

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL

Tuesday, April 16, 2002 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

MOMENT OF SILENCE

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

PUBLIC COMMENTS

- Susan Harvey thanked staff and Council for the Planning Festival held last Saturday.
- Michael Kane expressed his dissatisfaction with the Chandler Ranch Area Specific Plan workshop of April 11, 2002, and suggested that the meeting be rescheduled to solicit more public input.
- Mike Helberg, President of Paso Robles Little League, suggested alternatives for the use of Sherwood Park to make space for youth football.
- Kathy Barnett encouraged Council to hold other Chandler Ranch workshops, feeling that such workshops could be constructive and informative.
- Mike Compton, Director of Administrative Services, announced that the new fixed-route bus for Route C would be placed in service on May 1st. The new route will serve the Cuesta College campus to the north, and will also serve the Twin Cities medical facilities every hour on the hour from 7 a.m. to 6 p.m. New transit brochures will be available on April 22nd and will be mailed out to all residents. The brochure explains the Paso Robles transit system, both Dial-a-Ride and fixed route services, as well as related transit systems in the County, with listings for all bus routes and times.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App announced that Agenda Item No. 3 would be continued.

PRESENTATIONS

1. **National Volunteer Week Proclamation & Announcement of Bob Alesi Memorial Volunteer of the Year Award Recipient** (Mayor Frank Mecham)

Ed Tascona, President of the Paso Robles Optimist Club, announced this year's recipient of the Bob Alesi Memorial Award: Thomas Young, a volunteer in the Paso Robles Police Department.

Mayor Mecham presented Mr. Young with a Certificate of Recognition from the City for his nine years of volunteer service with the City, and Mr. Tascona presented an award from the Optimist Club.

2. **Recognition of Retiring Police Sgt. Michael Larsen** (Mayor Frank Mecham)

Mayor Mecham, accompanied by Police Chief Dennis Cassidy, presented a Certificate of Recognition to retiring Police Sgt. Michael Larsen. Mr. Greg Haas, SLO County District Representative for the 22nd Congressional District, on behalf of Congresswoman Lois Capps, presented Sgt. Larsen with a Special Congressional Recognition for his years of service in law enforcement.

NOTICED HEARINGS

4. **Revisions to Oak Tree Preservation Ordinance (Section 10.01 of the Paso Robles Municipal Code)**

R. Lata, Community Development Director

Conduct a public hearing and consider Planning Commission's recommendations regarding revisions to the City's Oak Tree Preservation Ordinance. (Commission is recommending that [1] a 6-inch oak tree continue to be the threshold for Council review of oak tree removal requests; [2] a list of approved arborists be authorized to provide services to the City; [3] replace term "drip line" with Critical Root Zone; [4] level of enforcement to be increased; [5] Public Works Department to be responsible for approving tree trimming requests; [6] Community Development Department to be responsible for handling tree removal requests; and [7] City cost recovery for trimming and tree removal requests.)

CONTINUED FROM FEBRUARY 5 AND APRIL 2, 2002.

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Mike Menath, Susan Harvey, Jack Brazeal (certified arborist), Nick Gilman, Michael Kane, James Patterson (certified arborist), Kathy Barnett, Mark Marshall, Tom Rusch and Walt Heer. There were no further comments from the public, either written or oral.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue Item No. 4 to the Council meeting of May 21, 2002, and directed staff to arrange a presentation on sudden oak tree death by the County Agriculture Department. Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. Speaking from the public was Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items No. 5 to 14 and 16 to 18 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Picanco, with Items No. 15 and 19 being approved on a 4-0 vote with Councilmember Finigan abstaining due to a possible conflict of interest.

