

CITY COUNCIL MINUTES
Tuesday, August 19, 2003 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

INVOCATION

ROLL CALL Councilmembers Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham. Councilmember George Finigan was seated at the dais at 7:35 PM.

PUBLIC COMMENTS

- Library & Recreation Services Director Barbara Partridge announced a meeting to present the final draft of the Preliminary Master Plan for Sherwood Park to be held at 7:00 PM on Monday, August 25th, at the Senior Center (270 Scott Street).
- Public Works Director Joe Deakin announced a road closure on South River Road between Creston and Niblick for the entire day of Wednesday, August 27th.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App informed Council that Agenda Items 1, 2 and 10 are being recommended for continuance.

PRESENTATIONS - None

PUBLIC HEARINGS

1. Continue Hearing - Code Amendment 02-007 - Signs

R. Lata, Community Development Director

Consider continuing this item regarding an update of the City's sign ordinance. (In light of legal issues, complexity and other pending projects, additional time is needed to refine the text of the proposed Ordinance.) CONTINUED FROM MAY 6, 2003

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 Council's regular meeting on February 3, 2004.

Motion passed by the following unanimous roll call vote:

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

2. Continue Hearing - Code Amendment Regarding Limitation on Vehicle Weights in Residential Zones

R. Lata, Community Development Director

Consider continuing a public hearing to establish vehicle weight limits on residential streets. (During the summer of 2002 Council discussed options to limit the weight of trucks within residential zoned areas. Further action was deferred pending a court decision that could impact the City's ability to enforce vehicle weight restrictions. Subsequently, the City Attorney advised that the City could proceed with consideration of an Ordinance. CONTINUED FROM MAY 6, 2003

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to continue the open noticed hearing regarding vehicle weight restrictions in residential areas to February 3, 2004, in order to have adequate time to assemble the related information and analyze the City's options.

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

Consent Calendar Item Nos. 3 - 9, 11 – 13 and 15 - 20 were approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Item No. 14 being pulled for discussion and Item No. 10 being continued to a future meeting.

3. Approve City Council minutes of July 29 and August 5, 2003.
D. Fansler, City Clerk

The Clerk noted an error in the minutes of August 5th: Council action on Item No. 2 was to continue the item, but did not include closing the public hearing.

4. Approve Warrant Registers: Nos. 41981 – 42138 (8/1/03) and 42139 – 42271 (8/8/03)
M. Compton, Administrative Services Director

5. Proclamation: California History Week, September 7 - 13, 2003
F. Mecham, Mayor

6. Read, by title only, and adopt Ordinance No. 864 N.S. amending Title 21 of the Zoning Code of the Municipal Code to apply an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road (APN 025-431-031) – Rezone 03-004. (Property is approximately 102 acres at the southwest corner of Airport Road and Dry Creek Road, adjacent to the Paso Robles Municipal Airport. Applicant Aaron Hogue made application for a zone change to accommodate continued agricultural operation of his vineyard and allow use of a gravel [versus asphalt] drive for access to a caretaker's unit. At its July 8th meeting, the Planning Commission recommended approval of this zone change.) FIRST READING AUGUST 5, 2003
R. Lata, Community Development Director

7. Read, by title only, and adopt Ordinance No. 865 N.S. amending Title 21 of the Zoning Code of the Municipal Code to amend Table 21.16.210 to allow zero setbacks for buildings along Spring Street between 1st and 9th Streets (Code Amendment 03-006). (Current Code requires a 15-foot landscaped setback for buildings along Spring Street, except for the area between 9th and 16th Streets, where no setbacks are required. Applicant Mitchell Culver is proposing the construction of a building having a zero setback on the vacant parcel located at 724 Spring Street. The bottom floor of the 4,200 square foot building would be commercial/retail and the upper floor would be residential/caretaker.) FIRST READING AUGUST 5, 2003
R. Lata, Community Development Director

