney to represent the City in protest of State Department of Water Resources Application No. 31115 to divert Salinas River flow at the Pierce Dam upstream of Paso Robles.
J. Deakin, Public Works Director

Council adjourned for a 10-minute recess at 8:55 PM.

PUBLIC DISCUSSION

9. Completion of Subdivision Improvements – Tract 2276

R. Lata, Community Development Director

Consider the status of subdivision improvement bonds for Tract 2276 (Bonita Homes, Inc.) if work has not been completed and accepted by March 15, 2001. Tract is located on west side of Airport Road, north of Brookhill Road at Turtle Creed Road.

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

It was moved by Councilmember Nemeth to adopt Resolution No. 01-xx stating that if public improvements have not been completed to the satisfaction of City staff by April 3, 2001, staff shall revoke the encroachment permit for Bonita Homes, Inc. to work within the public right of way, effective April 3rd, and pull the improvement bonds to complete remaining work. Motion failed due to lack of a second.

It was moved by Councilmember Picanco, seconded by Councilmember Heggarty, to adopt Resolution No. 01-50 approving an extension to April 3, 2001, at which time the Council will assess the progress made and appropriate actions will be taken by the City. The City will not issue certificates of occupancy for this subdivision until the public improvements have been accepted by the City Council. Motion passed by the following roll call vote:

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

10. Use of Septic System – East Side of Airport Road, North of State Highway 46

R. Lata, Community Development Director

Consider allowing septic tank usage for a proposed RV (recreation vehicle) park on approximately 19.4 acres on the east side of Airport Road, north of State Highway 46 East.

Mayor Mecham opened the public hearing. Speaking from the public were Ken Munde and Larry Werner. There being no further comments either written or oral, the public discussion was closed.

It was moved by Councilmember Picanco, seconded by Councilmember Heggarty, to adopt Resolution No. 01-51 authorizing usage of a septic system for a proposed RV park located on the east side of Airport Road, north of State Highway assessment district to extend the sewer line to their property, and subject to the approval of the Regional Water Quality Control Board. Motion passed by the following unanimous roll call vote:

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

11. Transit Operations

M. Compton, Administrative Services Director

Consider disposition of Transportation Development Act (TDA) funds as it relates to transit operations, including consideration of expanding fixed-route public bus service.

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

It was moved by Councilmember Picanco, seconded by Councilmember Heggarty, to directed staff to: (1) prepare a “new/expanded service request” as part of the preparation of the new two-year budget/four-year financial plan with the intention of implementing expanded fixed-route services July 1, 2001, or upon receipt of a new bus, whichever occurs later; (2) prepare a budget resolution to appropriate funds for outright purchase of a new fixed-route bus; (3) authorize staff to initiate bus acquisition activities; and (4) prepare a budget resolution to appropriate funds for bus stop improvements.. Motion passed by the following unanimous roll call vote:

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

12. Measure D Project Budgets & Financing

J. App, City Manager

Consider modifying Measure D project scopes and/or budgets to address cost variances.

Mayor Mecham opened the public hearing. Speaking from the public were Debra Smith, Dale Gustin, Marie Payne and Paul Burzych (S.C. Anderson). Check w/Doug Monn or Listen to tape. There being no further comments either written or oral, the public discussion was closed.

It was moved by Councilmember Nemeth, seconded by Councilmember Finigan, to approve Measure D Project Financial Analysis (Exhibit A) and adopt Resolution No. 01-52 to appropriate funds per Exhibit A; and adopt Resolution No. 01-53 to award the bid for the Public Safety Center to S. C. Anderson, Inc. (Bakersfield, California). Motion passed by the following unanimous roll call vote:

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

13. Mid-Year Budget Report

M. Compton, Administrative Services Director

Presentation of the Mid-Year Budget Report for fiscal year ending June 30, 2001

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to receive and file the annual Mid-Year Budget Report. Motion passed by unanimous voice vote.

Councilman Heggarty stepped down from the dais, without comment, and abstained from voting on Item No. 14.

14. Orchard Bungalow Assessment District

J. Deakin, Public Works Director

Provide direction to staff regarding action required to implement the Council's decisions regarding streets in the Orchard Bungalow Assessment District area.

Mayor Mecham opened the public hearing. Speaking from the public were Mike Menath and Fred Rogers. There being no further comments either written or oral, the public discussion was closed.

It was moved by Councilmember Nemeth, seconded by Councilmember Finigan, to adopt Resolution No. 01-54 adding \$110,000 to the Public Works budget (Account #100-310-5235-161) from General Fund Reserve to fund the surveys, engineering and legal work required to properly describe and map the streets recommended for change; direct staff to accomplish the work necessary to complete the actions described for the Orchard Bungalow streets; and authorize an ad hoc committee (with Councilmembers Nemeth and Finigan) to oversee the OBAD projects.

Motion passed by the following roll call vote:

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

Councilmember Heggarty re-assumed his seat.

CITY MANAGER – None

CORRESPONDENCE

15. Receive and file minutes for the following meetings:

- a. Pioneer Museum Board meeting of February 8, 2001
- b. Parks and Recreation Advisory Committee meeting of January 9, 2001
- c. Paso Robles Senior Advisory Committee meeting of January 8, 2001
- d. Housing Authority Board meeting of February 14, 2001

Councilmember Nemeth, seconded by Councilmember Picanco, moved to receive and file the above minutes. Motion passed by unanimous voice vote.

16. Air Photo Display for Council Chambers

R. Lata, Community Development Director

Consider options regarding installation of an air photo of the City on the wall of the City Council chambers.

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

It was moved by Councilmember Nemeth, seconded by Councilmember Heggarty, to direct staff to pursue the purchase of a six-part (6) mosaic, which would be approximately six feet wide by nine feet high and portable; and directed staff to return with a resolution appropriating the necessary funds. Motion passed by the following roll call vote.

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

17. LAFCO Staffing and Funding

Councilmember Picanco

Discuss proposal to create and fund an independent, as compared to a county-staffed, Local Area Formation Commission.

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

After discussion, there was an informal consensus of the Council that LAFCO should be independent, supporting a three-staff model (executive officer, clerk and analyst).

Councilmember Nemeth questioned why the City was allowing U-Haul trucks to park at the mini storage on Ramada Drive, south of SLO Brew. Staff confirmed that this was an illegal use, which is subject to enforcement at this time.

Director of Public Works Joe Deakin brought Council up to date on status of the water tank damaged from high winds on Sunday, March 4th. He confirmed that the repairs are a contractor problem--the tank still being under construction and the City not yet having accepted the work.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adjourn from regular session at 11:55 PM. Motion passed by unanimous voice vote.

ADJOURNMENT: to A COMMUNITY WORKSHOP ON EMERGENCY SERVICES FUNDING OPTIONS ON MONDAY, MARCH 12, 2001, AT 7:00 PM AT THE SCHOOL DISTRICT BOARD ROOM, 800 NIBLICK ROAD

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: March 20, 2001