

**MINUTES OF THE ADJOURNED REGULAR MEETING
PASO ROBLES CITY COUNCIL**

Tuesday, June 5, 2001 7:30 PM

CALL TO ORDER – Library/City Hall Conference Center

The City Council of the City of El Paso de Robles, meeting in regular session at 7:30 PM on the above date in the Library/City Hall Conference Center, was called to order by Mayor Frank Mecham.

PLEDGE OF ALLEGIANCE

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

INVOCATION

PUBLIC COMMENTS

- Joe Quiroz, President of the Board of Trustees for the Paso Robles Schools, requested Council to delay the re-striping of Niblick Road until such time as the Board's concerns over student safety at the High School can be addressed.

Councilmember Nemeth was seated at the dais at 7:37 PM.

- Chuck Miller gave an update on the upcoming 28th Annual Air Show to be held on September 9th at the Municipal Airport.
- Rikki Bullock, a junior at the Paso Robles High School, expressed concerns over the re-striping decision of Niblick Road and asked Council to re-agendize this item for further discussion.
- Fire Chief Doug Hamp announced several new recruitments to the Department of Emergency Services (Fire Captain Keith Aggson, Firefighters/Paramedics John T. Prickett and Jonathan Stornetta and Firefighters Michael Hamers and Douglas Harris) and two promotions to Fire Captain (Kevin Taylor and Mike Oberndorfer).

- Dale Gustin asked for clarification of the Public Comment section on Closed Session items.

PRESENTATIONS

1. 2001 PRHS Bearcats Swimming and Diving CIF Champions

City Council presented medals to all players who participated in the 2001 Paso Robles High School Bearcats Swimming and Diving CIF Championship. Head Coach Ken Heinen was also recognized.

Mayor Mecham announced that the Paso Robles High School Chess Team recently won the San Luis Obispo County Chess Championship. He also announced the Law Enforcement Torch Run, benefiting Special Olympics, to be held on June 11th. The torch run will start from the Paso Robles Inn promptly at 8:00 a.m. and the public was invited to attend.

NOTICED HEARINGS

2. Appeal of Planned Development 00-009 (Nunno Corporation)

R. Lata, Community Development Director

Consider an appeal of the Planning Commission's approval for constructing approximately 75,000 square feet of aircraft storage hangars on a partially developed 13-acre site at the Municipal Airport. The property is located on the north side of Dry Creek Road, west of Cloud Way and east of Airport Road. The appeal is focused upon certain development conditions, including a road frontage landscape screening wall and improvements of Dry Creek Road frontage. (This item was continued from May 15th City Council meeting.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner (representing the applicant), Chuck Miller and Pat Mackie. There being no further comments either written or oral, the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Picanco, moved to uphold the Planning Commission's action of April 24, 2001 and adopt Resolution No. 01-104 granting a negative declaration status to Planned Development 00-009 subject to the mitigation measures relating to aesthetics. Motion passed by the following unanimous roll call vote:

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 01-105 granting approval to Planned Development 00-009 subject to the standard and site-specific conditions, and its exhibits. Motion passed by the following unanimous roll call vote:

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

3. Appeal of Planned Development 99019 (Bill Ridino/Joel Koman)

R. Lata, Community Development Director

Consider an appeal of the Planning Commission’s action to approve a 23-unit apartment project on property located on the north side of Creston Road between Trigo Lane and Ivy Lane across from the Nickerson Drive intersection. The site consists of three separate parcels under one ownership. The middle parcel is developed with a single-family residence and the remaining two parcels are presently vacant. Once right of way dedication for Creston Road is made, the net project area will be approximately 2.7 acres. The General Plan land use designation is Residential Multiple Family – Low Density (RMF-L) and the zoning is R-2, PD. The RMF-L category will permit a maximum of 8 units to the acre. The zoning code establishes density limits that also take topography into account. Based on the underlying natural slope of this site, the maximum permissible density is 23 units.