8. Adopt Resolution No. 03-150 accepting the recordation of Parcel Map PR 02-277, a two-lot residential subdivision located at 524 7th Street. (Applicants: Kevin and Jo Anne Taylor. Parcel Map was tentatively approved by the Planning Commission on October 22, 2002. All conditions imposed by the Planning Commission have been satisfied.)
R. Lata, Community Development Director

9. Adopt Resolution No. 03-151 accepting the public improvements of Tract 1632-9, Lots 290-319, into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$61,267. (This subdivision is located on Larkfield Place and Riata Court, north of Sycamore Canyon Drive and west of Airport Road. Public improvements, which the developer was required to install, have been constructed to the satisfaction of the City.)
R. Lata, Community Development Director
10. Adopt Resolution No. 03-xx accepting the public improvements of Tract 2369-1, Lots 1 - 71, into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$445,529. (This subdivision is located on Kleck Road and Montebello Oaks Drive, north of Union Road. Public improvements, which the developer was required to install, have been constructed to the satisfaction of the City.)
R. Lata, Community Development Director

Staff recommended continuing this item to a future meeting as all public improvements have not yet been completed.

11. Adopt Resolution No. 03-152 accepting the public improvements of Tract 2350, Phases 1 & 2, Lots 1 - 91, into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$500,000. (This subdivision is located on Golden Hill Road and Rolling Hills Road, north of Creston Road. Public improvements, which the developer was required to install, have been constructed to the satisfaction of the City.)
R. Lata, Community Development Director
12. Adopt Resolution No. 03-153 (1) accepting for recordation of Tract 2254-3 a 55-lot subdivision located at the northwest corner of Creston Road and Beechwood Drive, and (2) approving the Subdivision Improvement Agreement for Tract 2254-3, authorizing deferred construction of the subdivision improvements, with an established deadline of August 19, 2004, to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopting Resolution No. 03-154 annexing Tract 2254-3 into the Landscape and Lighting District. (Tract 2254-3 was originally approved by the Planning Commission on January 12, 1999. With the exception of the construction of the public improvements, all condition imposed by the Planning Commission have been satisfied.)
R. Lata, Community Development Director
13. Adopt Resolution No. 03-155 accepting the Grant of Avigation Easement from the Stephenson Living Trust for property located at 3600 Dry Creek Road. (Property was developed under PD 01-009, a commercial-industrial building development. Property owners John and Brenda Stephenson have provided a Grant of Avigation Easement for the purposes of making all future owners of the Stephenson property aware of the potential of noise associated with the proximity of the Airport and to provide clearance for the continued operation of the Airport as required by the Planning Commission as a condition of development.)
R. Lata, Community Development Director
15. Adopt Resolution No. 03-157 accepting the California State Supplemental Law Enforcement Service funds [SLESF] in the amount of \$100,000 [maximum], which will be used for future purchasing of technological equipment and software upgrades. (With the acceptance of the SLESF funds, additional needed technological equipment/software can be purchased to interface with or replace existing equipment and enhance existing capabilities, allowing better utilization of systems now in place.)
D. Cassidy, Chief of Police

16. Dissolve the ad hoc committee formed in January 2003 to review the 2-year Budget/4-year Financial Plan. (As the budget for fiscal year 2004 was adopted by Council on June 3, 2003, the work of the committee is finished.)
M. Compton, Administrative Services Director
17. Extend the ad hoc committee formed in July 2001 to review proposals for an Airport Terminal restaurant operator to November 1, 2003. (Although, a lease has been signed with the restaurant operator, minor issues remain in negotiating peripheral agreements associated with this operation.)
J. Deakin, Public Works Director
18. Extend the ad hoc committee formed in January 2003 to review proposals for airport development and the airport leasing policy to December 1, 2003. (The committee has reviewed a number of lease proposals and initiated review work on airport policy. Additional work is required before bringing recommendations back to the full Council.)
J. Deakin, Public Works Director
19. Extend the ad hoc committee formed in June 2001 to review the Airport Master Plan and the Airport Land Use Plan revision project to December 1, 2003. (Work on the Master Plan and Airport Land Use Plan has progressed significantly and the City is now entering the public comment and final adoption phases. The Committee is proposed to be retained in order to complete the review and adoption process.)
J. Deakin, Public Works Director
20. Extend the ad hoc committee formed in March 2003 to work with staff in preparing an outreach and mapping project for the Salinas River to December 16, 2003. (The Committee is recommended to be retained, as the work of the committee is not yet completed.)
J. Deakin, Public Works Director

