

# **CITY COUNCIL MINUTES**

**Tuesday, February 3, 2004 7:30 PM**

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL  
CONFERENCE CENTER, 1000 SPRING STREET**

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## **6:00 PM – CALL TO ORDER**

The City Council of the City of El Paso de Robles, meeting in regular session at 6:00 p.m. on the above date in the City Hall Large Conference Room, 2nd Floor, was called to order by Mayor Frank Mecham.

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

**PUBLIC COMMENT** – None

## **CLOSED SESSION**

City Attorney Iris Yang announced Council's authority to go into closed session to discuss the item listed on the agenda.

*The City Council thereupon adjourned to Closed Session.*

*The City Council returned to Regular Session at 7:25 p.m.*

## **REGULAR SESSION**

## **7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

**PLEDGE OF ALLEGIANCE**

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

*Mayor Mecham commended City staff for their professionalism and dedication in serving the community in the wake of the December earthquake.*

## **PUBLIC COMMENTS**

- Joy Sprague expressed sympathy at the loss of volunteer Tom Silva, an umpire at Barney Schwartz Park, and asked that his family be kept in everyone's thoughts and prayers.
- Kyle Gardner asked if a list of the structures lost in December's quake could be made available to the public, and encouraged accelerating the timeline requiring building owners to retrofit their building.
- Kathy Barnett requested names of State officials that assisted the City after the December earthquake, so that thank you notes could be sent.
- Barry Kinman (Kinman & Curry) expressed his criticism about the level of communication between City officials and residents.
- Mike Arrambide urged Council to consider investigating the use of FEMA funds to remove damaged buildings on private property that impact public safety on public property.
- Chuck Mendelson contested Mr. Kinman's comments about not being able to gain access to City Officials, sharing his own experiences of always being able to speak with members of Council and/or always having his calls returned.

## **AGENDA ITEMS TO BE DEFERRED**

City Manager Jim App advised Council that Agenda Items No. 6 and 7 are being recommended for continuance.

## **PRESENTATIONS**

### **1. Briefing on, and Confirmation of, Continuing Local Emergency**

J. App, City Manager

Receive verbal briefing on status of emergency and community recovery. Consider approving a resolution to continue local emergency. (State law requires Council to review the need for continuing the local emergency at its regularly scheduled meetings until the local emergency is terminated. Council is required to proclaim the termination of the local emergency "at the earliest possible date that conditions warrant.")

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 Finigan, moved to adopt Resolution No. 04-17 determining that a local emergency continues to exist.

Motion passed by the following unanimous roll call vote:

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

**PUBLIC HEARINGS**

**2. Determination of Historic or Architectural Significance of a Severely Damaged Commercial Building at 739-745 12th Street and a Request to Process a Pending Demolition Permit Application (Marlow / Camera Corner Building – Applicant: Mark Mastagni)**

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of a building at 739-745 12th Street that was severely damaged in the December 22, 2003, San Simeon earthquake. (Council has the discretion to make a final determination as the subject building's historic or architectural significance prior to the processing of a demolition permit.)

Mayor Mecham opened the public hearing. Speaking from the public were Nancy Farrell, Mike Arrambide, Barry Kinman, Kathy Barnett and Mark Mastagni. There were no further comments from the public, either written or oral and the public hearing was closed.

City Manager Jim App added for the record that two letters were received late yesterday from Thomas Madden of Adamski Moroski Madded & Green LLP. Both letters were written on behalf of the Mastagni Family regarding demolition of the Acorn and Marlow Buildings. (Copies attached.)

Councilmember Nemeth, seconded by Councilmember Finigan, moved to determine (1) that the building in its present condition is no longer a historic resource and is therefore not subject to Section 15064.5 of the Guidelines for implementing the California Environmental Quality Act (CEQA), and that a Categorical Exemption under Section 15301(l)(3) would apply; and (2) that the existing building is also not a historic resource by virtue of not being eligible for inclusion in the National Register; and (3) that the subject building presents an imminent threat to the public of bodily harm and damage to adjacent property (in the context of State Resources Code Section 5028). Based on the foregoing, direct that the demolition permit application be processed. Any replacement structure will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.

Motion passed by the following unanimous roll call vote:

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

**3. Determination of Historic or Architectural Significance of a Severely Damaged Commercial Building at 801-807 12th Street / 1214-1220 Park Street and a Request to Process a Pending Demolition Permit Application (Blackburn / Clock Tower / Acorn Building – Applicant: Mark Mastagni)**

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of a building at 801-807 12th Street / 1214-1220 Park Street that collapsed in the December 22, 2003, San Simeon earthquake. (Council has the discretion to make a final determination as the subject building's historic or architectural significance prior to the processing of a demolition permit.)