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner Walter Macklin, Pat Mackie, Tom Sloger, Dora Sloger, Dale Gustin, Marie Payne, Joel Koman (applicant) and Bill Ridino (applicant). There being no further comments either written or oral, the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 01-106 granting a negative declaration status to Planned Development 99019 subject to the mitigation measures relating to traffic generation. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 01-107 granting approval to Planned Development 99019 subject to the standard and site-specific conditions, and its exhibits. Motion passed by the following roll call vote:

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

4. Appeal of Parcel Map PR 01-007 (Linne LLC)

R. Lata, Community Development Director

Consider an appeal of the Planning Commission’s action of April 10, 2001, to approve Tentative Parcel Map PR 01-007. The appeal was filed by Newlin Hastings of Linne LLC based on concerns over the requirement for a reciprocal parking agreement between the two parcels. The site is located at 2200 Golden Hill Road. The General Plan land use designation is Commercial Service (CS) and the zoning is Commercial/Light Industrial (C3). The Planning Commission approved Planned Development PD 00-017 on January 9, 2001, to construct two industrial storage buildings of 15,688 square feet and 16,200 square feet respectively on the 1.79-acre site.

Mayor Mecham opened the public hearing. Speaking from the public was Brian Beckham. There being no further comments either written or oral, the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to grant the applicants' request for appeal and adopt Resolution No. 01-108 modifying Community Development Condition No. 3 to remove the requirement for reciprocal parking agreements between the two parcels. Motion passed by the following unanimous roll call vote:

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

Council adjourned for a 10-minute recess at 9:30 PM.

5. Rezone 00-005 (Jeff Marsden)

R. Lata, Community Development Director

Consider a request by Jeff Marsden to rezone an approximate 3-acre property from Residential Single Family (R1) to Residential Multiple Family (R2, PD); and to consider expanding the rezone area to include the remainder of the RMF-L properties along Creston Road. The subject property is located on the north side of Creston Road between Ivy Lane and Orchard Drive. The site consists of three separate parcels under separate ownerships. Each owner has signed their intent to see their property rezoned to R2, PD. The potential expanded project area includes six (6) other parcels along Creston Road between Orchard Drive and Trigo Lane. The existing General Plan Land Use designation for the entire study area is Residential Multiple Family – Low Density (RMF-L). The existing zoning along this corridor is a combination of Residential Single Family (R1, B3 – with a 20,000 square foot minimum lot size) and (R1 – with a 7,000 square foot minimum lot size). The proposed zoning designation of R2, PD would bring the area into conformance with the General Plan.

Mayor Mecham opened the public hearing. Speaking from the public were John McCarthy, Dora Sloger, Tom Sloger, Dale Gustin, Pat Mackie and Walt Macklin. There being no further comments either written or oral, the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Picanco, moved to reduce the project area to the three parcels in the Marsden proposal, excluding all other sites, and adopt Resolution No. 01-109 approving a Negative Declaration for the Rezone application. Motion passed by the following roll call vote:

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Ordinance XXX N.S. approving the Rezone of a smaller project area than the remainder of the Creston corridor. Motion passed by the following roll call vote:

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

6. Four-Year Financial Plan 2001-02 to 2004-05

M. Compton, Administrative Services Director

Hold public hearing to accept testimony from interested parties on the proposed Four-Year Financial Plan/Two-Year Budget for fiscal years 2002 through 2005.

Mayor Mecham opened the public hearing. Speaking from the public were Adam Fairbairn, Steve Martin, Dale Gustin, Pat Mackie and Fred Rogers. There being no further comments either written or oral, the public hearing was closed.

After accepting testimony from interested parties, Councilmember Heggarty, seconded by Councilmember Picanco, moved to approve a modification in the base budget to include the acquisition of the playground equipment at Sherwood Park playground, contingent upon the receipt of \$25,000 from Rec Inc.; and to approve the lease purchasing financing of all three fire apparatus. Motion passed by the following unanimous roll call vote:

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

ADJOURN TO A MEETING OF THE PUBLIC FINANCING AUTHORITY,

ROLL CALL Agencymembers Jim Heggarty, Gary Nemeth, Frank Mecham, Duane Picanco and Chairman George Finigan

7. Bond Trustee Services

M. Compton, Administrative Services Director

For the Paso Robles Public Financing Authority to consider approval of tri-party agreements for successor trustee services.