Those items approved were as follows:

5. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meeting of February 21, 2002
Housing Authority meeting of March 12, 2002
Pioneer Museum Board meeting of March 14, 2002
6. Approve Warrant Register.
M. Compton, Administrative Services Director
7. Adopt Ordinance No. 824 N.S. amending three Circulation Components of the Borkey Area Specific Plan. (First reading April 2, 2002.)
R. Lata, Community Development Director
8. Certificate of Recognition - Barbie Butz, 2002 Woman of the Year.
Mayor F. Mecham
9. Certificate of Recognition – San Luis Obispo County Cattlemen’s Association.
Mayor F. Mecham
10. Certificate of Recognition & Welcome – Wayne Justus, Featured Artist at 12th Annual Cattlemen’s Western Art Show and Sale, April 5, 6 & 7, 2002.
Mayor F. Mecham
11. Proclamation – National Public Safety Telecommunicator’s Week April 14 - 20, 2002.
Mayor F. Mecham
12. Proclamation – Month of the Young Child, April 2002.
Mayor F. Mecham

13. Authorize design modification/exception from the Borkey Area Specific Plan and City street standards as requested by Estrella Associates (Dick Willhoit). (Subject area is located west of Club House Drive. Applicant is seeking authorization to modify the design of the entry street into a portion of his development by adding a landscaped center median and widen parkway areas on either side of the street.)
R. Lata, Community Development Director
14. Adopt Resolution No. 02-60 authorizing the Mayor to accept an Offer of Dedication – Tract 2281-1 Shadow Canyon. (Shadow Canyon is a residential subdivision project located at the corner of Creston and Golden Hill Road. Planning Commission approved the project with the condition that Developer dedicates certain properties for open space landscaping purposes.)
R. Lata, Community Development Director
15. Adopt Resolution No. 02-61 authorizing the Mayor to grant an easement to PG&E for that portion of the property owned by the City – Tract 2281-1 Shadow Canyon. (Shadow Canyon is a residential subdivision project located at the corner of Creston and Golden Hill Road. There is an existing PG&E overhead line parallel to the tract's southerly boundary. Planning Commission approved the project with the condition that Developer remove the overhead PG&E lines and install underground.)
R. Lata, Community Development Director
16. Adopt Resolution No. 02-62 authorizing the replacement of the septic system at the single-family home at 908 Walnut Drive. (Applicant Charnley-Gustason Development noted through a routine septic system inspection that the existing system is at or near point of failure. When a future source of sewer service is constructed, applicant will be required to pay applicable connection fees, abandon the septic system and connect to the new sewer facilities.)
R. Lata, Community Development Director
17. Adopt Resolution No. 02-63 approving a lease between the City and the Federal Aviation Administration [FAA] for the location of an Automated Surface Observing System [ASOS] at the Airport. (In November 1993 the City entered in a license agreement with the National and Atmospheric Administration, National Weather Service, for the location of an ASOS. The National Weather Service sold the ASOS equipment to the FAA, who now operates and maintains the system. The subject lease is annually renewable, for a period not to exceed 20 years.)
J. Deakin, Public Works Director
18. Adopt Resolution No. 02-64 annexing PD 01-003 into the Landscape and Lighting District. (This is a proposed development filed by Hampton Inn proposing a three-story, 81-unit hotel and suites facility on an approximate 2.3 acre site on the west side of Theater Drive adjacent Highway 46 West. Adoption of this resolution is required in order to include property maintenance in the L&L District. Once construction is complete, this property will be levied annual L&L District assessment fees.)
J. Deakin, Public Works Director
19. Adopt Resolution No. 02-65 granting a public utility easement to Pacific Gas and Electric for the purpose of maintaining the utilities undergrounded in Undergrounding District No. 2. (In conjunction with the construction of a new Senior Center and Veteran's buildings, an Undergrounding District was created along the south side of Scott Street from Creston to San Fernando Road. Granting a 10-foot utility easement is consistent with the development standards applied to private development. Additionally, PG&E cannot energize the underground utilities without a guaranteed ability to access them for maintenance or repair.)
D. Monn, Building Official

City Council adjourned for a 10-minute break at 9:35 PM, reconvening at 9:45 PM.