PUBLIC DISCUSSION

21. Kinetics Services, Inc. – Energy Conservation Proposal

J. Deakin, Public Works Director

Consider a proposal from Kinetics Services, Inc., to design and build energy saving systems for City facilities. (Kinetics Services, Inc. presented an unsolicited proposal to the City to design and build energy retrofit projects. The projects could be installed to conserve and/or generate energy for City facilities.)

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 Finigan stepped down from the dais making a declaration of conflict, as his employer, Pacific Gas and Electric, requested that he recuse himself on this item.

Frank Mann, Account Manager Energy Services of Kinetics Systems, Inc., assisted by Vice President Jeff Bartel and Energy Engineer Lou Lagomarsino, conducted a visual presentation of an energy retrofit and facility modernization program for the City.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to appoint Mayor Mecham and Councilmember Nemeth to a two-member ad hoc committee to further develop with staff support

the proposal submitted by Kinetics Services, Inc. into an agreement that is tentatively acceptable to both the City and Kinetics, and to return to Council with a full report by November 18, 2003, for a decision to accept or deny the proposed agreement.

Motion passed by the following roll call vote:

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

Councilmember Finigan returned to deliberations.

22. Request for Service with Septic Systems – Tract 2521 (Bertoni)

R. Lata, Community Development Director

Consider a request from John Bertoni to service nine lots (including two with existing houses on septic systems) with septic systems, as part of the development of Tract 2521. (Tract 2521 is located at 75 21st Street and is a subdivision of two existing lots into nine lots. The property consists of 11.9 acres, with each lot proposed to be at least one acre in size. In lieu of approving septic systems, the Public Works Department is recommending that the subdivider extend the sewer in 21st Street to serve the subdivision.) CONTINUED FROM AUGUST 5, 2003

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

It was the consensus of Council to postpone further consideration of this item until later in the meeting in order to allow staff time to retrieve information pertinent to the discussion.

23. Request to Remove Oak Tree – 1683 Bella Vista Court (Wise)

R. Lata, Community Development Director

Consider a request from Cindy and Larry Wise to remove one 31-inch Blue Oak at 1683 Bella Vista Court. (An Arborist Report performed on June 29, 2003 indicates that the tree is diseased beyond correction and recommends removal of the tree.) CONTINUED FROM AUGUST 5, 2003

Mayor Mecham opened the public hearing. Speaking from the public were Cindy Wise (applicant), Steven Alvarez (Certified Arborist), Michelle Branch 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 Finigan, moved to adopt Resolution No. 03-158 (1) approving the oak tree removal request based on the arborist report identifying the tree as being in severe decline, with no signs of recovery; and (2) waiving the requirement for replacement trees based on the Arborist's finding that the decline of the tree is not the property owner's fault.

Motion passed by the following roll call vote:

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

22. Request for Service with Septic Systems – Tract 2521 (Bertoni)

R. Lata, Community Development Director

Item was reopened for discussion and action.

Mayor Mecham continued the public hearing. Speaking from the public was John Bertoni. 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 continue this item to the meeting of September 2, 2003, to allow staff time to assemble additional information.

Motion passed by unanimous voice vote.

Council took a 10-minute break at 9:10 PM, reconvening at 9:20 PM.

