

CITY COUNCIL MINUTES

Tuesday, October 18, 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

Led by Eagle Scout Nicholas Alexander, Boy Scout Troop 101, Atascadero

INVOCATION

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

PUBLIC COMMENTS

- Mike Gibson, CEO of the Paso Robles Chamber of Commerce, queried Council whether it might be possible to remove some temporary wooden walkways around the Mastagni building prior to Thanksgiving to increase parking availability in Downtown during the holiday season.
- Tom Hardwick commented on the increase in sales tax being discussed as a possible means of generating additional City revenues.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. Community Expectations and Choices

J. App, City Manager

Verbal status report regarding the informal community education effort.

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 receive and file.

Motion passed by unanimous voice vote.

PUBLIC HEARINGS

2. Rezone 05-004 (Brill)

R. Lata, Community Development Director

Consider an application filed by Twin Cities Surveying on behalf of David and Lisa Brill to remove the B-1 designation for all parcels within the R2-B1 zoned area in the vicinity of 2945 Vine Street. (The proposed rezone would bring the zoning designation in conformance with the General Plan and be consistent with the other R2 zones in this area of the City, as well as all other R2 areas Citywide.)

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 Strong, moved to introduce for first reading Ordinance No. XXX N.S. approving Rezone 05-004 eliminating the B-1 designation from the R2 zoning district in this area of the City; and set November 1, 2005, as the date for adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

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

3. Code Amendment 05-003: Utility Meters for Second Units

R. Lata, Community Development Director

Consider City-initiated amendment to the Zoning Code to revise the requirements for second dwelling units to allow that second units may have their own electrical and gas meters. (As utility company rates are structured to penalize increased use of utilities above baseline

rates, costs of electrical and gas utilities for second units are higher than they would be if the second units had their own meters. The Planning Commission is scheduled to review this code amendment at its meeting of October 11 and will report their recommendation at the Council meeting.)

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

Councilmember Heggarty, seconded by Councilmember Strong, moved to introduce for first reading Ordinance No. XXX N.S. amending the Zoning Code to revise the requirements for second dwelling units to allow that second units may have their own electrical and gas meters; and set November 1, 2005, as the date for adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

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

4. Amendment of Undergrounding District No. 5 for Overhead Utilities

D. Monn, Interim Public Works Director

Consider amending an established Undergrounding District within the City. (Increasing the size of Undergrounding District No. 5 is consistent with the City's desire to mitigate unsightly overhead utilities within the downtown area.) CONTINUED FROM SEPTEMBER 20, 2005

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

Councilmember Strong, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-207 (1) amending Undergrounding District No. 5 to include the area from the north side of 10th Street to the south side of 9th Street, between the east side of Park Street and west side of Spring Street; and the area from the north side of 9th Street to the south side of 6th Street, between the east side of Pine Street to the west side of Spring Street; (2) directing the City Clerk to notify all affected utilities and property owners of said amendment; (3) waiving any applicable electrical permit and inspection fees associated with any undergrounding, modification, or changeover caused as a result of the implementation of these Districts; and (4) setting dates related to the undergrounding of the utilities.

Motion passed by the following unanimous roll call vote:

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

5. Negative Declaration for Property Acquisition Near Landfill

R. Lata, Community Development Director

Consider approving a Negative Declaration for the purchase of four parcels totaling 53 acres located on the southwest corner of Dry Creek and Union Roads. (There are no development plans for subject property; it is proposed to be used as a buffer for the Landfill.)

Mayor Mecham opened the public hearing. Speaking from the public was Joy Sprague. There were no further 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. 05-208 approving a Negative Declaration for the acquisition of four parcels totaling 53 acres at the southwest corner of Dry Creek and Union Roads.

Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

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

Consent Calendar Items Nos. 6 - 19 were unanimously approved on a single motion by Councilmember Strong, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Items Nos. 057829, 057836, 057860, 058023, and 057996 due to possible conflicts of interest.

6. Approve City Council minutes of October 4, 2005

D. Fansler, City Clerk

7. Approve Warrant Register: Nos. 57738 – 57873 (9/30/05) and 57874 – 58033 (10/7/05)

M. Compton, Administrative Services Director

For the record, Councilmember Strong brought attention to what appears to be duplicate payments on pages 1, 8, 9, 10, and 17 to individuals for League of California Cities conference expenses. Director of Administrative Services Mike Compton explained that there has been no duplication of payment; replacement checks were issued and the checks initially written will be voided. The Warrant Register simply reflects a listing of all warrants written during the period and does not allow for providing that information.

8. Read, by title only, and adopt Ordinance No. 906 N.S. to establish the Senior Housing Overlay District and regulations for Senior Citizen housing developments. (This code amendment implements General Plan policy to expand the City's supply of housing affordable to low and moderate income persons by allowing for development of senior housing in the area north of 24th Street, between Oak Street and the railroad.)