Revisions to Oak Tree Preservation Ordinance (Section 10.01 of the Paso Robles Municipal Code)

R. Lata, Community Development Director

Councilmember Heggarty, seconded by Councilmember Picanco, moved to reconsider Agenda Item No. 4. Motion passed by the following unanimous roll call vote:

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

Mayor Mecham opened the public hearing. Speaking from the public was Dale Gustin and Kathy Barnett. 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 rescind their earlier action and return the oak tree preservation ordinance to the Planning Commission, providing them with the new information provided to Council, including the report prepared by arborist Jack Brazil. Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

20. Request to Remove Oak Tree – 1233 Chestnut Street (Dumas)

R. Lata, Community Development Director

Consider a request by Rachel Dumas to remove a 12-inch diameter oak, double trunk Coast Live Oak located at 1233 Chestnut Street. (Arborist report accompanying applicant's request estimated the tree at 95% dead and recommended 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 Picanco, moved to adopt Resolution No. 02-66 authorizing the removal of one 12-inch diameter oak as identified in the arborist's report, dated 10 November 2001, and requiring two 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 within 30 days of removal of the tree in question. Motion passed by the following unanimous roll call vote:

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

21. Request to Remove Oak Tree – 215 24th Street (Tidwell)

R. Lata, Community Development Director

Consider a request by Robbin Tidwell to remove one double-trunk (9-inch and 8.5-inch diameters), California Live Oak located at 215 24th Street to accommodate the construction of a new house. (Arborist report accompanying applicant's request indicates that with the development of the site there will be long-term detrimental impact on the tree's health.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-67 authorizing the removal of one double-trunk (9-inch and 8.5-inch diameters) California Live Oak as identified in the arborist's report dated 18 March 2002 indicating that site development will have a long term adverse effect on the tree; 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 within 30 days of removal of the tree in question. Motion passed by the following unanimous roll call vote:

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

22. Request to Remove Oak Trees (Food 4 Less)

R. Lata, Community Development Director

Consider a request to remove two blue oak trees on the 9-acre parcel of the proposed Food 4 Less project, East Village. (SKW & Associates is requesting the removal of two of four oak trees on this property: one 18-inch diameter tree to be removed for street improvements along Sherwood Road and one 19-inch diameter tree to be removed for construction of the Food 4 Less building.)

Mayor Mecham declared that he had an ex parte meeting with Milt Souza, developer for the Food 4 Less project.

Mayor Mecham opened the public hearing. Speaking from the public was/were Milt Souza (Food 4 Less), Nick Gilman, Dale Gustin, Kathy Barnett and Michael Kane. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-68 authorizing the removal of one (18-inch diameter blue oak tree and one 19-inch diameter blue oak tree on the property located on the northeast corner of Sherwood Road and Creston Road; and requiring two replacement oak trees conforming to Section 10.01.040 (E) of the Paso Robles 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 within 30 days of removal of the trees in question. Motion passed by the following unanimous roll call vote:

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

23. Budget Appropriation – Salinas River Clearing

J. Deakin, Public Works Director

Consider appropriating funds to implement river vegetative growth clearing in the Salinas River, using livestock browsing (goats). (A low estimate for the regulatory process using permitted mechanical clearing for the Salinas River, including permits, studies, and restoration would exceed \$800,000. Animal browsing clearing offers the option for a more definite and predictable course of action, as there are no permits, studies or restoration required. Depending upon Council's option selection, the impact could be as low as \$16,000 or as high as \$300,000 depending upon competitive bidding. The chosen option will be funded from General Fund Reserves.)

Mayor Mecham opened the public hearing. Speaking from the public was Dale Gustin, Michael Kane and Francis Nicklaus, Mitch Roth and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-69 appropriating \$160,000 in FY02/03 to the Public Works Streets Budget to use goats to clear vegetation for flood protection in the Salinas River and direct staff to solicit bids for 50 acres of clearing, designating the north starting location. Motion passed by the following roll call vote:

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

Councilmember Picanco stepped down from the dais making a declaration of conflict.

24. Request for Family Fun Day and Fun Run Sponsorship

B. Partridge, Library and Recreation Services Director

Consider a recommendation from the Parks and Recreation Advisory Committee that the City participate as a presenting sponsor of the 2002 Heritage Oaks Bank Family Fun Day and Fun Run. (Heritage Oaks Bank is seeking a City sponsorship of \$10,000 for this event, which includes California's only USA track and field sanctioned 10K race.

