

CITY COUNCIL MINUTES
Tuesday, August 5, 2003 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**

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

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

PUBLIC COMMENTS

- Kelsey Kolhler, a 12-year old ambassador for Relay for Life, announced *The Fifth Annual Relay for Life Day* to be held at the Mid-State Fair Grounds August 23-24 and invited Council and local residents to attend and participate in this event.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS - None

PUBLIC HEARINGS

1. Code Amendment 03-006: Allow Zero Setbacks for Buildings along Spring Street between 1st and 9th Streets (Culver)

R. Lata, Community Development Director

Consider a change in the Zoning Code of the Municipal Code to amend Table 21.16.210 to allow zero setbacks for buildings along Spring Street, south of 9th Street. (Current Code requires a 15-foot landscaped setback for buildings along Spring Street, except for the area between 9th and 16th Streets, where no setbacks are required. Applicant Mitchell Culver is proposing the construction of a building having a zero setback on the vacant parcel located at 724 Spring Street. The bottom floor of the 4,200 square foot building would be commercial/retail and the upper floor would be residential/caretaker.)

Mayor Mecham opened the public hearing. Speaking from the public was Mitch Culver (applicant). There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-143 adopting a Negative Declaration for Code Amendment 03-006.

Motion passed by the following roll call vote:

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to introduce for first reading Ordinance No. XXX N.S. approving Code Amendment 03-006 amending Title 21 of the Zoning Code of the Municipal Code to amend Table 21.16.210 to allow zero setbacks for buildings along Spring Street between 1st and 9th Streets; and set August 19, 2003, as the date for adoption of said Ordinance.

Motion passed by the following roll call vote:

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

2. Rezone 03-002: Zone Change for 935 Creston Road (Bernard)

R. Lata, Community Development Director

Consider a zone change of the approximate one-acre property located at 935 Creston Road to bring the zoning into conformity with its General Plan land use designation of RMF-L (Residential Multiple Family – Low, up to 8 units/acre). (Property is situated generally to the west of Orchard Drive. Applicant Nanci Bernard is seeking to change the present zoning of R1 [Single-family Residential] to R2 PD [Duplex/Triplex Planned Development].)

Mayor Mecham opened the public hearing. Speaking from the public was Dean Coker, representing Castlerock Development (owner). There were no further comments from the public, either written or oral.

Councilmember Finigan, seconded by Councilmember Heggarty, moved to continue this item to a future meeting to allow staff to gather additional information. Additionally, if the application changes materially, Council directed that the item be returned first to the Planning Commission.

Motion passed by the following roll call vote:

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

3. Rezone 03-004: Zone Change for 2500 Dry Creek Road (Hogue, Inc.)
R. Lata, Community Development Director

Consider amending Title 21 of the Municipal Code to apply an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road. (Property is approximately 102 acres at the southwest corner of Airport Road and Dry Creek Road, adjacent to the Paso Robles Municipal Airport. Applicant Aaron Hogue made application for a zone change to accommodate continued agricultural operation of his vineyard and allow use of a gravel [versus asphalt] drive for access to a caretaker's unit. At its July 8th meeting, the Planning Commission recommended approval of this zone change.)

Mayor Mecham opened the public hearing. Speaking from the public were Aaron Hogue (applicant), Joyce Sprague, Dale Gustin, Chuck Miller, Neil Hogue, and Wayne Caruthers (Chairman of the Citizens Airport Advisory Committee). There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to introduce for first reading Ordinance No. XXX N.S. amending Title 21 of the Zoning Code of the Municipal Code to apply an AG (Agriculture) Overlay to the property at 2500 Dry Creek Road (APN 025-431-031); and set August 19, 2003, as the date for adoption of said Ordinance.

Motion passed by the following roll call vote:

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

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 No. 4, 6 – 11 and 13 - 14 were approved on a single motion by Councilmember Heggarty, seconded by Councilmember Picanco, with Items No. 5, 12, 15 and 16 being pulled for discussion.

4. Approve City Council minutes of May 14, May 21, June 3, June 17, June 24, July 9, and July 15, 2003.
D. Fansler, City Clerk