24. Request to Remove Oak Tree – 130 17th Street (Cardelli)

R. Lata, Community Development Director

Consider a request from Warren Cardelli to remove one 30-inch Blue Oak at 130 17th Street. (An Arborist Report performed by Arbor Tree Surgery on June 9th indicates that the tree is diseased beyond correction. As the tree trunk is divided into two scaffolds and is structurally weak and dangerous, the arborist recommends removal of the tree.) CONTINUED FROM AUGUST 5, 2003

Mayor Mecham opened the public hearing. Speaking from the public were Warren Cardelli, Steven Alvarez (Certified Arborist) 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 Finigan, moved to adopt Resolution No. 03-159 (1) approving the oak tree removal request based on the arborist report identifying the tree as diseased beyond correction, because the trunk is divided into two scaffolds and the tree is structurally weak and dangerous; and (2) based on the decline of the tree not being the property owner's fault, waiving the requirement for replacement trees.

Motion passed by the following roll call vote:

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

25. Airport Master Plan and Land Use Plan

J. Deakin, Public Works Director

Review the draft Airport Master Plan update and the proposed Airport Land Use Plan amendment; consider the concerns and comments from the Airport Advisory Committee, the Planning Commission, and any interest public; and direct staff to forward the documents to outside agencies for review, comment and/or adoption, as appropriate. (The Airport Master Plan provides a blueprint for the long-term development of aviation related facilities at the Municipal Airport through the year 2020. The Master Plan is not designed to address non-aviation [e.g., commercial and industrial] land uses in the vicinity of the Airport. Although the Airport Master Plan will be referred to the County Airport Land Use Commission for their review and comment, the adoption of the City’s Master Plan is the jurisdiction of the City Council. Along with the update of the Airport Master Plan, the City contracted for preparation of a Draft Airport Land Use Plan. This document complements the City’s Airport Master Plan, but is intended to be adopted by the County Airport Land Use Commission.)

Mayor Mecham opened the public hearing. Speaking from the public were Fred Strong, Rudy Duran, Steve Meixner, Wayne Caruthers, Woody Woodruff, Brett Butterfield, Rick Menton, Michael Nunno, Tom Erskine, Kathy Barnett, Matt Masia, Patrick Hogue, and John Belcher. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to return this item to the ad hoc committee and the Airport Advisory Committee, encouraging public participation in the further review process. Additional Planning Commission review would also be undertaken before the matter comes back to the City Council.

Motion passed by the unanimous following roll call vote:

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

Council took a 5-minute break at 10:45 PM, reconvening at 10:50 PM.

26. Master Plan for Blackburn Area

R. Lata, Community Development Director

Consider approving a recommendation of the Planning Commission to adopt a Master Plan for development in the vicinity of Blackburn Street, east of Grove Street. (In 2002, Council authorized preparation of a study of development opportunities in this area. Results of the study were presented at a public workshop held on July 22nd and comments were received from interested property owners and the public in attendance. The comments were not in conflict with the study recommendations.)

Mayor Mecham opened the public hearing. Speaking from the public were Frankie Bell, Dana Jackson, Alan Jackson, John Voight and Joe Chouinard. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-160 approving the recommendations of the Blackburn Area Study as a Master Plan for development within the geographic area addressed by the Study.

Motion passed by the unanimous following roll call vote:

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

27. South River Road Turning Lane

J. Deakin, Public Works Director

Consider installation of a turning lane on South River Road, from Serenade Drive to Charolais Road. (In July 2003, the Streets and Utilities Committee voted to deny a request from residents of the Riverbank Tract to install stop signs on South River Road at either Bridgegate Lane or Riverbank Lane, and chose instead to endorse the design and installation of a new two-way turn lane striping. The design of striping should be provided by a Traffic Engineer. Total cost of design and installation is estimated to be \$5,000 and would be funded from the City's Gas Tax Fund.)

