

CITY COUNCIL MINUTES

Tuesday, April 19, 2005 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

- Pastor Pat Sheean, representing the City's Ministerial Association, expressed their gratitude for Council's service to the City of Paso Robles.
- Chuck Miller announced that "*The Wings of Freedom*" tour will be celebrating the 60th Anniversary of WWII in Paso Robles at the Municipal Airport May 11-13. The Boeing B-17 Flying Fortress and the Consolidated B-24 Liberator will be on display at the Estrella Chuck Warbirds Museum.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. Recognition – Bob Alesi Memorial Volunteer of the Year Award – Recipient:
Ann Ricards, Paso Robles Library
F. Mecham, Mayor

Mayor Mecham, assisted by Annie Robb, recognized Ann Ricards as recipient of the Bob Alesi Memorial Volunteer of the Year Award for 2005, honoring her commitment to the community through volunteer service with the City Library. Ann's name will be added to a commemorative plaque on permanent display in the City Library. District Representative Debbie Arnold also presented a Certificate of Recognition from Assemblyman Sam Blakesee of the 33rd District.

2. Retirement Recognition – Barbara L. Partridge, Library & Recreation Services Director – 32 Years of City Service

F. Mecham, Mayor

On behalf of the City Council, Mayor Mecham presented a Proclamation of Recognition to Barbara Partridge for her years of service with the City. Letters of recognition and commendation were received from Senator Abel Maldonado, Senate District 15, and the San Luis Obispo County Board of Supervisors. District Representative Debbie Arnold from Assemblyman Sam Blakeslee's office was present to extend personal congratulations from Assemblyman Blakesee.

Council adjourned for a 2-minute break to allow some members of the audience to withdraw from the conference room.

PUBLIC HEARINGS

3. Urgency Ordinance – Extension of Moratorium Establishing Medical Marijuana Dispensaries

R. Lata, Community Development Director

Consider extending the Urgency Ordinance that established a moratorium prohibiting medical marijuana dispensaries. (Existing zoning regulations do not provide for the location and/or regulation of medical marijuana dispensaries. The Urgency Ordinance adopted on March 15th placed a 45-day moratorium on the establishment of dispensaries. Additional time is needed to adequately research and develop regulations. If Council approves the extension of the moratorium by a four-fifths vote, it will be in effect until March 13, 2007.)

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 Urgency Ordinance No. 899 N.S. establishing an extension of the moratorium on establishing any and all medical marijuana dispensaries for an additional 22 months and 15 days, to be in effect until March 15, 2007.

Motion passed by the following unanimous roll call vote:

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

4. Determination of Historic or Architectural Significance of the Church Buildings at 1344 Oak Street and a Request to Process a Pending Demolition Permit Application (Applicant: First Methodist Church)

R. Lata, Community Development Director

Consider historic or architectural significance of buildings proposed for demolition and authorizing a demolition permit. (Buildings are located at the southeast corner of 14th and Oak Streets. Although the subject buildings are in the City's Historic Resources Inventory, they are not on any local or State Register of historic structures. As such, the demolition of the buildings is not subject to review other than that provided by Council.)

Mayor Mecham opened the public hearing. Speaking from the public were Tim Woodle (Steven D. Pults, AIA & Associates) and Floyd McKelthen (United Methodist Church). 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 determine to (1) approve Resolution No. 05-079 adopting a Negative Declaration, pursuant to the requirements of the Guidelines for implementing the California Environmental Quality Act (CEQA), and (2) direct that the demolition permit application be processed. Any replacement structure(s) 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: Heggarty, Nemeth, Picanco, Strong, and Mecham
NOES: None
ABSTAIN: None
ABSENT: None

5. Local Hazard Mitigation Plan

R. Lata, Community Development Director

Consider adoption of 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.) CONTINUED FROM APRIL 5, 2005

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

Councilmember Strong, seconded by Councilmember Heggarty, moved to adopt Resolution No. 05-080 adopting a Local Hazard Mitigation Plan.