Mayor Mecham opened the public hearing. Speaking from the public were Mike Arrambide, Kyle Gardener, Arlen Bass, Barry Kinman, Nancy Farrell and Mark Mastagni. There were no further comments from the public, either written or oral and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to determine (1) that the building in its present condition is no longer a historic resource and is therefore not subject to Section 15064.5 of the Guidelines for implementing the California Environmental Quality Act (CEQA), and that a Categorical Exemption under Section 15301(l)(3) would apply; and (2) that the existing building is also not a historic resource by virtue of not being eligible for inclusion in the National Register; and (3) that the subject building presents an imminent threat to the public of bodily harm and damage to adjacent property (in the context of State Resources Code Section 5028). Based on the foregoing, direct that the demolition permit application be processed. Any replacement structure will be the subject of a future Planned Development application and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.

Motion passed by the following unanimous roll call vote:

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

**4. Determination of Historic or Architectural Significance of an Existing Hotel Annex Structure at 1103 Spring Street and a Request to Process a Pending Demolition Permit Application (Paso Robles Inn – Applicant: Martin Resorts, Inc.)**

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of an earthquake damaged hotel annex structure located at 1103 Spring Street. (Subject building is part of the Paso Robles Inn. Council has the discretion to make a final determination as the subject building's historic or architectural significance prior to the processing of a demolition permit.)

Mayor Mecham opened the public hearing. Speaking from the public was Tom Martin. 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 determine (1) that this application is Categorically Exempt from environmental review per Section 15302 of the State's Guidelines to Implement the California Environmental Quality Act (CEQA and (2) that the existing building is not a historic resource. Based on the foregoing, direct that the demolition permit application be processed based on the property owner's intent to provide a replacement structure containing new hotel rooms that will be consistent with or complementary to the balance of the Paso Robles Inn and also the City's ability to require an appropriate architectural treatment through the Planned Development process.

Motion passed by the following unanimous roll call vote:

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

*Council took a 5-minutes break, reconvening at 8:55 p.m.*

**5. Code Amendment 03-008 (Hastings Enterprises)**

R. Lata, Community Development Director

Consider request for a city-wide sign code amendment to allow buildings that back up to or side on a street, highway or parking lot to obtain additional square footage for wall-mounted signs. (This code amendment would allow the use of other frontages besides street frontage. All signs would be required to be revised and approved by the Development Review Committee.)

Mayor Mecham opened the public hearing. Speaking from the public were Newlin Hastings (applicant) and Kathy Barnett. There were no further comments from the public, either written or oral and the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to reject the suggested options.

Motion passed by the following roll call vote:

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

**6. 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 AUGUST 19, 2003

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue the open public hearing to update the City's sign ordinance to the Council's regular meeting of August 3, 2004.

Motion passed by the following unanimous roll call vote:

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

**7. 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; however, in light of other pending project priorities, including the Chandler Ranch Area Specific Plan, a continuance is necessary to allow time to prepare a report outlining options open to the Council. CONTINUED FROM AUGUST 19, 2003

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to continue the open public hearing regarding vehicle weight restriction in residential areas to the Council's regular meeting of August 3, 2004.

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 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 No. 8 - 19 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Picanco.

8. Approve City Council minutes of January 15 and 20, 2004.  
D. Fansler, City Clerk
9. Approve Warrant Registers: Nos. 45288 – 45415 (1/16/04) and 45416 – 45547 (1/23/04)  
M. Compton, Administrative Services Director
10. Receive and file Advisory Body Committee minutes as follows:  
Housing Authority Board meeting of January 13, 2004  
Library Board of Trustees meeting of December 11, 2003  
Parks and Recreation Advisory Committee meeting of December 9, 2003  
Pioneer Museum Board meeting of December 11, 2003  
Paso Robles Youth Commission meeting of December 3, 2003  
Senior Citizen Advisory Committee meeting of December 8, 2003  
Special meeting of all advisory committees, commissions and boards – January 7, 2003
11. Recognition – Jerry Lohr - 2003 Wine Industry Person of the Year  
F. Mecham, Mayor

