

# CITY COUNCIL MINUTES

Tuesday, March 15, 2005 7:30 PM

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

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## 7:30 PM – CONVENE REGULAR MEETING

**CALL TO ORDER** – Downstairs Conference Center

## PLEDGE OF ALLEGIANCE

## INVOCATION

*Mayor Mecham asked for a moment of silence in memory of Bill Dellard, who passed away at his home in Paso Robles on Thursday, March 10th.*

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

## PUBLIC COMMENTS

- Robin Fairbairn thanked Council for their support on March 1<sup>st</sup> for approving the Art in Public Places ordinance.
- Patti Kane spoke about the loss of rental space for the Classic American Theatre (CAT) and petitioned Council to assist in finding a temporary or permanent home in Paso Robles for the theatre.
- Liz Chatelain, President of the Classic American Theatre Board, encouraged Council and the community to assist in any way they can to find a permanent location for the CAT.
- Lloyd Nelson spoke about *Open Air Sports*—a new NFL-affiliated football camp coming to Paso Robles. He invited the public to attend a banquet being held on June 17<sup>th</sup> to familiarize themselves with the camp, meet with some of the athletes, and consider becoming a sponsor.

## **AGENDA ITEMS TO BE DEFERRED (IF ANY)**

City Manager Jim App advised that it is recommended that action on Item No. 4 to approve a zoning text amendment to Title 21 of the Municipal Code be continued to the Council meeting of April 5, 2005; and that Item No. 23 be laid on the table.

## **PRESENTATIONS**

### **1. Recognition – Parks & Recreation**

B. Partridge, Library & Recreation Services Director

Recognition of awards received from the California Parks & Recreation Society District VIII conference in February 2005: *REC, Inc.*, Community Service Award for outstanding service to a community; *Paso Robles Youth Commission*, Best Youth Development Program; *Paso Robles Twilight Concerts in the Park*, Agency Showcase for Most Outstanding Poster; *Gary Perruzzi*, Professional of the Year.

Director Barbara Partridge, assisted by Librarian Annie Robb, and Recreation Services Manager Charlotte Gorton, recognized the recent awards winners of the California Parks & Recreation Society's District VIII achievement awards for 2005: REC, Inc. (represented by Greg Haas and Jeff Penick); the Youth Commission (represented by Ashley Von Burg, Philip Horlings, Daniel Aviña, Krissy Huse, Adi Cisneros), Rose O'Sullivan (Parks & Recreation); and Recreation Services Manager Gary Perruzzi.

*Mayor Mecham commended Norma Moye and Bob Lata for their contributions in building the Main Street Organization, and encouraged the public to read the feature article "Paso Robles Rising" in the March/April issue of Preservation Magazine, a national, award-winning publication of the National Trust for Historic Preservation.*

## **PUBLIC HEARINGS**

### **2. Urgency Ordinance – Moratorium on Establishing Any Medical Marijuana Dispensaries**

R. Lata, Community Development Director

Consider adopting an Urgency Ordinance to establish a moratorium prohibiting the establishment of any medical marijuana dispensaries. (Existing zoning regulations do not provide for the location and/or regulation of medical marijuana dispensaries. The adoption of this urgency ordinance will provide staff and Council an opportunity to study the issues involved and prepare appropriate regulations for consideration.)

Mayor Mecham opened the public hearing. Speaking from the public was Dale Gustin. 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 Urgency Ordinance No. 896 N.S. establishing a moratorium on any and all medical marijuana dispensaries from March 15, 2005, through and including April 28, 2005, unless extended by further action of the City Council

Motion passed by the following unanimous roll call vote:

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

**3. Street Abandonment 04-007 - Kleck Road (Sylvester)**

R. Lata, Community Development Director

Consider abandoning an unimproved portion of Kleck Road right-of-way, approximately 200 feet north of Windsong Way (Applicant: Steve Sylvester) to expand residential use of the abandoned area. (The Planning Commission unanimously recommended approval; and the request was found to be consistent with the Streets and Highway Code and the City's General Plan. No concerns have been raised by the Department of Emergency Services regarding the proposed abandonment. Council adopted a Resolution of Intent to abandon at the February 15, 2005, Council meeting.)

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 adopt Resolution No. 05-051 to abandon a portion of Kleck Road, a variable width right-of-way, from approximately 200 feet north of Windsong Way to the southerly boundary of Tract 2369-1, as shown on Exhibit "A."