Chairman Finigan opened the public hearing. There being no comments either written or oral, the public discussion was closed.

Agencymember Heggarty, seconded by Agencymember Picanco, moved to adopt Resolution No. 01-110 approving two different tri-party agreements for successor trustee services. Motion passed by the following unanimous roll call vote:

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

ADJOURN TO CITY COUNCIL MEETING

CONSENT CALENDAR

Councilmember Nemeth, seconded by Councilmember Picanco, moved to approve the Consent Calendar, together with the recommendations and findings as set forth therein, waiving the reading of resolutions and ordinances in full. Those items unanimously approved by Council were as follows:

8. Approve City Council Minutes of May 10, May 15 and May 21, 2001.
D. Fansler, City Clerk
9. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meeting of February 22, 2001
Paso Robles Public Library Board of Trustees meeting of March 8, 2001
Transit Advisory Committee meeting of April 4, 2001
Parks and Recreation Advisory Committee meeting of April 10, 2001
Project Area Committee meeting of May 3, 2001
Housing Authority meeting of May 8, 2001
Pioneer Museum board meeting of May 10, 2001
10. Approve Warrant Register.
M. Compton, Administrative Services Director
11. Adopt Ordinance No. 809 N.S. by regular motion, ordering that the Ordinance be read by title only, then by separate motion authorizing an amendment to the contract between the City of Paso Robles and the Board of Administration of the California Public Employees' Retirement System. (First reading introduced at City Council meeting held on May 15, 2001.)
D. Fansler, Management Analyst

Pat Mackie asked for clarification on this item.
12. Adopt Ordinance No. 810 N.S. by regular motion, ordering that the Ordinance be read by title only, then by separate motion amending the zoning and building titles of the municipal code regarding the allowing of mini-storage facilities within the C-2 zoning district with a Conditional Use Permit. (First reading introduced at City Council meeting held on May 15, 2001.)
R. Lata, Community Development Director

Pat Mackie asked for clarification on this item.
13. Adopt Ordinance No. 811 N.S. by regular motion, ordering that the Ordinance be read by title only, then by separate motion amending the zoning map established by reference in Section 21.12.020 of the zoning code (title 21) – Rezone 01-003, Annexation No. 81 – Durand. (First reading introduced at City Council meeting held on May 15, 2001.)
R. Lata, Community Development Director

Pat Mackie asked for clarification on this item.
14. Adopt Ordinance No. 812 N.S. by regular motion, ordering that the Ordinance be read by title only, then by separate motion amending the zoning map established by reference in Section 21.12.020 of the zoning code (title 21) – Rezone 01-004, Annexation No. 82 – Roth. (First reading introduced at City Council meeting held on May 15, 2001.)
R. Lata, Community Development Director
15. Adopt Resolution No. 01-111 to appropriate \$200,000 to Budget Account No. 601.910.5452.425 to upgrade Lift Station No. 11. (Lift Station No. 11 is located east of Beechwood Drive near the intersection of Falcon Drive.)
J. Deakin, Public Works Director

16. Adopt Resolution No. 01-112 authorizing the City Manager to sign a consultant services agreement with Architectural Resources Group for the design of disabled access improvements for the Carnegie Library.
R. Lata, Community Development Director
17. Adopt Resolution No. 01-113 accepting the Negotiated Exchange of Property Tax Revenue and Annual Tax Increment Between the County of San Luis Obispo and the City for the Roth Annexation (Annexation No. 82). (The subject property is approximately 6 acres located on the south side of 21st Street, west of the current City boundaries.)
R. Lata, Community Development Director
- Dale Gustin asked for clarification on this item.
18. Adopt Resolution No. 01-114 accepting the public improvements constructed as required for the development of Woodland Plaza III (Halferty Development Company) and accepting Oak Hill Road between South River Road and 913 feet east of South River Road into the City's maintained street system.
R. Lata, Community Development Director
19. Adopt Resolution No. 01-115 authorizing execution and recordation of the Final Map and Subdivision Agreement for Tract 1632-8 (Phase 3C & D), J. M. Wilson Development, a 24 lot subdivision located north of Meadowlark Drive and west of Airport Road; adopt Resolution No. 01-116 annexing Tract 1632-8 into the Landscape and Lighting District as Sub-area No. 2D; and approve execution of the Subdivision Improvement Agreement for Tract 1632-8 authorizing deferred construction of the subdivision improvements, with an established deadline of May 2002 to complete these improvements. (The project is located at the northwest corner of Airport Road and Meadowlark Road.)
R. Lata, Community Development Director
20. Adopt Resolution No. 01-117 accepting public improvements of Parcel Map 97-167 (Highway 46 Partners) into the City's maintenance system; and to release payment and performance bonds for these improvements upon receipt of a maintenance bond in the amount of 10% of the performance bond amount (\$23,000). (This subdivision is located north of Union Road and east of Golden Hill Road.)
R. Lata, Community Development Director
21. Adopt Resolution No. 01-118 approving two different tri-party agreements for successor trustee services. (The proposed tri-party agreements have been reviewed and approved by bond counsel.)
M. Compton, Administrative Services Director