12. Proclamation – Spay Day USA – February 24, 2004  
F. Mecham, Mayor
13. Adopt Resolution No. 04-18 designating certain City positions as the Designated Agents for working with the State Office of Emergency Services (OES) and the Federal Emergency Management Agency (FEMA). (All FEMA funding and resources are coordinated through the State OES. The State requires the City to assign a team of delegates (agents) who will be the points of contact in managing and executing the emergency relief application. Although many city staff will be involved in the recovery efforts, the delegates will maintain direct contact with the Public Assistance Coordinators in the administration of the City's case file.  
M. Williamson
14. Adopt Resolution No. 04-19 authorizing use of an existing bid process completed by the City of Merced and appropriate funding for the purchase of a digital logger recording system from the low bidder, Executive Communication Systems and Dynamic Instruments. (This new digital recording system is built on standard PC hardware and software, unlike the Dictaphone equipment currently in use. The system allows for more efficient desktop retrieval and storage and is expected to reduce evidence discovery time by 50%. Purchase will be paid from the 2002/2003 Supplemental Law Enforcement Service Funds grant.)  
D. Cassidy, Chief of Police
15. Adopt Resolution of Intent No. 04-20 to abandon a portion of Leland Street from Blackburn Street to 150 feet southwest of Blackburn Street as shown on the Exhibit "A"; and set March 2, 2004, in the Paso Robles City Hall, 1000 Spring Street, for a public hearing for all persons interested in or having objection to the proposed closing. Abandonment request submitted by Mel Bernstein and Robert Bell with the purpose of making private residential use of the area within the abandoned right-of-way in accordance with the adopted Master Plan of the Blackburn Area Study. The Planning Commission has recommended approval of the abandonment request subject to conditions of approval.)  
R. Lata, Community Development Director
16. Adopt Resolution No. 04-21 accepting the variable width Easement Grant Deed for a landscape and tree easement on Lot 65 of Tract 2254-3. (As part of the development of Tract 224-1, the City accepted the Offer of Dedication of Lot A on the Final Tract Map, which accommodated the development of a storm water detention basin. Adjacent to Lot A, Bermant Development has provided this Easement Grant Deed for the maintenance of landscaping by the Landscape and Lighting District.)  
R. Lata, Community Development Director
17. Extend Traffic Calming Measure ad hoc committee's assignment to July 20, 2004. (The Committee has not completed its assignment.)  
J. Deakin, Public Works Director
18. Extend Review & Revise Advisory Committee Bylaws ad hoc committee's assignment to July 20, 2004. (The Committee has not completed its assignment.)  
J. Deakin, Public Works Director
19. Extend Airport Development & Policy Review ad hoc committee's assignment to July 20, 2004. (The Committee has not completed its assignment.)  
J. Deakin, Public Works Director

## DISCUSSION

### 20. **Interim Space for Businesses Displaced by the December 22, 2003, Earthquake**

R. Lata, Community Development Director

Receive a report regarding the demand for interim space to serve businesses displaced by the San Simeon earthquake of December 22, 2003.

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 the following unanimous voice vote.

### 21. **Building and Planning Permit Fee Waivers**

R. Lata, Community Development Director

Consider adopting a fee waiver for earthquake related fees that would apply to either Building or Planning permits / approvals. (The waiver of fees is being suggested to facilitate the reconstruction process. The waiver would apply for a period of 120 days retroactive to the date of the earthquake, and would cover both Building and Demolition Permits.)

Mayor Mecham opened the public hearing. Speaking from the public were Tom Madden, Steve Devencenzi and Kathy Barnett. 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 authorize a temporary fee waiver for Building and Planning Permit and Application fees that are directly related to responding to the earthquake of December 22, 2003. The fee waiver would be retroactive to December 22, 2003, and would apply for 120 days from today's date. In addition, Council directed staff to return to Council with a resolution clarifying the necessity of paying prevailing wages on these projects.

Motion passed by the following unanimous roll call vote:

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

### 22. **Nacimiento Water Supply Project**

J. App, City Manager

Review the City's participation in the Nacimiento Water Supply Project. (The General Plan and the Council's adopted Goals identify the need for a new source of water above and beyond current groundwater sources and capacities. A formal assessment of new water source options completed in April 2003 indicated that the Nacimiento Project is the best, most reliable option for the City in terms of both water quality and supply.)

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 Heggarty, moved to adopt Resolution | No. 04-22 confirming the City's previous request for 4,000 acre-feet of water delivery annually from the prospective Nacimiento Water Supply Project, and notifying the County Flood Control District of the City's intent to participate at this rate.

