

CITY COUNCIL MINUTES

Tuesday, July 16, 2002 7:30 PM

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

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

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

PUBLIC COMMENTS

- Kathy Barnett expressed appreciation for Mayor Mecham's comments published in the local newspaper regarding his concerns for affordable public housing. She also informed Council that she had obtained a copy of an in-depth study done earlier in the year by the City of San Jose on inclusionary housing, and has made arrangements for the report to be made available in the City's library.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

By unanimous voice vote, Council approved moving Item No. 5 ahead of Item No. 1.

PRESENTATIONS

- **Recognition & Appreciation - Main Street Association & Sponsors – *The Great Americana Festival***

Mayor Mecham presented a Certificate of Recognition and Appreciation to Steve Martin, President of the Main Street Association, for Main Street's very successful *Great Americana Festival*.

- **Recognition & Appreciation - Chemron Corporation Sponsorship of July 4th Fireworks Display at Barney Schwartz Park**

Mayor Mecham presented Certificates of Recognition and Appreciation to Pyrotechnic Technician Frank Di Santi for Chemron's sponsorship of the Independence Day fireworks display, with a special thank you to Chemron Managing Director Bill Frost.

NOTICED HEARINGS

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

R. Lata, Community Development Director

Consider continuing the open public hearing regarding an ordinance establishing maximum vehicle weight limits on residential streets. (The City's ability to regulate the weights of trucks is currently in question. There is a pending court case that will clarify the situation, but it appears that it will not be resolved until later this year.) CONTINUED FROM FEBRUARY 5, 2002

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral. City Attorney Iris Yang provided an update on pending court action in the United States Supreme Court regarding this issue.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to continue the open public hearing to January 21, 2003. Motion passed by the following unanimous roll call vote:

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

2. **Code Amendment 02-004 (City-Initiated)**

R. Lata, Community Development Director

Consider an amendment to Chapter 21.31 of the Zoning Code to revise the ordinance regulating Adult Businesses to reflect recent changes in the laws. (At this time there are no adult businesses operating in the city of Paso Robles and there are no applications pending. In order to properly regulate any such proposal and to preclude adverse impacts on the community, the City needs to ensure that its adult business ordinance can withstand legal challenge. Unregulated adult businesses can have significant, adverse secondary impacts on neighborhoods within their immediate vicinity. The City has the dual responsibility to protect the public health, safety and general welfare, as well as to uphold the First Amendment right to free expression. This ordinance amendment is intended to facilitate both objectives.)

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

Councilmember Nemeth, seconded by Mayor Mecham, moved to adopt Resolution No. 02-141 granting a Negative Declaration Status to Code Amendment CA 02-004 (Adult Businesses). Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Mayor Mecham, moved to introduce Ordinance No. XXX N.S. amending Chapter 21.31 to make changes to the Adult Business Ordinance to create a licensing requirement, adopt findings for the regulation of such businesses, and permit such uses in the AP zone only; and set August 6, 2002, as the date for adoption of said Ordinance. 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. There were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items No. 4 - 7, 9 - 10, 12, and 14 - 20 were unanimously approved on a single motion by Councilmember Picanco, seconded by Councilmember Heggarty, with the exception of Items No. 3, 8, 11 and 13 pulled for discussion.

Those items approved were:

4. Approve Warrant Register – Warrant Nos. 33919 (6/28/01 – 34216 (7/5/02)
M. Compton, Administrative Services Director
5. Recognition to Paso Robles Main Street Association and sponsors for successful presentation of *The Great Americana* Festival.
F. Mecham, Mayor
6. Adopt Ordinance No. 827 N.S. amending the Borkey Area Specific Plan to include 117 acres along the northern boundary of the plan area, confirm land use and zoning designations for Subarea A of the plan area, change the zoning designation for a 23-acre parcel within Subarea A from Agriculture (AG) to Public Facilities with a Planned Development Overlay (PF-PD). FIRST READING JULY 2, 2002.
R. Lata, Community Development Director
7. Adopt Ordinance No. 828 N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 01-006/Subarea A, Borkey Area Specific Plan, west of Buena Vista Road – City-initiated. FIRST READING JULY 2, 2002.
R. Lata, Community Development Director