Motion passed by the following unanimous roll call vote:

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

**4. Code Amendment 05-002 - Establishing Multi-Family Design Guidelines**

R. Lata, Community Development Director

Consider a code amendment to establish Multi-Family Design Guidelines. (The General Plan includes goals, policies, and action items to develop Multi-Family Design Guidelines. This code amendment will implement those policies.) CONTINUED FROM MARCH 1, 2005

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to continue taking action on Agenda Item No. 4 to the Council meeting of April 5, 2005.

Motion passed by unanimous voice vote.

**5. Miscellaneous 05-003 – Establishing Industrial Design Guidelines**

R. Lata, Community Development Director

Consider establishment of Industrial Development Design Guidelines. (The General Plan [Policy LU-2B] encourages architectural and design excellence for industrial projects.)

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

Councilmember Heggarty, seconded by Councilmember Strong, moved to adopt Resolution No. 05-053 approving the Industrial Design Guidelines

Motion passed by the following unanimous roll call vote:

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

**6. Local Hazard Mitigation Plan**

R. Lata, Community Development Director

Consider adopting a Local Hazard Mitigation Plan (LHMP) to fulfill the requirements of Federal regulations pertaining to Hazard Mitigation Grants. (Federal regulations governing assistance from the Federal Emergency Management Agency [FEMA] provide that local jurisdictions must have a FEMA-approved LHMP in order to apply for Hazard Mitigation Grants.)

Mayor Mecham opened the public hearing. Speaking from the public were Autumn McKee (Sr. Environment Scientist with the City's consultant URS Corp.), and Dale Gustin. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to continue Item No. 6 to the Council meeting of April 5, 2005.

Motion passed by unanimous voice vote.

**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

## CONSENT

7. Authorize execution of the "Substitution of Trustee and Full Reconveyance" with regard to the northeast corner of 12th and Park Streets. (The Mastagni Family owns two properties: one at the NE corner of 12th and Park Streets and one at the NW corner. They have one \$25,000 City/Redevelopment Agency Façade Improvement Program loan obligation covering improvements to both of their buildings. This reconveyance releases the loan obligation from the NE corner property, while maintaining the \$25,000 obligation for the property at the NW corner.)  
R. Lata, Community Development Director

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

Agencymember Heggarty, seconded by Agencymember Strong, moved to authorize execution of the "Substitution of Trustee and Full Reconveyance" with regard to the northeast corner of 12th and Park Streets.

Motion passed by the following unanimous roll call vote:

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

## ADJOURN TO CITY COUNCIL MEETING

## 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. 8 – 10 and 12 - 17 were unanimously approved on a single motion by Councilmember Strong, seconded by Councilmember Heggarty; with Councilmember Picanco abstaining on Warrant Register Item No. 053685 and Mayor Mecham abstaining on Items Nos. 053819, 053701, and 053628 due to possible conflicts of interest; and with Item No. 11 being approved on a 3-2 vote, with Councilmember Picanco and Mayor Mecham dissenting.

8. Approve City Council minutes of March 1 and March 3, 2005  
D. Fansler, City Clerk
9. Approve Warrant Register: Nos. 53612 – 53715 (2/25/05) and 53716 – 53835 (3/4/05)  
M. Compton, Administrative Services Director
10. Receive and file Advisory Body Committee minutes as follows:  
Airport Advisory Committee meeting of January 27, 2005
11. Read, by title only, and adopt Ordinance No. 897 N.S. adopting Chapter 3.21 regarding a Visual Arts in Public Places Program. (In conformity with the General Plan, ordinance adopts a policy and funding mechanism for art in public places.) 1st reading march 1, 2005  
B. Partridge, Library & Recreation Services Director

