

CITY COUNCIL MINUTES

Tuesday, December 21, 2004 7:30 PM

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

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, Fred Strong, and Mayor Frank Mecham

PUBLIC COMMENTS

- Denis Porter, Paso Robles Ultralight Association, presented documentation for Council consideration and asked that the ban on ultralight flights at the Municipal Airport be reviewed. Councilmember Heggarty invited Mr. Porter to attend a meeting with him and Doug Hauff on Wednesday, December 22nd and Mr. Porter accepted the invitation.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS - None

PUBLIC HEARINGS

1. Rezone 04-005 (Harrod Builders)

R. Lata, Community Development Director

Consider an application filed by North Coast Engineering on behalf of Harrod Builders to rezone an 8.5-acre site to bring the zoning into conformance with the General Plan. (Property is located along the northern side of Meadowlark Road, between Beechwood Drive and Oriole Way. Rezoning the site to R1,PD-3 would bring the zoning into conformance with the General Plan designation of RSF-3. The rezone in conjunction with Tentative Tract 2601 and PD 04-023 would allow for the development of a 20-lot single family residential subdivision. The project has been conditioned by the Planning Commission to include each parcel of the subdivision to be within a Community Facilities District to achieve fiscal neutrality.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to introduce Ordinance No. XXX N.S. approving Rezone 04-005, rezoning a 8.5-acre site to R1,PD-3 to be consistent with the current General Plan designation of RSF-3, in relation to Tract 2601; and set January 4, 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

2. Zone Change 04-010 – Zoning Map Amendment: 80 South River Road

R. Lata, Community Development Director

Consider amending the Zoning Map to rezone property at 80 South River Road from Single Family Residential (R1-PD) to Multi-Family Residential (R-3). (Site is approximately 6.5 acres. This zoning map amendment has been prepared to implement goals, policies, and action items of the General Plan Land Use and Housing Elements. It is intended to bring the property zoning into conformity with the Land Use Map. The Planning Commission considered this amendment on November 23, and recommended approval of the amendment and Negative Declaration.)

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

Councilmember Nemeth, seconded by Councilmember Strong, moved to adopt Resolution No. 04-275 approving a Negative Declaration; and introduce Ordinance No. XXX N.S. approving Rezone 04010, rezoning property from Single Family Residential (R-1 P-D) to Multi-Family Residential (R-3) for two parcels located at 80 South River Road; and set January 4, 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. LED-Lighted Crosswalks and Preprogramming of Community Development Block Grant (CDBG) Funds

R. Lata, Community Development Director

Provide direction on design and installation of a proposed LED-Lighted Crosswalk system at 24th and Oak Streets. (The proposed amendment to the 2002 and 2004 Annual Action Plans for the CDBG program would enable a portion of 2004 CDBG funds and unused 2002 CDBG funds to be reprogrammed to the LED-lighted Crosswalk Project at 24th and Oak Streets.)
CONTINUED FROM NOVEMBER 2, 2004

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 Picanco, moved to (1) adopt direct staff to revise the contract documents and specifications to eliminate the PCC concrete strips, and rebid the project; and (2) adopt Resolution No. 04-276, which would: (a) amend the 2002 Annual Action Plan to reprogram \$20,600 in 2002 CDBG funds from the 28th Street Improvements Project to the LED-Lighted Crosswalk Project and (b) re-appropriate CDBG funds as necessary to accomplish these objectives.

Motion passed by the following roll call vote:

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

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

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

PUBLIC HEARING

4. Redevelopment Implementation Plan Update

R. Lata, Community Development Director

Consider a mandatory update of the Redevelopment Implementation Plan. (State law mandates that the Redevelopment Implementation Plan be updated every five years. The current Plan was adopted in December 1999 and must be updated by December 31, 2004.)

Chairman Nemeth opened the public hearing. There were no comments from the public and the public hearing was closed.

Agencymember Mecham, seconded by Agencymember Heggarty, moved to adopt Resolution No. RA 04-03 to approve the 2004 Implementation Plan incorporated the text changed recommended by the Project Area Committee.

Motion passed by the following unanimous roll call vote:

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

4.1 Acorn/Clock Tower and Camera Corner Buildings - Approval of Subordination Façade Improvement Loan

R. Lata, Community Development Director

Consider a request to subordinate a façade improvement loan to facilitate financing of reconstruction of two buildings in the Downtown area. (In 1990-91 the Redevelopment Agency offered façade improvement loans to encourage painting, awnings, and other exterior improvements to buildings in the Downtown area. The two subject buildings were recipients of a façade loan in the amount of \$25,000.)

Chairman Nemeth opened the public hearing. Speaking from the public was Dale Gustin. There were no further comments from the public and the public hearing was closed.