9. Adopt Ordinance No. 830 N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 02-004 / Oak Creek Park that would change the zoning designation from R1 (Residential Single-Family) to POS (Parks and Open Space.) FIRST READING JULY 2, 2002.
R. Lata, Community Development Director
10. Adopt Ordinance No. 831 N.S. adopting informal bidding procedures under the Uniform Public Construction Cost Accounting Act (Section 22000 of the Public Contract Code. FIRST READING JULY 2, 2002.
R. Lata, Community Development Director
12. Adopt Resolution No. 02-142 approving budget appropriations totaling \$124,000 from the General Fund to accelerate implementation of the Emergency Services Growth Management Plan and add Police personnel. (Financial projections indicate that operating revenues will exceed operating expenditures by \$1 million + during FY 2004-2006. Budget modifications will increase staffing to 18 line firefighters by 1/1/03, providing 3 firefighters at both the main station and Sherwood Station, 24 hours per day, 7 days per week. Modifications proposed for Police services will improve operating efficiency and enhance traffic enforcement.)
M. Compton, Administrative Services Director
14. Adopt Resolution No. 02-144 annexing Tract 2373 into the Landscape and Lighting (L&L) District as Sub-area No. 67. (Property is a 22-lot subdivision located at the north end of Kleck Road, and the Offers of Dedication for Crown Way and Almendra Court. On June 4, 2002, the City Council approved the recordation of the final map for this tract.); and adopt Resolution No. 02-145 annexing Tract 2369-1 into the Landscape and Lighting (L&L) District as Sub-area No. 69A. (Property is a 71-lot subdivision of a 28.8-acre site, located on the north end of Kleck Road. (On June 4, 2002, the City Council approved the recordation of the final map for this tract.)
R. Lata, Community Development Director
15. Adopt Resolution No. 02-146 accepting public improvements for Planned Development 99002 (Paso Robles Hot Springs) and authorizing release of the payment and performance bonds. (This project is located on Buena Vista Drive north of River Oaks Drive. Public improvements have been constructed to the satisfaction of City Staff.)
R. Lata, Community Development Director
16. Adopt Resolution No. 02-147 accepting public improvements for Tract 2005 and authorizing release of the payment and performance bonds. (This subdivision is located on Dallons Drive, west of Golden Hill Road. Applicant is J.M. Wilson Development. Public improvements have been constructed to the satisfaction of City Staff.)
R. Lata, Community Development Director
17. Adopt Resolution No. 02-148 accepting the grant deed to perfect the lot line adjustment and offering a grant deed for the same purpose from and to Bella Vista Estates, LLC. (Council accepted Tract 2223-2 for recordation in September 2000. Lot 105 of the subdivision was accepted for public use in fee simple as part of that action. The Community Development Department approved a lot line adjustment between lots 62, 63, 64 and 105 in April 2001. The purpose of the lot line adjustment was to allow relocation of an access road to a wastewater pump station, minimizing impact on oak trees and site disturbance. Acceptance of the grant deeds will perfect the lot line adjustment to these parcels.)
R. Lata, Community Development Director

18. Adopt Resolution No. 02-149 appropriating \$7,000, which will be reimbursed by U.S. Fish and Wildlife Service (USFWS); and authorize the City Manager to enter into a modification of the Cooperative Agreement with USFWS, and a Consultant Services Agreement with the San Luis Obispo County Land Conservancy. (Entering into this agreement with the San Luis Obispo County Land Conservancy would be consistent with the purpose and intent of the cooperative agreement with USFWS and the City's long-standing commitment to work with both the California Department of Fish and Game and the USFWS to prepare a Habitat Conservation Plan [HCP] for the endangered Kit Fox.)
R. Lata, Community Development Director
19. Adopt Resolution No. 02-150 approving a Cooperation Agreement between the City and County of San Luis Obispo to establish joint participation in the Federal Community Development Block Grant (CDBG), Home Investment Partnerships (HOME) and Emergency Shelter Grant (ESG) programs. (In 1993, 1996 and 1999 the City entered into 3-year cooperation agreements with the County regarding CDBG, HOME and ESG funds. In order to continue the urban county relationship [which enables the City to periodically receive additional CDBG funds from the Special Urban Projects Fund and to have "non-competitive" access to HOME and ESG funds], the cooperation agreement needs to be renewed. This agreement provides that, even though the City would defer its entitlement to an urban county, the city will receive the same share of federal CDBG funds [about \$290,000] than it would otherwise receive had it not so deferred. Additionally, the City will have the opportunity to compete for an extra \$150,000 via the Special Urban Projects Fund.)
R. Lata, Community Development Director
20. Adopt Resolution No. 02-140 approving an amendment to the Compensation and Benefit Plan for Service Employees International Union (S.E.I.U) effective April 1, 2002, to March 31, 2006. (The S.E.I.U. bargaining group has ratified a tentative agreement that will establish pay and benefits that are comparable to the City's defined labor market and are internally aligned with the balance of the city work force.)
M. Williamson, Assistant to the City Manager

Those items pulled for further discussion were:

3. Receive and file Advisory Body Committee minutes as follows:

Citizens Airport Advisory meeting of May 23, 2002
Pioneer Museum meeting of June 13, 2002

Mayor Mecham called for public comments on Consent Item No. 3. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty questioned the status of the directional signage funding for the airport entrance at Hwy. 46. He directed staff to investigate the possibility of CalTrans funding for the signage.