12. Adopt Resolution No. 05-054 accepting the recordation of Parcel Map PR 00-0076 and adopt Resolution No. 05-055 annexing Parcel Map PR 00-0076 into the Landscape and Lighting District (L&LD). (Applicant: Buzzetti. This is a 3-lot commercial subdivision located at the northwest corner of Dallons Drive and Golden Hill Road. Applicant has signed a petition and voted in favor of annexation into the L&LD.)  
R. Lata, Community Development Director
13. Adopt Resolution No. 05-056 accepting the recordation of Parcel Map PR 04-0463. (Applicants: Gary and Marianne Bernstein. This is a 2-lot residential subdivision located at 530 9th Street, just west of Oak Street.)  
R. Lata, Community Development Director
14. Adopt Resolution No. 05-057 authorizing the City Manager to enter into an agreement with Richard and Janet Kilpatrick for the termination of a Drainage and Maintenance Agreement as it pertains to Lot 60 of Tract 1463-2. (Property is located at 1211 Mariah Lane. The City Engineer has determined that the terms and conditions of the Drainage and Maintenance Agreement regarding Lot 60 of Tract 1463-2 are no longer needed by the City.)  
R. Lata, Community Development Director
15. Authorize execution of the "Substitution of Trustee and Full Reconveyance" with regard to the northeast corner of 12th and Park Streets. (The Mastagni Family owns two properties: one at the NE corner of 12th and Park Streets and one at the NW corner. They have one \$25,000 City/Redevelopment Agency Façade Improvement Program loan obligation covering improvements to both of their buildings. This reconveyance releases the loan obligation from the NE corner property, while maintaining the \$25,000 obligation for the property at the NW corner.)  
R. Lata, Community Development Director
16. Adopt Resolution No. 05-058 adding Jim B. Lewis to the City's pre-approved Certified Arborist List. (The purpose of the pre-approved arborist consultant list is to ensure that ISA-certified arborists [persons certified by the Western Chapter of the International Society of Arboriculture] are used by applicants in addressing oak tree issues. Staff has reviewed the qualifications of Mr. Lewis and found that he is qualified to provide consulting services and to prepare arborist reports to the City pursuant to current Municipal Code requirements.)  
R. Lata, Community Development Director
17. Adopt Resolution No. 05-059 authorizing the City Manager to enter into a contract with low bidder Newton Construction for \$12,915 for water damage repairs at the Veterans Memorial Building; and approve a budget appropriation from the City's Facility Repair Fund for \$13,000. (In November 2004, the fire sprinkler system at the Veterans Memorial Building malfunctioned, causing substantial water damage to the interior finishes. Specifications for repair services were drafted and bids sought. Three bids were received, ranging from \$12,915 to \$15,560. The low bid submitted by Newton Construction was reviewed and deemed responsive.)  
D. Monn, Interim Public Works Director

*Council took a 5-minute break at 8:45 PM.*

## DISCUSSION

### 18. Downtown Parking "In Lieu" Fee

R. Lata, Community Development Director

Consider taking steps to implement the adopted Downtown Parking and Circulation Action Plan. (Council has adopted a three-step process to address Downtown parking needs. Mid-term plans [2006-2009] call for budgeting funds for acquisition and design of a facility to expand the number of parking spaces. "In lieu" fees would seem to be a feasible tool for implementing the adopted Downtown Parking and Circulation Action Plan.)

Mayor Mecham opened the public hearing. Speaking from the public were Mike Gibson (Chamber of Commerce), Tom Hardwick, John Roush, and Dale Gustin. 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 authorize staff to prepare and circulate a Request for Proposals to seek qualified assistance in recommending an appropriate "in lieu" parking fee for Downtown Paso Robles and related options. The issuance of any contract for this work and a transfer of funds would be subject to separate City Council consideration.

Motion passed by the following unanimous roll call vote:

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

### 19. Annexation Fee for Community Facilities District

R. Lata, Community Development Director

Consider establishing a fee for annexation to the City's Community Facilities District (CFD). (Consistent with the General Plan policies on fiscal neutrality, the Council is establishing a CFD to pay for the incremental costs of services to residential development. In order to defray City costs of annexation of properties to a CFD, it is proposed that Council establish a processing fee.)

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-xx establishing a Community Facility District processing fee.

Motion failed by the following roll call vote:

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

Councilmember Strong, seconded by Councilmember Picanco, moved to return this item at a future Council meeting after re-analysis providing clarification and justification of recommended fees.

Motion passed by the following unanimous roll call vote:

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

**20. Request to Remove One Oak Tree in Relation to the Union Road Widening Project (City-Initiated)**

R. Lata, Community Development Director

Consider a request to remove one 19-inch Blue Oak. (Arborist Donald Rodrigues was hired by the City to evaluate oak tree impacts in relation to the Union Road Widening Project. Mr. Rodrigues concluded that out of 29 oak trees impacted by the widening, only one tree is recommended for removal.)

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. 05-060 approving the removal of one 19-inch Blue Oak based on the findings, conclusions and recommendations of the Arborist Reports identifying that it is necessary to remove the tree in relation to the Union Road widening project and based on the tree being in poor condition; and directed that three (3) 1.5-inch diameter replacement trees be required to be planted at the direction of the Arborist.

Motion passed by the following unanimous roll call vote:

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

**21. Hazard Elimination Safety Grant Application**

R. Lata, Community Development Director

Consider authorizing preparation of an application for Hazard Elimination Safety (HES) funds through the Caltrans Local Assistance Program, prioritize eligible projects, and authorize the award of a contract to Associated Transportation Engineers to assist in the preparation of the grant application. (The HES program provides funds for safety improvements on public roads, bicycle-pedestrian pathways, and traffic calming measure and would provide 90% funding for approved projects. Two projects being proposed for application of grant funds are improvements to the Theatre Drive-Gahan Place intersection and widening Theatre Drive from the Target Center to south City limits.)