Mayor Mecham opened the public hearing. Speaking from the public were Danna Stroud (Paso Robles Visitors and Conference Bureau) and Mitch Massey (Heritage Oaks Bank). There were no further 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. 02-70 approving a one-time budget appropriation from the General Fund in the amount of \$10,000 for fiscal year 2002 to the Department of Library and Recreation Services Budget No. 100-411-5235-181 for the sponsorship of the Heritage Oaks Family Fun Run and Fun Day Presented by the City of Paso Robles. Motion passed by the following roll call vote:

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

Councilmember Picanco returned to deliberations.

CITY MANAGER - None

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

25. Joint Meeting - City Council & Planning Commission

R. Lata, Community Development Director

Consider holding a joint meeting with the Planning Commission at 7:00 PM on Tuesday, April 30, 2002, at the Library/City Hall Conference Center, 1000 Spring Street.

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

Council supported holding a joint meeting with the Planning Commission at 7:00 PM on Tuesday, April 30, 2002, at the Library/City Hall Conference Center, 1000 Spring Street.

Councilmember Heggarty abstained from voting on Item No. 26 due to a possible conflict of interest.

26. Orchard Bungalow Assessment District (OBAD) – Ad Hoc Committee

J. Deakin, Public Works Director

Consider extending the duration of an ad hoc committee to oversee OBAD projects (surveying, engineering and legal work required to properly describe and map the streets recommended for change).

It was moved by Councilmember Nemeth, seconded by Councilmember Finigan, and agreed by voice vote to extend the duration of the ad hoc committee for overseeing OBAD projects to October 2002 in order to allow adequate time to prepare the final resolution.

27. Urban Water Management Plan Implementation – Ad Hoc Committee

J. Deakin, Public Works Director

Consider extending the duration of the Urban Water Management Plan (UWMP) Implementation ad hoc committee formed on January 3, 2002, to review the City's 2000 UWMP and develop an implementation schedule for the 18 best management practices.

It was moved by Councilmember Picanco, seconded by Councilmember Finigan, and unanimously agreed by voice vote to extend the duration of the Urban Water Management Plan (UWMP) Implementation ad hoc committee to July 31, 2002.

28. Air Market Analysis – Ad Hoc Committee

J. Deakin, Public Works Director

As a final report was presented to Council at the April 2nd Council meeting, consider closing out the Air Market Analysis (aka Air Services Analysis) ad hoc committee formed in September.

As a final report was given to Council on April 2, 2002, on actions of the ad hoc committee formed at the September 4, 2001, City Council meeting to review interim reports and sit on the multi-agency committee formed by SLOCOG to provide oversight during the analysis, it was moved by Councilmember Heggarty, seconded by Councilmember Finigan, and unanimously agreed by voice vote to dissolve the committee.

29. Solid Waste Issues – Ad Hoc Committee

J. Deakin, Public Works Director

Consider extending or closing out the original Solid Waste Issues ad hoc committee formed October 2001 to work with staff and oversee solid waste issues.

It was moved by Councilmember Picanco, seconded by Councilmember Nemeth, and unanimously approved by voice vote to extend the duration of the Solid Waste Issues ad hoc committee to June 30, 2002, to work on the IWMA agreement and associated solid waste issues.

COUNCIL COMMENTS

- Councilmember Nemeth extended his thanks to the Planning Commission for including Council on their field trip of April 6th and expressed his appreciation for staff's work on the Planning Festival held April 13th. He posed questions regarding the status of code enforcement, which Police Chief Dennis Cassidy answered. The Chief also stated that Council would be receiving monthly reports in future on the progress of code enforcement efforts.

PUBLIC COMMENT ON CLOSED SESSION

There were no comments from the public on closed session items.

Council moved to adjourn from regular session at 11:15 PM and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

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

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:17 PM.

CLOSED SESSION

The City Council returned to Regular Session at 12:05 AM on Wednesday, April 17, 2002.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 12:06 AM on Wednesday, April 17, 2002.

ADJOURNMENT: to A JOINT MEETING WITH THE PLANNING COMMISSION AT 7:00 PM ON TUESDAY, APRIL 30, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 7, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: May 7, 2002