

# CITY COUNCIL MINUTES

Tuesday, May 3, 2005 7:30 PM

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

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PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR  
TO THE MEETING WITH A COPY TO THE CITY CLERK

## 7:30 PM – CONVENE REGULAR MEETING

**CALL TO ORDER** – Downstairs Conference Center

## PLEDGE OF ALLEGIANCE

Lead by Scout Eric Binder, Boy Scouts of America

## INVOCATION

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

## PUBLIC COMMENTS

- Chuck Miller announced that “*The Wings of Freedom*” tour will be celebrating the 60<sup>th</sup> 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 Warbirds Museum.
- Martin Wagner raised concerns about setbacks in “The Cottages Development” next to his home.
- Don Simoneau, Advisor of the Paso Robles Youth Motorsports, introduced his race team and solicited support for the team.
- Housing Program Manager Ed Gallagher announced that Paso Robles, with a population of 28,000, is now the second largest city in the County of San Luis Obispo.

- Interim Public Works Director Doug Monn announced that notices to owners of unreinforced masonry structures subject to City of Paso Robles Municipal Code Chapter 17.18 were sent out on May 3<sup>rd</sup>. To date, there are eight owners currently not in compliance.

**AGENDA ITEMS TO BE DEFERRED (IF ANY) - None**

**PRESENTATIONS - None**

**PUBLIC HEARINGS**

**1. Street Abandonment 04-006 (38<sup>th</sup> Street – Vernon)**

R. Lata, Community Development Director

Consider abandoning an unimproved variable width portion of 38<sup>th</sup> Street right-of-way between Vine and Oak Streets. (Applicant Brad Vernon submitted this abandonment request for the purpose of expanding residential use of the parcels adjacent to the proposed abandonment area.)

Mayor Mecham opened the public hearing. Speaking from the public were Brad Vernon (applicant) and Tom Flynn. 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 return item to the Planning Commission. Motion was withdrawn.

Councilmember Picanco moved to adopt Resolution No. 05-xx denying the request of the applicant to abandon 38th Street between Vine and Oak Streets. Motion failed due to a lack of a second.

Councilmember Heggarty, seconded by Councilmember Strong, moved to adopt Resolution No. 05-090 abandoning 38<sup>th</sup> Street right-of-way between Vine and Oak Streets, but retain public easements for water and sewer as shown on Exhibit A.

Motion passed by the following roll call vote:

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

**2. Code Amendment 04-007: Multiple Family Residential Regulations**

R. Lata, Community Development Director

Consider a City-initiated amendment to the Zoning Code to revise the multiple family residential development regulations. (This amendment would establish development regulations for residential multiple family developments of 20 units per acre.) CONTINUED FROM APRIL 5, 2005

Mayor Mecham opened the public hearing. Speaking from the public was Amy Wagner. 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 (1) adopt Resolution No. 05-091 approving a Negative Declaration for Code Amendment 04-007; and (2) introduce for first reading Ordinance No. XXX N.S. amending the Zoning Code to revise multiple family residential development regulations; and set May 17, 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

### 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. 3 - 7 and Item No. 9 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Strong, with Councilmember Picanco abstaining on Warrant Register Items Nos. 054691, 054832, 054833, and 054867, due to possible conflicts of interest.

3. Approve City Council minutes of April 19, 2005  
D. Fansler, City Clerk
4. Receive and file Advisory Body Committee minutes as follows:  
Library Board of Trustees meeting of March 10, 2005  
Parks & Recreation Advisory Committee meeting of March 8, 2005  
Pioneer Museum Board meeting of March 10, 2005  
Senior Citizen Advisory Committee meeting of March 14, 2005
5. Approve Warrant Register: Nos. 54570 – 54734 (4/15/05) and 54735 – 54884 (4/22/05)  
M. Compton, Administrative Services Director
6. Adopt Resolution No. 05-092 awarding a contract for construction of an in-roadway signal system (CDBG-funded – DPW 04-13) to the low bidder Lee Wilson Electric of Arroyo Grande for \$57,308.00. (One bid was received on April 13<sup>th</sup>. Staff reviewed the bid submitted by Lee Wilson Electric and found it to be complete, responsive, and responsible.)  
R. Lata, Community Development Director
7. Adopt Resolution No. 05-093 accepting the recordation of Parcel Map PR 03-0163, a 2-lot residential subdivision at 2245 Vine Street. (Applicants: Joe and Steve Pahler. Property is located on Vine, north of 22<sup>nd</sup> Street. All conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
9. As the work of the committee was completed in January when Council adopted the City-wide Traffic Calming Plan, discharge the ad hoc committee for traffic calming formed in December 2003.  
D. Monn, Interim Public Works Director

**CONSENT ITEMS PULLED FOR DISCUSSION**

8. Adopt Resolution No. 05-094 authorizing the recordation of Tract 2593, and authorizing the Mayor to execute the Subdivision Improvement Agreement guaranteeing the construction of the subdivision improvements, with an established deadline of May 3, 2007, to complete these improvements; and adopt Resolution No. 05-095 annexing Tract 2593 into the Landscape and Lighting District. (Applicants: Highlands Paso Robles, LLC. This is a 55-lot subdivision located along the westerly extension of Red Cloud Road and the northerly extension of Navajo Avenue. Applicants have signed a petition and voted in favor of annexation into the L&LD.)  
R. Lata, Community Development Director

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

Motion passed by the following unanimous roll call vote:

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

10. Approve a fee waiver of City fees related to improvements to the Pioneer Museum, requiring the Museum to reimburse the City for its out-of-pocket costs. (Council has approved past fee waiver requests for the Pioneer Museum, based on the facility being on City property.)  
R. Lata, Community Development Director

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

Councilmember Strong, seconded by Councilmember Picanco, moved to approve the requested waiver, directing the Building Division to absorb the City's out-of-pocket costs.