PUBLIC DISCUSSION

22. **Request for Waiver of Street Improvements, Tract 2071 (Pacific Avenue/Ernst)**

R. Lata, Community Development Director

Consider a request to waive the requirements for curb, gutter and sidewalk along the south side of Pacific Avenue fronting Tentative Map 2071.

Mayor Mecham opened the public discussion. Speaking from the public were Larry Werner, Pat Mackie and Dale Gustin. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 01-xxx denying the request for a waiver of the installation of street improvements along Pacific Avenue adjacent to Tract 2071; instruct applicant Don Ernst to construct the roadway section in conformance with current City standards; and authorize removal of the 24-inch oak tree and its replacement by two (2) 24-inch box trees as per the City's Oak Tree Ordinance. Motion failed by the following roll call vote:

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

Councilmember Picanco moved to adopt Resolution No. 01-xx requiring applicant to install curb and gutters, without a requirement for sidewalk installations. Motion failed due to lack of a second.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-119 requiring applicant to construct the roadway section adjacent the subdivision in conformance with current City standards except that the construction of the sidewalks is waived; and authorize removal of the 24-inch oak tree and its replacement by two (2) 24-inch box trees as per the City's Oak Tree Ordinance. Motion passed by the following roll call vote:

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

23. Use of Septic System – Northwest side of Union Road, Southwest of Prospect Avenue

R. Lata, Community Development Director

Consider a request from property owners Jeff and Charla Zukowski to allow septic tank usage for a proposed single-family residence on the west side of Union Road, between Walnut Drive and Prospect Avenue (APN 025-013-002). (Subject property is currently undeveloped.)

Mayor Mecham opened the public discussion. Speaking from the public were Pat Mackie, Jeff Zukowski and Dale Gustin. There being no further comments either written or oral, the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-120 authorizing usage of a septic system for a proposed single family residence on the northwest side of Union Road (APN 025-013-002, Jeff and Charla Zukowski applicants) contingent upon the applicant agreeing to participate in the formation of a future assessment district to extend the sewer line to their property, and with the design of the septic system subject to the approval of the Regional Water Quality Control Board. Motion passed by the following unanimous roll call vote:

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

24. Barney Schwartz Park - Management

J. App, City Manager

Consider options for the management and operation of Barney Schwartz Park.

Mayor Mecham opened the public discussion. Speaking from the public were Dale Gustin, Fred Rogers and Pat Mackie. There being no further comments either written or oral, the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to authorize implementation of a budget plan to hire city staff to operate Barney Schwartz Park. Motion passed by the following unanimous roll call vote:

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

25. City Council Policy Options Regarding General Plan Amendments

R. Lata, Community Development Director

Consider whether to require project plans to be submitted in conjunction with General Plan Amendments. (This is a continued discussion from the May 1st Council meeting.)

Mayor Mecham opened the public discussion. Speaking from the public were Dale Gustin and Pat Mackie. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to direct staff to prepare a resolution for Council consideration that would require that applicants seeking a change to the City's General Plan (within the City boundaries) to provide a specific development proposal to justify the need for change to City policy. Motion passed by the following roll call vote:

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

26. Oak Street Parking Lot

J. Deakin, Public Works Director

Confirm Council's prior direction to pave the area adjacent to Fire Station No. 1 to create additional parking for the Downtown District.