11. Adopt Ordinance No. 832 N.S. amending the Street Furniture Code. (Chapter 11.30 of City's Municipal Code.) FIRST READING JULY 2, 2002.
R. Lata, Community Development Director

Mayor Mecham called for public comments on Consent Item No. 11. Speaking from the public was Steve Martin. There were no further comments from the public, either written or oral, and the public discussion was closed.

13. Adopt Resolution No. 02-143 authorizing the City Manager to enter into a Cooperative Agreement with the National Park Service in establishing de Anza Trail markers.
R. Lata, Community Development Director

Mayor Mecham called for public comments on Consent Item No. 13. Speaking from the public was Lydia Francis, spokeswoman for a local trails association. 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 approve Consent Items No. 3, 11 and 13; Item No. 8 to be heard following Discussion Item 26.1. Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

21. **Oak Tree Ordinance – Municipal Code Amendment 2001-001**

R. Lata, Community Development Director

Consider a proposed update to the City's Oak Tree Preservation Ordinance. (The Planning Commission has recommended that [1] 6-inch trunk diameter 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] the level of oak tree protection measure enforcement be increased; [5] the Public Works Department be responsible for approving tree trimming requests; [6] the Community Development Department be responsible for processing tree removal requests; and [7] the City recover costs for processing tree trimming and removal requests.) FIRST READING JUNE 4, 2002

Mayor Mecham opened the public hearing. Speaking from the public were Jack Brazeal, Michael Kane, Kathy Barnett, and Janice Cranston. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Picanco, moved to direct staff to return with an amendment in the wording of the ordinance to add a clause that a person may trim a tree on their own property if there is no construction or entitlement involved in the process. Motion passed by the following roll call vote:

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

At 8:55 PM the City Council took a 5-minute break, reconvening at 9:00 PM.

22. Request to Remove an Oak Tree – Lot 95 of Tract 2223-2 (Frank Arciero/Ken Buchanan)

R. Lata, Community Development Director

Consider a request to remove one 19-inch Native Blue Oak tree located near the extreme west end of Mesa Road. (The subject tree was identified in a January 2000 arborist report as being in poor condition and likely to be further impacted by the proposed grading. The tree, however, was preserved and a retaining wall was installed in order to attempt to save the tree. An arborist report, dated May 14th, indicates that the original mitigation has failed and the tree is in continuous decline.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-151 approving the oak tree removal request (based on the arborist's determination that mitigation attempts were made to preserve the tree, but the tree's health is in decline) to remove the 19-inch Native Blue Oak tree on Lot 95 of Tract 2223-2. Motion passed by the following unanimous roll call vote:

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

23. Request to Remove an Oak Tree – 1402 Spring Street

R. Lata, Community Development Director

Consider a request to remove one 6-inch diameter oak tree at 1402 Spring Street. (A recent court decision has instructed the applicant's neighboring property owner to relocate its existing utility lines through the recorded easement along the northern property line where the subject tree is located.)

Mayor Mecham opened the public hearing. Speaking from the public was Jennifer Soni (property owner). 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. 02-152 approving the removal of one 6-inch diameter oak tree located at the rear of the business located at 1402 Spring Street, and requiring replacement oak trees conforming to Section 10.01.040 (E) of the Paso Robles Municipal Code, either on the subject parcel or elsewhere in the City at the direction of the Streets Superintendent. Motion passed by the following unanimous roll call vote:

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

24. Salinas Riverbed Clearing

J. Deakin, Public Works Director

Consider awarding a service contract to low bidder Bob Blanchard/Mitch Roth of Paso Robles for clearing the Salinas Riverbed using goats. (Vegetative clearing was identified as a means to mitigate flooding and enhance Salinas River flow. Council expressed support for clearing the river to mitigate flood potential and directed staff to solicit bids for animal browsing. Two proposals were received at the public Bid Opening on June 20, 2002, and Blanchard/Roth submitted the low bid. The proposal is responsive.)