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



Councilmember Strong, seconded by Councilmember Heggarty, moved to (1) direct staff to make application for HES grant funds; (2) prioritize two projects for inclusion in the grant application; and (3) adopt Resolution No. 05-061 authorizing the execution of a contract with Associated Transportation Engineers to assist with the preparation of the grant applications for a cost of \$10,400.

Motion passed by the following unanimous roll call vote:

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

**22. Authorization to Install Electric Pumps in Sulfur Spring Located in City Hall Parking Lot**

D. Monn, Interim Public Works Director

Consider awarding a bid to install two electric pumps at the sulfur spring in the City Hall parking lot to replace the diesel pumps presently being used to remove the water. (In addition to a reduction in costs, conversion of the existing pumps from diesel to electric would allow removal of the portable fuel tank, eliminate any possibility of a fuel spill, and reduce the noise associated with pumping.)

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. 05-062 to allocate \$17,000 from General Fund Reserves and authorize the City Manager to enter into contracts to convert the diesel pumps associated with the sulfur spring to electric.

Motion passed by the following unanimous roll call vote:

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

**CITY MANAGER**

**23. Olsen Ranch – Beechwood Area Specific Plan and Environmental Impact Report – Ad Hoc Committee Appointment**

R. Lata, Community Development Director

Consider appointing an alternate Councilmember to an ad hoc committee to review bid proposals and interview consultant teams to prepare the Olsen Ranch – Beechwood Area Specific Plan and Environmental Impact Report. (Councilmembers Heggarty and Picanco were appointed to this ad hoc committee on March 1, 2005. Subsequently, Councilmember Picanco found that he has a scheduling conflict and will not be able to attend meetings.)

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 lay Item No. 23 on the table.

**24. Landscape and Lighting District (L&LD) - Ad Hoc Committee Formation**

D. Monn, Interim Public Works Director

Consider appointing an ad hoc committee to assist staff in planning the re-balloting effort for the L&LD deficit sub-areas. (The L&LD was formed in 1989 to offset costs associated with median and parkway landscape and street lights. Periodically, the districts must be re-balloted to cover increasing costs that would otherwise result in deficits.)

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

Council, by general consensus, appointed Councilmembers Heggarty and Picanco to an ad hoc committee to assist in planning the re-balloting effort for the L&LD deficit sub-areas, reporting back to the full Council by December 31, 2005.

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION**

**25. Appointments to the Housing Authority**

J. App, City Manager

Consider making appointments to the Housing Authority to fill current vacancies. (On March 1, 2005, Council appointed Councilmembers Nemeth and Strong to an ad hoc committee to interview applicants and make their recommendations to the full council. Accordingly, applicant Arminda Cabel was interviewed on March 7, 2005. Incumbent Pearl Munak elected not to interview and applicant Andres Perales did not keep his interview appointment.)

1 vacancy – 4-year “at large” term, expiring February 28, 2009

APPLICANTS: Pearl Munak

1 vacancy – 4-year “resident” term, expiring February 28, 2009

APPLICANTS: Arminda Cabel and Andres Perales

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 Pearl Munak to a 4-year “at large” term on the Housing Authority, expiring February 28, 2009; and Arminda Cabel to a 4-year “resident” term, expiring February 28, 2009.

Motion passed by unanimous voice vote.

**AD HOC COUNCIL BUSINESS - None**

**COUNCIL COMMENTS**

- Councilmember Picanco requested that the subject of children's play apparatus in City Park be brought to Council at a future meeting.
- Councilmember Strong requested that staff report to Council at a future meeting with recommendations on amending the City's noise ordinance to include provisions about excessive noise from loud music being played in vehicles. He also brought attention to a concern for larger print on directional signs in the area of Creston Road and Scott Street. Mayor Mecham directed staff to bring this to the attention of the Streets & Utilities Committee.

**PUBLIC COMMENT ON CLOSED SESSION - None**

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

*Council moved to adjourn from regular session at 9:40 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.*

**CLOSED SESSION**

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

*The City Council returned to Regular Session at 10:05 PM.*

**RETURN TO OPEN SESSION**

**CLOSED SESSION REPORT**

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

*By unanimous voice vote, Council moved to adjourn from regular session at 10:10 PM.*

**ADJOURNMENT:** to THE REGULAR MEETING AT 7:30 PM ON TUESDAY, APRIL 5, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 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 A FUTURE REGULAR MEETING.**