Motion passed by the following unanimous roll call vote:

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

**23. 13th Street Bridge Widening**

J. Deakin, Public Works Director

Consider final budget for the 13th Street Bridge Widening Project. (In early 1999, Council approved a contract with URS Corporation, a transportation engineering firm, to begin design of the bridge widening and adjacent streets. The approved design concept calls for widening the bridge to accommodate four travel lanes [two in each direction], two turn lanes, two bike lanes, and sidewalks on both sides. Beyond the bridge limits, adjacent streets [North and South River Roads, Creston Road and Union Road] will also be widened to maximize flow at the intersection and relieve traffic congestion. Construction documents for the project are 90% complete, and it is anticipated that construction could begin this summer. Final budget and funding source to complete the construction needs to be considered.)

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 Finigan, moved to adopt Resolution No. 04-23 (1) adopting the final budget for the 13th Street Bridge; (2) approving the funding source for the 13th Street Bridge final budget; (3) authorizing the City Manager to engage the services of URS Corporation in the amount of \$96,070; and (4) to appoint Councilmembers Heggarty and Finigan to an ad hoc committee to review the Scope of Work for a contract with Barnet Cox and Associates.

Motion passed by the following unanimous roll call vote:

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

**24. Downtown Reconstruction Options**

R. Lata, Community Development Director

Consider establishing a date for a public workshop dealing with Downtown reconstruction options. (A workshop is being proposed to assist in envisioning options for reconstruction and/or enhancement of existing buildings.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to direct staff to plan a public workshop regarding reconstruction alternatives for Downtown to be held at 7:00 p.m. on Thursday, February 19, 2004, and 7:00 p.m. on Thursday, March 4, 2004.

Motion passed by the following unanimous roll call vote:

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

**25. Atascadero Automatic Aid Agreement**

K. Johnson, Emergency Services Chief

Consider an automatic aid agreement with the City of Atascadero. (Automatic aid provides for the immediate dispatching of resources for emergencies where their use can be reasonably anticipated. This agreement would provide a faster response of Paso Robles ladder truck for fires in commercial and multi-family buildings in Atascadero, and Paso Robles would receive an expedited dispatch of an Atascadero fire engine for commercial or multi-family buildings and wildland fires.) CONTINUED FROM JANUARY 20, 2004

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to authorize the Emergency Services chief to enter into an automatic aid agreement with the Atascadero City Fire Department and report back in six months.

Motion passed by the following roll call vote:

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

**CITY MANAGER**

**26. Housing Authority – Make Appointments to Fill Current Vacancies or Schedule Date for Applicant Interviews/Appointments**

J. App, City Manager

Make appointments to fill vacated terms on the Housing Authority.

1 vacancy: 4-year term of resident senior member, expiring February 28, 2008.

1 vacancy: 4-year term for resident at large, expiring February 28, 2008

**Applicants:**

1 resident senior applicant:

Richard L. Stainbrook (incumbent)

1 applicant at large:

Chet A. Dotter (incumbent)

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 Nemeth, moved to appoint incumbent Richard Stainbrook to a 4-year “resident senior” term of the Housing Authority, expiring February 28, 2008; and incumbent Chet Dotter to a 4-year “at large” term of the Housing Authority, expiring February 28, 2008.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham

NOES: None

ABSTAIN: None

ABSENT: None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS** - None

**COUNCIL COMMENTS**

- Councilmember Nemeth inquired about the timing on the distribution of recycle trash bins by Paso Robles Waste.

**PUBLIC COMMENT ON CLOSED SESSION** - None

**CLOSED SESSION REPORT**

*City Attorney Iris Yang announced that Council received an update from the City’s negotiator on the item discussed in the Closed Session prior to the regular meeting, and no reportable action was taken.*

*City Attorney Yang announced Council's authority to go into a second closed session to discuss the three items listed on the agenda.*

*By unanimous voice vote, Council moved to adjourn from regular session at 11:03 PM and thereupon adjourned to Closed Session.*

### **CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor

*The City Council returned to Regular Session at 11:10 PM.*

### **RETURN TO OPEN SESSION**

#### **CLOSED SESSION REPORT**

*City Attorney Iris Yang 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 12:15 AM on Wednesday, February 4, 2004.*

**ADJOURNMENT:** to THE JOINT PLANNING COMMISSION/COUNCIL MEETING RE CHANDLER RANCH AREA SPECIFIC AT 7:00 PM ON THURSDAY, FEBRUARY 12, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, FEBRUARY 17, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE WORKSHOP RE DOWNTOWN RECONSTRUCTION AT 7:00 PM ON THURSDAY, FEBRUARY 19, 2004, AT THE PASO ROBLES INN, 1103 SPRING STREET.

Submitted:

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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.**