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

City Attorney Iris Yang and Deputy City Attorney Jon Seitz recently sent a memo recommending that the California Environmental Quality Act be considered any time the City performs work in a street that affects traffic patterns. Deputy City Attorney Seitz met with Community Development Director Bob Lata and Public Works Director Joe Deakin to review Agenda Item Nos. 27 - 31 and based on those discussions City Attorney Seitz read the following text into the record and recommended that it be added to the Resolution: *The City finds that the installation of a turning lane on South River road from Serenade Drive to Charolais Road is statutorily exempt from CEQA pursuant to Public Resource Code §21080.19, which provides that this division does not apply to projects for restriping the streets or highways to relieve traffic congestion.*

Councilmember Heggarty, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-161 (1) approving the design and installation of new two-way turn lane striping on South River Road, from Serenade Drive to Charolais Road and (2) approving a one-time budget appropriation of \$5,000 from Gas Tax Funds to Budget Account No. 200-310-5224-162 for design and installation of the turning lane, with added language as stated by Deputy City Attorney Seitz.

Motion passed by the unanimous following roll call vote:

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

Councilmember Picanco stepped down from the dais and refrained from voting on Item No. 28 due a possible conflict of interest.

28. Parking Restrictions (Red Curb) on Theater Drive

J. Deakin, Public Works Director

Consider parking restrictions (red curb) on Theater Drive. (A study of Theater Drive, south of the Highway 46 intersection to the City limits, reveals unsafe traffic conditions. If cars are parked on the street near the entry/exit points, traffic ingress and egress site distance is considerably less than the 400 feet considered safe entry into traffic traveling at speeds in excess of 45 mph. To mitigate this site line problem, restricted parking [red curbs] is recommended.)

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

City Attorney Iris Yang and Deputy City Attorney Jon Seitz recently sent a memo recommending that the California Environmental Quality Act be considered any time the City performs work in a street that affects traffic patterns. Deputy City Attorney Seitz met with Community Development Director Bob Lata and Public Works Director Joe Deakin to review Agenda Item Nos. 27 - 31 and based on those discussions City Attorney Seitz read the following text into the record and recommended that it be added to the Resolution: *The City finds that the approval of parking restrictions contemplated by this Resolution falls within the activities described in §15378 of the CEQA Guidelines and Public Resource Code §21065, which are deemed not to be "projects" for the purposes of CEQA because it can be seen with certainty that installation of parking restrictions that are the subject of this Resolution will not have the potential for resulting in either a direct physical change in the environment or a reasonable foreseeable indirect change in the environment.*

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 03-162 approving parking restrictions (red curbs) on Theater Drive (with added language as stated by Deputy City Attorney Seitz) at the following locations:

- 50 feet of red curb north of the north Big Oak Auto Center entry/exit (on Pete Johnston's frontage)
- Solid red curb along the entire San Luis Bay Motors frontage
- Solid red curb along the entire frontage of Boatman's Furniture frontage
- Solid red curb along the entire frontage of Durand's property

Motion passed by the unanimous following roll call vote:

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

Councilmember Picanco returned to deliberations.

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29. All-Way Stop at Intersection of 8th Street and Oak Street

J. Deakin, Public Works Director

Consider installation of traffic controls (stop signs) at the intersection of 8th and Oak Streets. (This intersection is currently controlled by stop signs at 8th Street on the east and west sides of Oak. Two sightline obstructions—a hedge and a large oak tree—are located at the southeast corner. At their July 27th meeting, the Streets and Utilities Committee recommended installation of an all-way stop as the best option to meet the need for safety enhancement, while retaining the on-street parking for area businesses.)

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

City Attorney Iris Yang and Deputy City Attorney Jon Seitz recently sent a memo recommending that the California Environmental Quality Act be considered any time the City performs work in a street that affects traffic patterns. Deputy City Attorney Seitz met with Community Development Director Bob Lata and Public Works Director Joe Deakin to review Agenda Item Nos. 27 - 31 and based on those discussions City Attorney Seitz recommended that the following text be added to the Resolution: *The City finds that the approval of the stop signs contemplated by this Resolution falls within the activities described in §15378 of the CEQA Guidelines and Public Resource Code §21065, which are deemed not to be “projects” for the purposes of CEQA because it can be seen with certainty that installation of the stop signs will not have potential for resulting in either a direct physical change in the environment or a reasonable foreseeable indirect change in the environment.*