Clerk noted a correction to the Minutes of May 21: Council action should correctly read to continue discussion to June 3 and adjourn to June 3.
6. Receive and file Advisory Body Committee minutes as follows:
Housing Authority meeting of July 8, 2003
Library Board meeting of June 12, 2003
Parks & Recreation Advisory Committee meeting of June 10, 2003
Pioneer Museum Board of Directors meeting of June 12, 2003
Senior Citizen Advisory Committee meeting of June 9, 2003
7. Proclamation: *Fifth Annual Relay for Life Day – August 23 and 24*
F. Mecham, Mayor
8. Read, by title only, and adopt Ordinance No. 863 N.S. amending the Zoning Code of the Municipal Code to establish regulations for Residential Density Bonuses. (The California Government Code requires local governments to grant density bonuses and other incentives for housing projects that are affordable to moderate-, low-, and very low-income households. At its meeting of June 10, 2003, the Planning Commission conducted a public hearing and unanimously recommended that the Council approve the draft ordinance.) FIRST READING
JULY 15, 2003
R. Lata, Community Development Director
9. Adopt Resolution No. 03-144 approving an Operator's Agreement and authorize the Mayor to execute the Agreement. (At its April 15th meeting, Council approved a Memorandum of Understanding [MOU] with the regional transit planning agency, San Luis Obispo Council of Governments (SLOCOG). This action represented the first step towards submission of an application for Federal Transit Administration 5307 funding. The approved MOU called for the execution of an operator's agreement within 180 days of the adoption of the MOU.)
M. Compton, Administrative Services Director
10. Adopt Resolution No. 03-145 authorizing the filing of applications for Federal Transit Administration (FTA) 5307 funding and giving the City Manager or his designee the authority to execute said applications. (Council approved Resolution No. 03-102 on June 17th authorizing the filing of applications for FTA funding. Subsequently, the FTA advised that the words "or his designee" needed to be included in all three of the resolution paragraphs designating signatory authority.)
M. Compton, Administrative Services Director
11. Adopt Resolution No. 03-146 approving a Sublease Agreement between B. Kim Lilly (Airport Rental & Leasing) and Marguerite Nunn for property on the Municipal Airport. (The City currently holds a long-term property lease, in good standing, with Airport Rental & Leasing at 4720 Wing Way, and the requested sublease is consistent with the provisions of this lease.)
J. Deakin, Public Works Director
13. Adopt Resolution No. 03-147 allocating the City's allotment of 2003 Community Development Block Grant (CDBG) funds. (Council adopted resolutions in March and April 2003 determining which activities were to be funded with the City's 2003 CDBG funds. The City needs to make appropriations for the projects.)
R. Lata, Community Development Director

14. Receive and file a request to rescind approval for Parcel Map PR 01-266, as the map was recorded in the Office of the County Recorder on July 11, 2003, and no further action on the part of Council is required. (Property is a 3-lot subdivision located on the east side of Golden Hill Road, north of Rolling Hills Road and south of Gilead Lane. Parcel Map PR 01-266 was tentatively approved by the Planning Commission on July 24, 2001, and accepted by Council on May 20, 2003.)
R. Lata, Community Development Director

Items pulled for discussion:

5. Approve Warrant Registers: Nos. 41568 – 41691 (7/10/03), 41692 – 41857 (7/17/03) and 41858 – 41980 (7/25/03)
M. Compton, Administrative Services Director
12. Authorize the City Manager to sign contracts for plan review services with firms currently under contract with the City, including Naffa, Inc. (The Building Division uses outside sources for contract plan review, and it is periodically necessary to update these contracts.)
R. Lata, Community Development Director
15. Adopt Resolution No. 03-xx accepting the public improvements of Tract 2350 Phases 1 & 2 (Lots 1-91) into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$500,000. (This subdivision is located on Golden Hill Road and Rolling Hills Road, north of Creston Road. Public improvements, which the developer was required to install, have been constructed to the satisfaction of the City.)
R. Lata, Community Development Director
16. Dissolve the ad hoc committee formed in April 2003 to work with Community Development on updating fees for services in Building, Engineering and Planning Divisions, as the work of the committee has been completed.
R. Lata, Community Development Director

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to continue Consent Item No. 15 to September 2, 2003, to allow staff time to investigate concerns regarding the adequacy of storm drain improvements potentially impacting Rolling Hills Road and the adjacent subdivision to the north.

Motion passed by the following roll call vote:

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

Consent Items No. 5, 12 and 16 were approved on a single motion by Councilmember Heggarty, seconded by Councilmember Finigan, with Councilmember Picanco abstaining on Warrant Register Items No. 041644, 041653, and 041802 in Item No. 5.

PUBLIC DISCUSSION

17. Request to Remove Oak Tree – 130 17th Street (Cardelli)

R. Lata, Community Development Director

Consider a request from Warren Cardelli to remove one 30-inch Blue Oak at 130 17th Street. (An Arborist Report performed by Arbor Tree Surgery on June 9th indicates that the tree is diseased beyond correction. As the tree trunk is divided into two scaffolds and is structurally weak and dangerous, the arborist recommends removal of the tree.)

Mayor Mecham opened the public hearing. Speaking from the public were Mike Menath, Dale Gustin and Warren Cardelli (applicant). There were no further comments from the public, either written or oral, and the public discussion was closed.

Council took a 5-minute break at 8:25 PM, reconvening at 8:30 PM.

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-xx (1) approving the oak tree removal request based on the arborist report identifying the tree as diseased beyond correction, because the trunk is divided into two scaffolds and the tree is structurally weak and dangerous; and (2) based on the decline of the tree not being the property owner's fault, waiving the requirement for replacement trees.