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

Due to the urgent nature of timing based on information recently made available to Mayor Mecham, Councilmember Finigan, seconded by Councilmember Nemeth, moved to add to the agenda for action the consideration of working with the California Conservation Corp for clearing the riverbed. 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 Nemeth, moved to allocate \$80,000 for Salinas Riverbed clearing, working with the California Conservation Corp to begin clearing at the beginning of August 2002 (\$60,000 to be allocated to the California Conservation Corp, \$10,000 for monitoring and \$10,000 for contingency funding). Motion passed by the following unanimous roll call vote:

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

25. "Bert"

J. Deakin, Public Works Director

Consider relocating the Pioneer Statue "Bert" from the City Park to the Pioneer Museum.

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to leave "Bert" at his present location, taking preservation measures as appropriate. Motion passed by the following unanimous roll call vote:

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

26. Downtown Trash Receptacles

J. Deakin, Public Works Director

Consider purchasing trash receptacles for the downtown commercial area. (During the past several years the downtown core has been revitalized in several ways. These changes have produced a substantial increase in foot traffic, requiring additional containment capacity for trash.)

Mayor Mecham opened the public hearing. Speaking from the public were Carol Samuels, Steve Martin and Hazel Horn. 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 purchase 20 trash receptacles at this time for the downtown commercial area, with an appropriation for additional receptacles to be considered at the next budget session, and directing staff to consult with the Main Street Association when choosing locations for the receptacles. Motion passed by the following unanimous roll call vote:

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

26.1 Traffic Control Measures on Pacific Avenue

J. Deakin, Public Works Director

Consider approving temporary stop signs on Pacific Avenue. (Residents on Pacific Avenue have requested that traffic-calming devices be installed along Pacific Avenue to reduce speed of travel. The Streets and Utilities Committee met with residents and staff on June 28, 2002, and is forwarding its recommendations to Council.)

Mayor Mecham opened the public hearing. Speaking from the public were Mary Dallas, Aaron Dilbeck, Amalia Plemons, Alan Jackson, Gene Ernst, Janice Cranston, and Hazel Horn. 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 (1) accept the recommendation by the Streets and Utilities Committee to install temporary stop signs at two intersections: Pacific Avenue at Merryhill Road and Pacific Avenue at Grove Street; and (2) direct the Streets and Utilities Committee to evaluate the effects of foregoing mitigation, report back to Council on the long-term need for sign placements, and consider adding another stop sign along Pacific Avenue at Cherry Street. Motion passed by the following unanimous roll call vote:

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

CONSENT ITEMS PULLED FOR DISCUSSION

- 8. Adopt Ordinance No. 829 N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 02-003 / southeast corner of Serenade Drive and South River Road, changing the zoning designation from R2-PD (Low Density Multi-Family Residential - Planned Development) to R4-PD (High Density Multi-Family Residential - Planned Development). FIRST READING JULY 2, 2002.
R. Lata, Community Development Director

Mayor Mecham opened the public hearing. Speaking from the public were Mike Toohey, Edward Tedeschi, Liz Solvera, Raye Chasteen, Amalia Plemons, Martha DeWeese, Brenda Sullivan, LaRue Howard, Tim Sullivan, Betty Carlton and Kathy Barnett. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Heggarty, moved to approve Consent Item No. 8. Motion passed by the following roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

- 27. **Airport Ad Hoc Committee Report**
J. Heggarty, Councilmember

Receive verbal report from Airport ad hoc committee.

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

A report was given on actions of the ad hoc committee formed at the June 5, 2001, City Council meeting to review Airport Master Plan draft documents. Councilmember Heggarty provided information on the availability of a government subsidy that may be available for enhancing amenities at the Airport and low interest loans for building hangars that might also be available through CalTrans. He asked that a future item be agendized for Council review of airport leases and policies.

It was the general consensus of the Council to receive and file the report.

COUNCIL COMMENTS

- Councilmember Nemeth asked that staff provide information to him on any sewer issues at the municipal pool.

PUBLIC COMMENT ON CLOSED SESSION - None

CLOSED SESSION

Council moved to adjourn from regular session at 11:05 PM and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

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

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:07 PM.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 1:00 AM on Wednesday, July 17, 2002.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced that no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 1:05 AM on Wednesday, July 17, 2002.

ADJOURNMENT: to THE GENERAL PLAN PUBLIC WORKSHOP AT 7:00 PM ON THURSDAY, JULY 18, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE MAYORS & COUNCILMEMBERS EXECUTIVE FORUM, JULY 24-27, 2002, AT THE MONTEREY CONFERENCE CENTER; TO THE CHANDLER RANCH ALTERNATIVES WORKSHOP AT 7:00 PM ON TUESDAY, JULY 30, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, AUGUST 6, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: August 20, 2002