Motion passed by the following unanimous roll call vote:

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

6. **General Plan Amendment of the Circulation Element; Specific Plan Amendment 03-003 of the Union/46 Specific Plan and Amendment of Tentative Tract 2369 and PD 00-003 Conditions of Approval Proposing to Eliminate the Planned Connection of Street 'A' Street to North River Road (Applicant's Representative: North Coast Engineering for Frank Arciero)**
R. Lata, Community Development Director

Reconsider applicant's request that the Circulation Element, Figure CE-1 and the Union/46 Specific Plan, Map 3.2, be amended to eliminate the planned connection of 'A' Street (Montebello Oaks Drive) to North River Road, and other associated planning amendments. (The Union / 46 Specific Plan covers properties located south of Highway 46 East, west of Prospect Avenue, north of Union Road, and east of North River Road. The Planning Commission has recommended approval of these amendments. Council denied applicant's original request at their meeting of February 15, 2005, and directed applicant to conduct analysis of other locations where a road could potentially connect the west side of Tract 2369 to North River Road.)

Mayor Mecham opened the public hearing. Speaking from the public were Steve Sylvester (North Coast Engineering), Earl Bud Requa, Eric Mattke; Sy Bensky; Bruce Murphy, David Hanush, Tom Hardwick, Doug Tobey, Joe Horn, Brian O'Kelly, and Kathy Barnett, There were no further comments from the public, either written or oral, and the public hearing was closed.

Council adjourned for a 10-minute recess at 9:02 PM.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to deny applicant's request to an amendment to the Circulation Element eliminating the 'A' Street connection to North River Road.

Motion passed by the following roll call vote:

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

7. **Appeal of Planning Commission's Decision to Approve Tract 2620 & Planned Development 04-016 (Vanderlip - Scanlan)**
R. Lata, Community Development Director

Consider an appeal of conditions of approval of the Planning Commission's decision to approve Tentative Tract 2620 and Planned Development 04-017. (The intent of the appeal is to revise the condition of approval related to the requirement for Community Facilities Districts (CFD). The revised condition would insure that full mitigation of impacts to City services will be accomplished.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner (North Coast Engineering) and Vince Vanderlip. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Strong, moved to deny the appeal.

Motion passed by the following roll call vote:

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

CONSENT CALENDAR

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

Consent Calendar Items Nos. 8 – 20.1 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth; with Councilmember Picanco abstaining on Warrant Register Items Nos. 054363, 054389, 054469, 054519, and 054553 due to possible conflicts of interest.

8. Approve City Council minutes of April 5, 2005
D. Fansler, City Clerk
9. Approve Warrant Register: Nos. 54288 – 54403 (4/1/05) and 54403 - 544569 (4/8/05)
M. Compton, Administrative Services Director
10. Proclamation National Volunteer Week – April 17-23, 2005
F. Meacham, Mayor
11. Proclamation Paso Robles Wine Month – May 2005
F. Meacham, Mayor
12. Proclamation Older Americans Month - May, 2005
F. Meacham, Mayor
13. Read, by title only, and adopt Ordinance No. 898 N.S. adding Chapter 17.35 to the Municipal Code relating to seismic safety. (The California Government Code requires and authorizes local building departments to take steps to identify and establish a program for mitigation of identified buildings whose construction is unlikely to be earthquake resistant.) 1ST READING
APRIL 5, 2005
R. Lata, Community Development Director
14. Adopt Resolution No. 05-081 approving a one-time budget appropriation in the amount of \$129,500 from Water Operations Fund reserves to Budget Account No. 600-310-5235-165. (To counter bank erosion during January rain storms, emergency bank stabilization work was performed at the Thunderbird well field to avoid losing one or more of the wells.)
B. Hagemann, Water Resources Manager