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-163 approving the installation of an all-way stop at the intersection of 8th Street and Oak Street, with added language as stated by Deputy City Attorney Seitz

Motion passed by the unanimous following roll call vote:

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

30. All Way Stop at Intersection of South River Road and Charolais Road

J. Deakin, Public Works Director

Consider installation of traffic controls (stop signs) at the intersection of South River Road and Charolais Road. (This is a tee intersection of two arterial streets, with predominant traffic flows southbound South River Road turning left to eastbound Charolais Road and westbound Charolais Road turning right to northbound South River Road. In response to concerns of residents regarding safe left turning movement at this intersection, the Streets and Utilities Committee has recommended installation of the all-way stop for a test period of six months.)

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

City Attorney Iris Yang and Deputy City Attorney Jon Seitz recently sent a memo recommending that the California Environmental Quality Act be considered any time the City performs work in a street

that affects traffic patterns. Deputy City Attorney Seitz met with Community Development Director Bob Lata and Public Works Director Joe Deakin to review Agenda Item Nos. 27 - 31 and based on those discussions City Attorney Seitz recommended that the following text be added to the Resolution: *The City finds that the approval of the stop signs contemplated by this Resolution falls within the activities described in §15378 of the CEQA Guidelines and Public Resource Code §21065, which are deemed not to be "projects" for the purposes of CEQA because it can be seen with certainty that installation of the stop signs will not have potential for resulting in either a direct physical change in the environment or a reasonable foreseeable indirect change in the environment.*

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-164 approving the installation of an all-way stop at the intersection of South River Road and Charolais Road, with added language as stated by Deputy City Attorney Seitz.

Motion passed by the unanimous following roll call vote:

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

31. All Way Stop at Intersection of 12th Street and Fresno Street

J. Deakin, Public Works Director

Consider installation of traffic controls (stop signs) at the intersection of 12th Street and Fresno Street. (Eastbound 12th Street is 50 feet wide and has a substantial downhill grade as it enters the City and continues downhill to the Vine Street intersection. In response to concerns of residents regarding speeding motorists and sight line challenges at this intersection, the Streets and Utilities Committee has recommended installation of an all-way stop to mitigate these safety issues in this residential area.)

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

City Attorney Iris Yang and Deputy City Attorney Jon Seitz recently sent a memo recommending that the California Environmental Quality Act be considered any time the City performs work in a street that affects traffic patterns. Deputy City Attorney Seitz met with Community Development Director Bob Lata and Public Works Director Joe Deakin to review Agenda Item Nos. 27 - 31 and based on those discussions City Attorney Seitz recommended that the following text be added to the Resolution: *The City finds that the approval of the stop signs contemplated by this Resolution falls within the activities described in §15378 of the CEQA Guidelines and Public Resource Code §21065, which are deemed not to be "projects" for the purposes of CEQA because it can be seen with certainty that installation of the stop signs will not have potential for resulting in either a direct physical change in the environment or a reasonable foreseeable indirect change in the environment.*

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 03-165 approving the installation of an all-way stop at the intersection 12th Street and Fresno Street, with added language as stated by Deputy City Attorney Seitz.

Motion passed by the unanimous following roll call vote:

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

32. Request to Close 11th Street from Spring to Park Streets for Country Farm and Craft Market (Suschke) – Miscellaneous 03-005

R. Lata, Community Development Director

Consider a request from Judy Ann Suschke on behalf of Country Farm and Craft to close the portion of 11th Street between Spring and Park Streets for a Farm and Craft Market. (Closure is requested on Saturdays from 7:30 a.m. to 12:45 p.m. The market would start at 8:00 a.m. and end at noon. Main Street recommends approving the request, as it would encourage residents to come into the Downtown area on Saturday mornings.)

