

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

**Tuesday, December 4, 2001 7:30 PM**

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## **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**

## **INVOCATION**

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

## **PUBLIC COMMENTS**

- Mike Menath commented on County development application of the County Planning Commission consideration of proposed increase in fees for the appeal process. He complimented Dr. Tom Rusch from Paso Robles on his comments at that meeting, noting that as a result the County Commissioners withdrew the appeal process from their budget and sent it back to committee for analysis.

## **PRESENTATIONS**

### **1. 2001 PRHS National Livestock Judging Champions**

City Council honored the Paso Robles High School livestock judging team Brady Cerda, Heather Clement, Jeremy Monn and Joelle Peterson for their first place ranking at the 2001 National FFA Livestock Career Development competition in Louisville, Kentucky. Mark Clement, livestock judging coach and agriculture-science teacher at Paso Robles High School, was also recognized. Mr. Clement announced the ambition of the team to represent the United States on the international level in Scotland in 2002.

**PUBLIC HEARING**

**2. Code Amendment 01-005, Commercial Mini Storage (City Initiated)**

R. Lata, Community Development Director

Open and continue this item to the Council meeting on December 18, 2001, in order to give staff time to report the Planning commission's recommendations from their review at their hearing on November 27, 2001.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to continue this item to the Council meeting of December 18, 2001. Motion passed by the following unanimous roll call vote:

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

**3. Ordinance Establishing Maximum Vehicle Weight Limits on Residential Streets**

R. Lata, Community Development Director

Open and continue a public hearing to consider an ordinance to establish maximum vehicle weight limits on residential streets.

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to continue this item to the Council meeting of February 5, 2002. Motion passed by the following unanimous roll call vote:

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

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

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

**4. Termination of Owner Participation Agreement with Martin Resorts, Inc. (Paso Robles Inn)**

R. Lata, Community Development Director

For the City Council and Redevelopment Agency to consider authorizing execution of an Agreement that would terminate the Owner Participation Agreement (OPA) between the City, Agency and Martin Resorts, Inc. (Martin Resorts requested termination of the OPA in a letter dated 11 July 2001.)

Chairman Finigan opened the public hearing. Speaking from the public were Paul Wallis (Martin Resorts, Inc.), Michael Kane and Tom Rusch. There being no further comments either written or oral, the public hearing was closed.

Agencymember Nemeth, seconded by Agencymember Mecham, moved to adopt Resolution No. RA 01-12 authorizing the Chairman and Secretary of the RDA to execute attached Termination Agreement. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 01-255 authorizing the Mayor and City Clerk to execute the attached Termination Agreement. Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco 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. Mike Menath pointed out a clerical error in the Housing Authority Board Meeting minutes of November 13<sup>th</sup> and Michael Kane made two comments regarding Item No. 17 in the November 20<sup>th</sup> City Council meeting minutes. There being no further comments either written or oral, the public discussion was closed.

The Consent Calendar Items No. 5, 6, 7 and 8 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Item No. 1234847 of Item No. 6.

Those items approved were as follows:

5. Approve City Council minutes of November 20, 2001  
D. Fansler, City Clerk

Michael Kane expressed his belief that Item 17 had not been opened for public comment. He also questioned the use of the term "public hearing" as stated in the minutes.

6. Approve Warrant Register.  
M. Compton, Administrative Services Director

7. Receive and file Advisory Body Committee minutes as follows:  
 Citizens Airport Advisory Committee meeting of September 27, 2001  
 Housing Authority Board Meeting of November 13, 2001\*  
 Pioneer Museum Board meeting of November 18, 2001  
 Youth Commission Committee meeting of September 22 and October 3, 2001

Mike Menath pointed out a typographical error in Item No. 6 of the Housing Authority minutes: In the second paragraph, the wording *broken noise* should be corrected to read *broken noses*.

8. Adopt Resolution No. 01-256 awarding design services contract to Sawyer, Inc. to rehabilitate the Municipal Bath House for a not-to-exceed fee of \$19,400. (On October 16<sup>th</sup>, staff issued a Request for Proposals to twelve local architects to perform architectural design services to assist staff on this project. The City received only one response from Sawyer, Inc. of Santa Margarita.)  
 J. Deakin, Public Works Director

*Mayor Mecham and Councilmember Finigan expressed their appreciation to Dr. Tom Rusch for his attendance at the County Commissioners' meeting earlier in the day.*

**PUBLIC DISCUSSION**

9. **Request to Remove Oak Trees – Blackburn Street**

R. Lata, Community Development Director

Consider a request to remove three oak trees—a 12-inch diameter tree, a 8-inch diameter tree, and a 8-inch diameter double trunk tree. (Plans have been submitted to the City to construct Blackburn Street, east of Leland Street, in order to satisfy Municipal Code requirements of providing street improvements adjacent to property proposed for development. Staff is proposing realignment of the roadway because of potential impacts to one of the larger and healthier oak trees located in this area. Realignment would necessitate the removal of the three oak trees.) ITEM CONTINUED FROM NOVEMBER 20<sup>TH</sup> COUNCIL MEETING.