15. Adopt Resolution No. 05-082 appropriating an additional \$5,000 for the Building Division counter attendant position for fiscal year 2004/2005. (The Community Development Department is requesting an additional appropriation to cover costs for the front counter attendant position.)
R. Lata, Community Development Director
16. Adopt Resolution No. 05-083 authorizing the City Manager to execute a contract with MGE Underground, Inc. for \$26,260 to perform potholing services for the construction of the future 16-inch diameter waterline to provide fireflow demand to the south City limits. (Potholing will ascertain the exact horizontal and vertical location of existing utilities adjacent to or crossing the future pipeline.)
D. Monn, Interim Public Works Director
17. Receive and file status report on the repair of the City's Carnegie Library and the sulfur spring located in the Library/City Hall parking lot.
D. Monn, Interim Public Works Director
18. Adopt Resolution No. 05-084 accepting a grant deed from the Paso Robles School District, and consenting to the recordation of the Grant Deed. (To facilitate construction of a traffic signal at 24th and Vine Streets, 11.48 square feet of the northeast corner needs to be acquired from the School District.)
D. Monn, Interim Public Works Director
19. Adopt Resolution No. 05-085 awarding a contract to implement the Mitigation Planting Plan of the 13th Street Bridge project to Plowboy Landscape, Inc. of Ventura, California, for \$162,203. (Bid documents were opened on April 7, 2005, with one responsive bid received.)
D. Monn, Interim Public Works Director
20. Adopt Resolution No. 05-086 authorizing the expenditure of \$11,700 of State and Federal Grant funds from the COPS Fund No. 117-210-5235-136 to upgrade in-car audio/video equipment, purchase portable communication equipment (hand held radios), repair the existing department audio/video system located in the various interview rooms and jail area, and to purchase other miscellaneous safety equipment as needed, i.e. flashlights and chargers, portable radio holders, less lethal equipment, etc. (The audio/video recording equipment currently being used in police vehicles is VHS format and are becoming obsolete.)
D. Cassidy, Chief of Police
- 20.1 Adopt Resolution No. 05-087 authorizing Emergency Services to purchase \$18,654 in thermal imaging equipment from low bidder Mallory Fire Company. (Council approved an amendment of a Federal Emergency Management Agency Assistance to Firefighters Grant award on April 5th. Approximately \$24,000 of the grant funds were re-allocated to thermal imaging equipment, as specified in the federally approved grant application. Vendors were invited to submit sealed bids. The low bid was submitted by Mallory Fire Company and was found to be responsive.)
K. Johnson, Chief of Emergency Services

ROLL CALL VOTE

DISCUSSION

21. Nuisance Abatement 2342 Almond Springs Drive

R. Lata, Community Development Director

Consider nuisance abatement of the structure located at 2342 Almond Springs Drive (APN 008-431-035). (The partially completed structure is located in a residential neighborhood. The construction site and structure have been abandoned and unsecured. The partial construction of walls and unguarded openings in the floor and unfinished wall framing constitute potential hazards.)

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

Councilmember Strong, seconded by Councilmember Heggarty, moved to determine to confirm the Notice and Order by directing the property owner: (1) to submit revised plans and pay any fees necessary to re-activate the permit by May 3, 2005, and obtain a successful inspection on or before June 15, 2005; or secure a permit for demolition by May 3, 2005, and cause the demolition to be completed on or before June 15, 2005; and (2) authorize staff to proceed with abatement of the nuisance by demolition if the property owner does not resume construction, with substantial progress, or complete demolition by June 15, 2005. The City abatement of the public safety hazard by demolishing the building will result in the City's cost becoming a tax lien upon the property

Motion passed by the following unanimous roll call vote:

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

22. City Park Merry-Go-Round

D. Monn, Interim Public Works Director

Receive and file report regarding the City Park merry-go-round. (The merry-go-round in the park was removed in December 2004, as it was damaged and inoperable. Health and Safety code prohibits reinstallation unless upgrades are made.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Wayne Harris, David Hunt, Patsy Rambo (President of the Historical Society), Vince Vanderlip, Pascual Padilla, Kathy Barnett, Norma Moye, and Keith Tarwater. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Strong, moved to receive and file the report on the City Park merry-go-round and direct staff to return to Council at a future date with options for disposition of the merry-go-round.