Motion passed by the following unanimous roll call vote:

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

## **DISCUSSION**

### **11. Request to Remove Oak Tree – 1733 Mesa Road (Gomez)**

R. Lata, Community Development Director

Consider approving request to remove one Blue Oak tree at 1733 Mesa Road. (Applicant Tara Gomez is requesting the removal of one 16-inch Blue Oak on her property. Arborist Ted Elder recommends the tree be removed as soon as possible, as the outer bark of the tree is destroyed from past fire damage, has signs of rot and burrowing insects, as well as an infestation of woodworm.)

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, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 05-96 approving the oak tree removal request based on the findings, conclusions, and recommendations of the Arborist Report identifying the tree as being in poor condition; and require that three Blue Oak (3) 1.5-inch diameter replacement trees 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

### **12. Use of Septic System – 3340 Airport Road (Handley)**

R. Lata, Community Development Director

Consider allowing septic tank and leach field usage for the construction of an agricultural accessory building at 3340 Airport Road, north of Highway 46 and south of Dry Creek Road. (The nearest available sanitary sewer main is at the intersection of Dry Creek Road and Airport Road, approximately one-half mile to the north.)

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 Heggarty, moved to adopt Resolution No. 05-097 authorizing use of a septic system for an agricultural accessory building at 3340 Airport Road (APN 025-431-077/Handley) 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

**13. Condition of Approval Regarding Participation in Community Facilities District or Equivalent Mitigation**

R. Lata, Community Development Director

Consider the text of a revised standard condition of approval in relation to mitigation of fiscal impacts created by new residential development. (The proposed revision to the standard condition of approval on discretionary applications creating new residential units is intended to provide fiscal mitigation even if, for whatever reason, participation in a Community Facilities District [CFD] is not feasible.)

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 the proposed standard condition for fiscal impact mitigation, focusing on a CFD, but providing alternative mitigation.

Motion passed by the following unanimous roll call vote:

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

**14. Initiate Proceedings for Annual Levy of Landscape & Lighting District Fiscal Year 2005-2006**

D. Monn, Interim Public Works Director

Consider initiating proceedings for annual levy of the Landscape & Lighting District for fiscal year 2005/2006. (A Landscape and Lighting District was formed in 1989 for the maintenance of streetlights, hardscapes, detention basins, parkways, median islands, open space, slopes, and other appurtenant facilities and operations relating to the L&L District. Adoption of the Engineer's Levy Report to allow assessment occurs between April and June of each year, and it is forwarded to the County by the end of June, so that it can be included in property tax assessments.)

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 Heggarty, moved to (1) adopt Resolution No. 05-098 initiating proceedings for the Annual Levy for the maintenance of District facilities; and (2) adopt Resolution No. 05-099 declaring the Intent to Levy and cause a notice to be published for a public hearing to be scheduled on June 7, 2005; and (3) adopt Resolution No. 05-100 adopting the Draft Preliminary Engineer's Levy Report as presented and making it available to the public for review and comment

Motion passed by the following unanimous roll call vote:

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

**15. Emergency Services Reserve Firefighter and Volunteer Programs**

K. Johnson, Chief of Emergency Services

Consider initiating a Reserve Firefighter Program. (In April 2004, the volunteer firefighter program was concluded due to increasing Federal and State training and certification demands placed on volunteers. The Emergency Services Department has examined several alternatives to volunteer firefighters in meeting the medical, fire, and rescue needs of the community. It was determined that a program similar to that employed by the Police Department represented the best solution.)

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 Nemeth, moved to authorize the Emergency Services Chief to proceed with initiating a Reserve Firefighter Program as presented.

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** - None

**COUNCIL COMMENTS**

- Mayor Mecham announced that he received a letter commending Parks Maintenance Supervisor Freda Berman for coordination on a recent City event.
- Councilmember Strong provided Council with a written status report of his recent meetings.

**PUBLIC COMMENT ON CLOSED SESSION**

*City Attorney Iris Yang announced Council's authority to go into closed session to discuss the items listed in the agenda and the Special Meeting Notice of the same date.*

*It was the consensus of Council to adjourn from regular session at 9:10 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

*Council returned to Regular Session at 10:20 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 items, and there was no reportable action.*

*By unanimous voice vote, Council moved to adjourn from regular session at 10:22 PM.*

**ADJOURNMENT:** to CHAMBER OF COMMERCE MIXER FOR 10<sup>TH</sup> ANNIVERSARY OF LIBRARY AT 5:30 PM ON WEDNESDAY, MAY 11, 2005, AT THE CITY LIBRARY, 1000 SPRING STREET; TO BUDGET WORKSHOP AT 7:00 PM ON THURSDAY, MAY 12, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 17, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Cathy M. David, 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.**