Agencymember Strong, seconded by Agencymember Mecham, moved to authorize the City Manager, Mayor, Redevelopment Agency Chairman and City Clerk to execute documents that would permit the façade improvement loan of \$25,000, which applies to the Acorn/Clock Tower Building and the "Camera Corner" building, to be subordinated to the primary financing for the reconstruction of these buildings.

Motion passed by the following unanimous roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Strong, moved to authorize the City Manager, Mayor, Redevelopment Agency Chairman and City Clerk to execute documents that would permit the façade improvement loan of \$25,000, which applies to the Acorn/Clock Tower Building and the “Camera Corner” building, to be subordinated to the primary financing for the reconstruction of these buildings.

Motion passed by the following unanimous roll call vote:

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

ADJOURN TO CITY COUNCIL MEETING

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. There were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items Nos. 5 - 14 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty, with Councilmember Picanco abstaining on Warrant Register Items Nos. 051923, 052132, 052134 and 052137 due to possible conflicts of interest.

5. Approve City Council minutes of December 7 and 13, 2004
D. Fansler, City Clerk
6. Approve Warrant Register: Nos. 51814 – 51988 (12/3/04) and 51989 – 52193 (12/10/04)
M. Compton, Administrative Services Director
7. Receive and file Advisory Body Committee minutes as follows:
Airport Advisory Committee meeting of October 28, 2004
Pioneer Museum Board meeting of November 11, 2004
8. Adopt Resolution No. 04-278 approving a lease assignment to KMBG, LLC of the long-term property lease on Parcel 14-B of the Airport Industrial Park. (Current lease is with KMBG, Ltd. Lessee has requested that the lease be assigned to KMBG, LLC, a Colorado Limited Liability Company, owned by the principals of the existing leaseholder.)
M. Williamson, Assistant to the City Manager
9. Adopt Resolution No. 04-277 accepting a storm drain easement and real property from Ole and Sandra Viborg and granting all right, title, and interest to property owned by the Viborgs. (To facilitate construction of a multi-purpose trail in connection with improvements to the 13th Street Bridge, the City and property owners entered into an agreement to establish private property lines and to exchange storm drain easements.)
D. Monn, Interim Public Works Director
10. Adopt Resolution No. 04-279 accepting the recordation of Parcel Map PR 04-0466. (Applicants: Gilman, Belmont, and Vanderlip. PR 04-0466 is a 2-lot residential subdivision located at 1927 Oak Street, between 19th and 20th Streets.)
R. Lata, Community Development Director

11. Adopt Resolution No. 04-280 accepting the recordation of Parcel Map PR 03-0099. (Applicants: Chris Newby, et al. PR 03-0099 is a 2-lot residential subdivision located at 1816 Oak Street.)
R. Lata, Community Development Director
12. Adopt Resolution No. 04-281 accepting the recordation of Parcel Map PR 04-0471. (Applicants: Eugene and Barbara Durand. PR 04-0471 is a 2-lot commercial subdivision located on Theatre Drive, adjacent to the southerly boundary of City limits.)
R. Lata, Community Development Director
13. Adopt Resolution of Intent No. 04-282 to abandon an unimproved 80-foot wide portion of 19th Street right-of-way between Pine Street and the Union Pacific Railroad, and setting February 1, 2005, in the Paso Robles City Hall, 1000 Spring Street, for a public hearing for all persons interested or having objection to the proposed closing. (Applicant Eric Newton requested the abandonment for the purpose of expanding residential use of the abandoned area. The request is consistent with the Streets and Highway Code and the General Plan. The Streets and Utility Committee has recommended approval, and the Planning Commission recommends approval subject to retention of easements for City sewer, water and storm drain lines and other public utilities.)
R. Lata, Community Development Director
14. Adopt Resolution No. 04-283 authorizing the Chief of Emergency Services to enter into a contract designating Brian Roberts, MD of Med Stop as the Department of Emergency Services physician and to begin physical examinations. (A Request for Qualifications was issued to several local medical professionals for the medical evaluation of all firefighters and to serve as the Department physician. Two qualifying proposals were received: \$42,200 from Dr. Frank Mazzone [Family and Industrial Medical Center, San Luis Obispo] and \$29,400 from Dr. Roberts of Med Stop.)
K. Johnson, Chief of Emergency Services

DISCUSSION

15. Use of Septic System – 142 Burket Place (Boatman)

R. Lata, Community Development Director

Consider allowing use of a septic tank and leach field to serve a new single-family residence at 142 Burket Place. (The property, located off Almond Springs Drive, north of 21st Street, is currently vacant. Applicant Gary Boatman intends to submit a building permit application for a new residence.)

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 Strong, moved to adopt Resolution No. 04-284, as revised by Deputy City Attorney Seitz, authorizing use of a septic system to serve a new single-family residence at 142 Burket Place (APN 008-431-011) subject to Conditions “a” through “k” as stated in Municipal Code Section 14.08.070 K 4 “Conditions.”