Motion passed by the following unanimous voice vote.

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

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

23. City Facility Naming Policy

B. Partridge, Library & Recreation Services Director

Consider a City facility naming policy. (There is no written policy by which the City may consider the naming of public facilities. A policy has been drafted and the Parks & Recreation committee is recommending full Council review.)

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 Strong, seconded by Mayor Mecham, moved to approve the City Facility Naming Policy, with one change to Principals and Priorities (b): *Naming shall be done posthumously only after the third anniversary of their passing.*

Motion passed by the following unanimous roll call vote:

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

24. Status Update – City Therapy Pool Roof

D. Monn, Interim Public Works Director

Consider an engineering assessment of the City's Therapy Pool roof structure. (Permanent repair of the roof will require removal and replacement. Shoring of the structure's roof to temporarily preserve the facility until the roof is replaced could allow limited use of the facility.)

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 Heggarty, moved to adopt Resolution No. 05-088 allowing limited use of the Therapy Pool once the temporary shoring is in place and authorizing the City Manager to enter into a contract with Sawyer Construction in an amount not to exceed \$27,000 to design the permanent roof replacement

Motion passed by the following unanimous roll call vote:

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

25. Nacimiento Water Project Pre-construction Funding

M. Compton, Administrative Services Director & /B. Hagemann, Water Resources Manager

Consider approving a Memorandum of Understanding (MOU) with the San Luis Obispo County Flood and Water Conservation District relating to the method of payment of Nacimiento Water Project pre-construction costs. (The Nacimiento Water Commission has taken action to allow participants to pay for pre-construction costs on a “pay as you go basis” rather than paying the entire cost up front. The Board of Supervisors requests formalization of this payment option through a MOU.)

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

Councilmember Strong, seconded by Councilmember Picanco, moved to: (1) approve the Memorandum of Understanding (First Amendment to the Nacimiento Project Water Delivery Entitlement Contract) and authorize the Mayor to execute same; and (2) adopt Resolution No. 05-089 regarding Nacimiento water project financing and intent to reimbursement expenditures from construction bond proceeds.

Motion passed by the following unanimous roll call vote:

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

26. Updated Alcohol Permit Process

D. Cassidy, Chief of Police

Consider updates regarding the issuance of alcohol permits for events on City property. (The City’s Use of Facility policy needs to be updated based on current facility use patterns. Updates are limited to the number of security personnel required and the payment of an alcohol permit application 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 Strong, moved to approve changes to the Use of Facility policy as follows:

1. Include a minimum \$25 application fee for alcohol use permits. Currently, there is no fee charged.

2. Under Equipment and Services, #4 should read "The City's standard for on-site security is based on the following security to attendance ratios: 1 security person per 50 attendees (policy attached).
3. Indicate in the policy that all requirements must be met regardless of the location of the event, indoors or outdoors.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

27. Salinas River Outreach & Visioning- Ad Hoc Committee Formation

M. Williamson, Assistant to the City Manager

Consider appointing a second Councilmember to fill a vacancy on the existing Salinas River outreach and visioning ad hoc committee. (Mayor Mecham as the only current member.)

It was the consensus of Council to appoint Councilmember Picanco to fill the existing vacancy on the Salinas River outreach ad hoc committee; and extend the committee to December 20, 2005

COUNCIL COMMENTS

- Councilmember Strong provided other Council with a report on his recent meetings.
- Mayor Mecham asked that all Councilmembers keep Council informed of their outside meetings and conferences.

By unanimous voice vote, Council moved to adjourn from regular session at 11:00 PM.

ADJOURNMENT: to A CHANDLER RANCH FIELD TRIP WITH PLANNING COMMISSION AT 8:00 PM ON WEDNESDAY, APRIL 20, 2005, DEPARTING FROM THE CITY HALL PARKING LOT AT 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 3, 2005, 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 A FUTURE REGULAR MEETING.**