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

Deputy City Attorney Jon Seitz read the following text into the record and advised that it be added to the Resolution:

Section 3: The City Council may terminate this permit, provided that the City Council shall first conduct a public hearing in the same manner as required for the granting of the original permit. No such termination shall be made unless the Council finds that such termination is necessary to protect the public interest and/or neighboring properties.

Section 4: The City may suspend this permit to accommodate for City approved civic events.

Section 5: The City may terminate this permit for violation of law, City ordinance or regulations.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-166 allowing the closure of 11th Street between Spring and Park Streets for a Farm and Craft Market for specified times, subject to the rules and regulations and condition of approval, with added language as stated by Deputy City Attorney.

Motion passed by the unanimous following roll call vote:

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

33. CalHome First-time Homebuyers Loan Program – Maximum Loan Amounts
R. Lata, Community Development Director

Consider establishing a maximum loan amount for deferred-payment (“silent”) second mortgage loans to first-time homebuyers under the City’s CalHome Loan Grant. (In 2001, the City received a grant from the State of California CalHome Program for the purpose of making silent second mortgage loans to first-time homebuyers. State regulations at that time specified that the maximum loan amount would be \$30,000. In July 2003, the State Department of Housing and Community Development [HCD] informed the City that state regulations had been amended to remove the maximum loan amount.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to establish a maximum loan amount of \$90,000 for CalHome deferred-payment second mortgage loans to first-time homebuyers.

Motion passed by the unanimous following roll call vote:

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

34. North County Transportation Center Platform Tactile Tiles
J. Deakin, Public Works Director

Consider appropriating \$25,000 to repair or replace damaged tactile tiles at the North County Transportation Center. (The damaged tiles are a public safety hazard. Staff is requesting that Council authorize the letting of a contract to repair the tiles without bid and declare the work as being required under emergency work as allowed under current Public Contract Code.)

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 Picanco, moved to continue this item to a future meeting.

Motion passed by the unanimous voice vote.

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DISCUSSION OF PULLED CONSENT ITEMS

14. Adopt Resolution No. 03-xx approving a salary adjustment for the City Manager in accordance with the City Manager Employment Contract. (Based on the annual review of the City Manager's performance recently conducted by the City Council, and in accordance with the terms of the Contract, the annual base salary of the City Manager will increase to \$122,156 effective September 1, 2003.)
I. Yang, City Attorney

Mayor Mecham opened the public hearing. Speaking from the public were Walt Heer 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 Finigan, moved to adopt Resolution No. 03-156 approving a salary adjustment for the City Manager in accordance with the City Manager Employment Contract.

Motion passed by the following roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION – None

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS

- Gary Nemeth requested that staff include a modification to the proposed revision to the Oak Tree Preservation Ordinance to provide direct City contracts with arborists in the same manner as the City undertakes traffic studies.
- Picanco inquired about the sign(s) to be placed at Railroad and 12th Streets directing car pool drivers to park their cars at Robbins Field. Councilmember Heggarty said that signs were on order and some of them should be up at the end of the month.

PUBLIC COMMENT ON CLOSED SESSION - None

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

Council moved to adjourn from regular session at 11:50 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 12:28 AM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Seitz announced that Council received an update from the City's negotiator on the Closed Session items, and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 12:30 AM, Wednesday, August 20, 2003.

ADJOURNMENT: to THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) GENERAL PLAN WORKSHOP AT 9:00 AM ON THURSDAY, AUGUST 21, 2003, IN THE CHAMBERS OF THE COUNTY BOARD OF SUPERVISORS, 1035 PALM STREET, SAN LUIS OBISPO; TO THE PLANNING COMMISSION MEETING (OPPORTUNITY FOR PUBLIC COMMENT ON THE DRAFT ENVIRONMENTAL IMPACT REPORT ON THE GENERAL PLAN) AT 7:30 PM ON TUESDAY, AUGUST 26, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, SEPTEMBER 2, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk

Approved:

**THESE MINUTES ARE NOT OFFICIAL OR A PERMANENT PART OF THE RECORDS
UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING.**