R. Lata, Community Development Director

9. Adopt Resolution No. 05-209 authorizing the recordation of Tract 2358, a 7-lot subdivision located on Tranquil Hills Court and Rolling Hills Road, north of Creston Road. (Applicants: Franklin-Peterson. 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
10. Adopt Resolution No. 05-210 accepting the public improvements of Tract 2358 into the City's maintenance system. (This subdivision is located around a new cul-de-sac, Tranquil Hills Court, which takes access from Rolling Hills Road north of Creston Road. All public improvements have been constructed to the satisfaction of the City Engineer.)
R. Lata, Community Development Director
11. Adopt Resolution No. 05-211 certifying and adding properties to Community Facilities District (CFD) No. 2005-1, and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and adopt Resolution No. 05-212 accepting the recordation of Parcel Map PR 05-0084, a 2-lot residential subdivision located at 832 Jackson Drive. (This parcel map was tentatively approved by the Planning Commission in June 2005 and all imposed conditions have been satisfied.)
R. Lata, Community Development Director
12. Adopt Resolution No. 05-213 certifying and adding properties to CFD No. 2005-1 and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and adopt Resolution No. 05-214 accepting the recordation of Parcel Map PR 04-0626, a 3-lot residential subdivision located at 535 2nd Street. (This parcel map was tentatively approved by the Planning Commission in April 2005 and all imposed conditions have been satisfied.)
R. Lata, Community Development Director
13. Endorse San Luis Obispo County's Integrated Regional Water Management (IRWM) Plan for the Proposition 50 grant application and authorize the Mayor to sign a letter of endorsement. (If successful, the Proposition 50 IRWM grant program could provide significant funding for regional water management projects.)
B. Hagemann, Water Resources Manager
14. Adopt Resolution No. 05-215 (1) appropriating \$33,000 to Budget Account No. 600-310-5224-782; and (2) authorizing staff to enter a contract with Boyle Engineering for \$31,865 to evaluate a water storage tank site at Vina Robles. (As the number of area water storage tank sites with suitable elevation to accommodate a gravity-fed system is limited, it is prudent to evaluate a possible tank site within Vina Robles for future potential use.)
D. Monn, Interim Public Works Director
15. Adopt Resolution No. 05-216 authorizing and awarding a contract to restore the landscaping at the slope below the Golden Hill Road water tanks to Martinelli Landscape Construction for \$151,000. (The down slope flow of water from the tanks following the San Simeon earthquake of December 2003 damaged the landscaping along its path. At the bid opening in September 2005, only one bid was received. Staff reviewed the bid and found it to be responsive.)
D. Monn, Interim Public Works Director
16. Adopt Resolution No. 05-217 declaring certain City property as surplus. (The City's equipment replacement program provides resources to replace vehicles, certain heavy equipment, and office equipment on a set schedule. To dispose of property scheduled to be replaced, Council must declare the equipment as surplus.)
M. Compton, Administrative Services Director

17. Adopt Resolution No. 05-218 approving budget appropriations for fiscal year 2005 carry-over requests. (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 when they are actually expended.)
M. Compton, Administrative Services Director
18. Adopt Resolution No. 05-219 authorizing the use of a septic system for the Firestone Winery at the northeast corner of Highway 46 and Airport Road (APN 025-433-003) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K4 "Conditions. (Owner of property seeks approval for use of a septic tank and leach system to serve restroom and appurtenances associated with development of the Winery. The nearest available sanitary sewer main is at the intersection of Dry Creek Road and Airport Road, approximately 6,500 feet to the north.)
R. Lata, Community Development Director
19. As the work of the committee is not yet complete, extend duration of the AB 1600 fee update ad hoc committee to April 4, 2006. (In December 2004, Council appointed Councilmembers Nemeth and Strong to an ad hoc committee to work with staff to address issues the AB 1600 fee update.)
R. Lata, Community Development Director

DISCUSSION

20. Creston Road Corridor – Development of a Plan Line

D. Monn, Interim Public Works Director

Consider expanding the Scope of Work currently under 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.)

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 continue this item to a future meeting to provide an opportunity for the ad hoc committee to review the feasibility of all alternatives with URS, Capital Projects Engineer Ditas Esperanza, and City Engineer John Falkenstien.

Motion passed by the following unanimous roll call vote:

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

21. Federal Transit Administration (FTA) Marketing Grant - Memorandum of Understanding

M. Compton, Administrative Services Director

Consider approving a Memorandum of Understand (MOU) with San Luis Obispo Council of Governments (SLOCOG) to develop a transit marketing plan. (The City received an FTA grant to develop a marketing plan. As the regional transportation planning agency, SLOCOG is the oversight agency and requires recipient agencies of planning grants to enter into a MOU.)

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. 05-220 approving a Memorandum of Understanding with the San Luis Obispo Council of Governments.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

22. Applicant Interviews & Appointments - Citizens' Airport Advisory Committee

J. App, City Manager

Determine preferred course of action to fill vacancies on the Citizens' Airport Advisory Committee.

3 vacancies: 2 regular terms, expiring 10/31/07 and 1 alternate term expiring 10/31/07

Applicants: Chuck Miller (incumbent), Wayne Caruthers (incumbent) and Ralph Weber

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 appoint Councilmember Heggarty and Nemeth to an ad hoc committee to interview applicants to the Citizens' Airport Advisory Committee and return to Council with recommendations.

Motion passed by unanimous voice vote.

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS - None

By unanimous voice vote, Council moved to adjourn from regular session at 8:30 PM.

ADJOURNMENT

- Council / Advisory Body Summit, 9:00 AM on Wednesday, October 19
- Cuesta College Health Annex Building Dedication, 10:30 AM on Friday, October 21, at North County Campus
- LAFCO *Community of 2050*, 9:00 AM – 4:00 PM on Saturday, October 22, at Templeton Middle School, 925 Old County Road
- Camp Roberts Community Leaders Day, 10:00 AM – 2:00 PM on Friday, October 28, at Camp Roberts
- Regular Council Meeting, 7:30 PM on Tuesday November 1, at Library/City Hall Conference Center, 1000 Spring Street

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: November 1, 2005