Motion passed by the following unanimous roll call vote:

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

Council adjourned for a 10-minute recess at 8:20 PM.

16. Melody Drainage Basin / Park Study

D. Monn, Interim Public Works Director

Consider an appropriation of funds to engage Penfield & Smith to prepare a technical analysis and design options for the Melody Basin/Park. (The Melody Basin/Park is located between Caddie Lane and Melody Drive, surrounded by single family residences. In July 2004, Council's ad hoc committee reviewed the draft scope of work for a study to evaluate existing conditions of the basin/park and to identify use and improvement options, as well as associated costs for implementing those options. A Request for Proposals was issued to 25 firms. Penfield & Smith was the only firm to submit a proposal.)

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. 04-285 appropriating \$25,000 to Budget Account No. 100-310-5224-769 for the Melody Basin/Park Study; and authorizing the City Manager to enter an Agreement with Penfield & Smith for \$20,900 in accordance with the Scope of Work and Fee Proposal submitted.

Motion passed by the following unanimous roll call vote:

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

17. Salinas River Corridor

A. Robb, City Librarian

Consider (1) formally approving the Salinas River Enhancement Project grant; (2) approving continuation of the Salinas River "community visioning" process; and (3) providing direction for the creation and adoption of a Salinas River Corridor Plan as outlined in the General Plan. (The General Plan established a need to create and adopt a Salinas River Corridor Plan to address such issues as recreation, conservation, use, public access, and educational outreach. The December 2003 earthquake and the loss of National Park Service funding interrupted this project. In August 2004 the Upper Salinas Las Tablas Resource Conservation District proposed that the City participate in a grant that could be used to enhance public access to and education about the river. The window of opportunity to participate in this grant will close at the end of January 2005 when grant participation agreements are due.)

Mayor Mecham opened the public hearing. Speaking from the public were Monica Hunter (Planning & Conservation League Foundation), Donald "DJ" Funk (Executive Director of the Upper Salinas - Las Tablas Resource Conservation District); Dale Gustin, Tom Hardwick, Lydia Francis, Michael Kane, and Adriana Morales (Resource Conservation District). There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Mayor Mecham, moved to adopt Resolution No. 04-286:

- (1) Authorizing the Mayor to send a letter to the Upper Salinas-Las Tablas Resource Conservation District indicating the City's willingness to operate and maintain the trail and habitat enhancements outlined in the grant proposal.
- (2) Authorizing City staff to work with the National Park Service staff to co-host a design workshop that will produce a broad overall direction for the Salinas River corridor.
- (3) Directing City staff to develop a strategy/proposal for creation of a Salinas River Corridor Plan.
- (4) Approving the appropriation of \$25,000 to accomplish the up-front environmental work.
- (5) Approving the appropriation of \$7,500 to support the Salinas River design/vision workshop.
- (6) Authorizing staff to establish a budget for routine annual maintenance at \$16,500 beginning July 1, 2006, and create a replacement fund at \$15,000 per year for a total expense of \$31,500 annually.

Motion passed by the following roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

18. Surplus Real Property - Ad Hoc Committee Formation

D. Monn, Interim Public works Director

Consider appointing an ad hoc committee to review possible site plans that could be prepared to create residential lots. (Boyle Engineering has been engaged to develop options to replace the existing water tank at 21st Street. During the design process, it was determined that there is a possibility of subdividing the property below the tank into several residential lots for possible sale.)

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

It was the consensus of Council to appoint Councilmembers Nemeth and Heggarty to an ad hoc committee to meet with staff, review possible site plans that could be prepared to create residential lots for sale; and report back to the full Council by December 6, 2005.

19. Review of Proposals to Implement General Plan Provisions re Establishment of a Purple Belt - Ad Hoc Committee Formation

R. Lata, Community Development Director

Consider appointing an ad hoc committee to work with staff to address issues relating to implementing adopted General Plan policies regarding establishment of a Purple Belt.

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

It was the consensus of Council to appoint Councilmembers Strong and Picanco to an ad hoc committee to appoint a two-member ad hoc committee to assist staff in evaluating proposals received to prepare an action plan to implement the General Plan provisions relating to the establishment of a Purple Belt and to work with the selected consultant and staff to prepare an implementation plan; and report back to the full Council by September 20, 2005.

COUNCIL COMMENTS - None

Council moved to adjourn from regular session at 9:40 PM. Motion passed by unanimous voice vote.

ADJOURNMENT: the EARTHQUAKE MEMORIAL SERVICE AT 11:00 AM ON WEDNESDAY, DECEMBER 22, 2004, AT THE DOWNTOWN CITY PARK; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 4, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: January 4, 2005