Mayor Mecham opened the public hearing. Speaking from the public were Tim Roberts (representing all involved parties--Bill Ridino, Gary Mulholland and Dennis Sullivan), Jack Brazeal, Michael Kane and Bill Ridino. There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 01-257 authorizing the removal of one 8-inch diameter double trunk oak (Tree No. 6), one 12-inch diameter oak (Tree No. 7), and one 8-inch diameter oak (Tree No. 8) in order to minimize impacts to a 14-inch diameter oak (Tree No. 12); and requiring two (2) replacement oak trees conforming to Section 10.01.040 (E) of the Municipal Code for each tree removed, either on the subject parcel, or elsewhere in the City, at the direction of the Street Superintendent. Said replacement oak trees shall be planted or furnished to the City prior to issuance of an encroachment permit to construct the Blackburn Street improvements. Additionally, the applicant shall design Blackburn Street along an alignment shifted away from Tree No. 12, the separation of which shall be recommended by a certified arborist. Motion passed by the following roll call vote:

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

**10. Request to Remove Oak Tree – 1403 Stoney Creek Road**

R. Lata, Community Development Director

Consider a request to remove a 58-inch diameter oak tree at 1403 Stoney Creek Road. (Original request from Creston Courtyard Homeowners Association to trim this oak culminated in a report warning that the tree was unstable. That, coupled with the extensive branch removal which would be required to ensure safety, would leave little of the tree remaining.)

Mayor Mecham opened the public hearing. Speaking from the public were Melvin Hooper and Jack Brazeal. There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-258 authorizing trimming of a 58-inch oak tree at 1403 Stoney Creek Road. Trimming shall be under supervision of a certified arborist and shall include 25 to 50 percent of the tree canopy (the exact extent to be determined by the arborist) in a manner designed to maximize public safety and ensure the health of the tree. Motion passed by the following unanimous roll call vote:

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

**11. Intersections of Buena Vista Drive/River Oaks Drive/Dallons Drive and River Oaks Drive/Clubhouse Drive – Installation of All-way Stop Control**

R. Lata, Community Development Director

Consider adoption of resolutions designating the intersections of Buena Vista Drive/River Oaks Drive/Dallons Drive and River Oaks Drive/Clubhouse Drive as all-way stop intersections (The addition of stop signs at these two intersections will provide for controlled crossing for students attending both Cuesta College and Kermit King Elementary School.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-259 designating the intersections of Buena Vista Drive / River Oaks Drive / Dallons Drive and River Oaks Drive / Clubhouse Drive as stop intersections, and require all vehicles approaching the intersections to stop before entering the intersections. 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 break at 8:55 PM, reconvening at 9:00 PM.*

**12. City Web Site Design and Development – Award of Contract**

D. McCue, Information Systems Manager

Consider awarding contract for the design and development of the City’s Web Site.

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

Councilmember Finigan, seconded by Mayor Mecham, moved to (1) authorize the City Manager to execute a Consultant Services Agreement for \$22,500 with Ernest & Allen for both Phases I and II; and (2) adopt Resolution No. 01-260 appropriating an additional \$6,500 from General Fund Reserves. Motion passed by the following unanimous roll call vote:

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

**13. JP Paul Winery Comment Letter**

J. Deakin, Public Works Director

Review proposed winery/tasting room development on Dry Creek Road and determine if comments to the County Planning Commission are in order.

Mayor Mecham opened the public hearing. Speaking from the public were Mike Menath, Joe Chouinard and Doug Edwards. There being no further comments either written or oral, the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to approve sending the attached letter to the County of San Luis Obispo Planning Commission stating Council’s concerns regarding further development, deleting the last paragraph, which requests a more comprehensive review of the project. Motion passed by the following unanimous roll call vote:

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

**14. Annual Transportation Development Act Funding Claim**

M. Compton, Administrative Services Director

Consider approval of the annual Transportation Development Act (TDA) claim for fiscal year 2002. (The City must file an annual claim with the San Luis Obispo Council of Governments in order to receive its allocation of TDA funds.)

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

Councilmember Picanco, seconded by Councilmember Nemeth, moved to adopt Resolution No. 01-261 approving the annual claim for Transportation Development Act funding. Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham

NOES: None  
ABSTAIN: None  
ABSENT: None

## CITY MANAGER

### 15. **Select Date for First Council Meeting in January 2002**

Consider changing day of first Council meeting in January.

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

Councilmember Nemeth, seconded by Mayor Mecham, moved to approve Wednesday, January 2<sup>nd</sup>, as the date for the first Council meeting in January 2002. Motion failed by the following roll call vote:

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to approve Thursday, January 3<sup>rd</sup>, as the date for the first Council meeting in January 2002. Motion passed by the following unanimous roll call vote:

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

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION** - None

## AD HOC COUNCIL BUSINESS

Duane Picanco asked that staff do further research of the Blackburn Street area and return to Council with suggestions for improving traffic circulation in that vicinity.

## PUBLIC COMMENTS ON CLOSED SESSION

Public comments limited to Closed Session items only. There were no comments from the public.

*Council moved to adjourn from regular session at 10:10 PM. and re-adjourn to Closed Session. Motion passed by unanimous voice vote.*

City Attorney Iris Yang announced City Council's authority to go into closed session to discuss the three items listed on the agenda:

*The City Council thereupon adjourned to Closed Session in the 2<sup>nd</sup> floor Large Conference Room at 10:15 PM.*

### **CLOSED SESSION**

*The City Council returned to Regular Session at 11:05 PM.*

### **RETURN TO OPEN SESSION**

#### **CLOSED SESSION REPORT**

City Attorney Iris Yang announced that there was no reportable action taken on the items under discussion.

*By unanimous voice vote, Council moved to adjourn from regular session at 11:10 PM.*

**ADJOURNMENT:** to THE BARNEY SCHWARTZ PARK WORKSHOP ON THURSDAY, DECEMBER 6, 2001, AT 7:30 P.M. AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

#### **FUTURE MEETINGS**

Thursday, Dec. 13, 2001 at 7:30 PM — Library Board & Planning  
Commission Interviews

Tuesday, Dec. 18, 2001 at 7:30 PM — **Next Regular Council Meeting**  
Library/City Hall Conference Center, 1000 Spring Street

Submitted by:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: January 3, 2002