Mayor Mecham opened the public discussion. Speaking from the public were Dale Gustin, Norma Moye, Steve Martin, Pat Mackie and Fred Rogers. There being no further comments either written or oral, the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to postpone this project until the Public Safety Center is complete and Fire Station No. 1 is no longer needed by the Department of Emergency Services. Motion passed by the following roll call vote:

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

27. School District/Housing Authority Contracts

D. Cassidy, Chief of Police

Consider authorizing the mayor to enter into two separate agreements with the Paso Robles Housing Authority and the Paso Robles Unified School District to share the cost of police officers assigned to work in their respective areas.

Mayor Mecham opened the public discussion. There being no comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-121 authorizing the mayor to enter into two separate agreements with the Paso Robles Housing Authority and the Paso Robles Unified School District to share the cost of police officers assigned to work in their respective areas. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE

City Manager Jim App brought forward correspondence received from Joe Quiroz, President of the Board of Trustees for the Paso Robles Public Schools, after tonight's agenda was prepared. The School Board is requesting that the re-striping of Niblick Road be deferred until discussions can be held with their representatives. There was a general consensus to have staff ask the school liaison committee to meet with School representatives and report back to Council.

Mr. App also notified Council of an upcoming a County advisory committee meeting regarding the El Pomar/Estrella Planning Area update being held on Tuesday, June 12th, from 7-9 pm at the Creston School library.

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

28. Report From the May 25th Mayors' Meeting

Receive a report from the May 25th Mayors' Meeting.

Mayor Mecham opened the public discussion. There being no comments either written or oral, the public discussion was closed.

Mayor Mecham gave a report of the May 25th Mayors' Meeting. The said the mayors expressed concern over Assembly Bill 910 and were opposed to LAFCo being a commission independent of the County of San Luis Obispo and to the National Fire Protection Agency's latest ruling.

29. Appointment of Council Ad Hoc Committee – Airport Master Plan

J. Deakin, Public Works Director

Consider appointment of an ad hoc committee to review the Airport Master Plan, which is currently under development, and report to Council periodically through August, 2002.

Mayor Mecham opened the public discussion. Speaking from the public was Pat Mackie. There being no further comments either written or oral, the public discussion was closed.

It was the general consensus of the Council to appoint an ad hoc committee consisting of Councilmembers Nemeth and Heggarty to review Airport Master Plan draft documents and report back to Council periodically through August 31, 2002.

PUBLIC COMMENTS ON CLOSED SESSION

- ❖ Dale Gustin spoke in regard to Closed Session Item D. He stated that he had submitted a letter with a proposal to resolve the Creston Corridor acquisitions and redesign and asked that this be brought forward during Closed Session.
- ❖ Also in regard to Closed Session Item D, Walt Heer spoke about his property and the widening of the 13th Street Bridge project. He said he had come before the previous Council and expressed his intent to work with the City on this project, wanting to be there when it was completed. He said there was no question but that the bridge widening has to be done, but he expressed fears that his property would be reduced and that the Closed Session would result in a condemnation of his property at 101 Creston Road, driving the pumpkin farm out of the Paso Robles' area. He brought with him a copy of a petition (circulated in October 2000) supporting the operation of the Pumpkin Farm. He said that he thought the Pumpkin Farm was a compatible business, and he requested the Council's consideration.

Council moved to adjourn from regular session at 11:55 PM. and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

Deputy City Attorney Jon Seitz announced City Council's authority to go into closed session to discuss the four items listed on the agenda.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:57 PM.

CLOSED SESSION

The City Council returned to Regular Session at 1:45 AM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Jon Seitz announced no reportable action was taken on any of the items under discussion.

By unanimous voice vote, Council moved to adjourn from regular session at 1:46 AM.

ADJOURNMENT: to THE REGULAR MEETING ON TUESDAY, JUNE 19, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted by:

Sharilyn M. Ryan, Deputy City Clerk
Approved: September 4, 2001