Motion failed by the following roll call vote:

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-xx (1) approving the oak tree removal request based on the arborist report identifying the tree as diseased beyond correction, because the trunk is divided into two scaffolds and the tree is structurally weak and dangerous; and (2) requiring the applicant to furnish only one replacement tree.

Motion failed by the following roll call vote:

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

There was a consensus of Council to continue this item to a future meeting when the arborist could be present to clarify recommendations detailed in the Arborist Report.

18. Request to Remove Oak Tree – 1683 Bella Vista Court (Wise)

R. Lata, Community Development Director

Consider a request from Cindy and Larry Wise to remove one 31-inch Blue Oak at 1683 Bella Vista Court. (An Arborist Report performed on June 29, 2003 indicates that the tree is diseased beyond correction and recommends removal of the tree.)

Mayor Mecham opened the public hearing. Speaking from the public were Cindy Wise, Warren Cardelli, and Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue this item to a future meeting when additional information can be presented. Mayor Mecham suggested that staff get a recommendation from a second arborist.

Motion passed by the following roll call vote:

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

19. Request for Service with Septic Systems – Tract 2521 (Bertoni)

R. Lata, Community Development Director

Consider a request from John Bertoni to service nine lots (including two with existing houses on septic systems) with septic systems, as part of the development of Tract 2521. (Tract 2521 is located at 75 21st Street and is a subdivision of two existing lots into nine lots. The property consists of 11.9 acres, with each lot proposed to be at least one acre in size. In lieu of approving septic systems, the Public Works Department is recommending that the subdivider extend the sewer in 21st Street to serve the subdivision.)

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 Finigan, seconded by Councilmember Heggarty, moved to continue this item to a future Council meeting to allow staff time to gather additional information.

Motion passed by the following roll call vote:

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

20. Speed Zone Survey – Five Year Update

D. Cassidy, Chief of Police

Review and consider acceptance of the Speed Zone Survey completed by Omni-Means. (The City is required to complete a speed zone study every five years in order to comply with the State Vehicle Code for enforcement by use of radar. 52 roadway segments were surveyed in the Speed Zone Survey project. The Police Department has reviewed the data and recommends ratification and adjustment of speed limit signs recommended by Omni-Means.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Lawrence Mora, Carol Jansen, Mickey Cook, and Ross Ainsworth (Omni-Means Engineers & Planners). There were no further comments from the public, either written or oral, and the public discussion was closed.

Chief Cassidy noted an error on Line 11 of the Speed Zone Survey in regards to Golden Hill Road.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-148 accepting the Speed Zone Survey with correction to Line 11 and authorizing the update and enforcement of posted speed limits within the City of Paso Robles.

Motion passed by the following roll call vote:

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

21. Traffic-Calming Measures – Rambouillet Road/Nicklaus Drive Corridor

J. Deakin, Public Works Director

Consider speed-reducing road design alternatives (traffic-calming measures) in the Rambouillet Road/Nicklaus Drive corridor. (Omni Means Traffic Engineers completed a Traffic Calming Study for this corridor in June 2002. After a review by the Streets and Utilities Committee in July 2003, the Committee recommended presentation of the traffic-calming alternatives and their related costs to the full Council.)

Representatives from Omni-Means Engineers—President Ross Ainsworth and Project Manager Britt Fussel—attended the meeting and were available for questions from Council.

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

Council agreed by unanimous voice vote to appoint Mayor Mecham and Councilmember Heggarty to a two-member ad hoc committee to analyze and report on traffic-calming alternatives to the Streets and Utilities Committee, reporting back to the full Council by December 31, 2003, and to continue presentation of the traffic calming alternatives to a future meeting.

22. Lead Abatement Remediation – 13th Street Bridge Widening Project

J. Deakin, Public Works Director

Consider entering an agreement with Portney Construction to perform lead abatement/remediation measures for the 13th Street Bridge Widening project. (The City needs to demolish existing structures on the former “White/Dodd” property in order to convert the property to its intended use—open space, passive use. Prior to demolition, lead abatement/remediation on the structures must be performed.)

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-149 directing the City Manager to enter into a Professional Services Agreement with Portney Construction to perform lead abatement/remediation services based on Proposal No. 1 identified in the staff report for a not-to-exceed fee of \$40,025.

Motion passed by the following roll call vote:

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

23. North County Transit Study – Review Scope of Work

M. Compton, Administrative Services Director

Review and comment on proposed Scope of Work for a Request for Proposals to be distributed by San Luis Obispo Council of Governments (COG) for a North County Transit Study. (North County transit providers agreed to a one-time allocation of monies from Federal Transit Administration 5307 funds for COG to undertake this study.)

Mayor Mecham opened the public hearing. Speaking from the public was Peter Rodgers (Planning Manager for SLOCOG). There were no further comments from the public, either written or oral, and the public discussion was closed.

Council provided feedback to the San Luis Obispo Council of Governments representative relative to the Scope of Work for the North County Transit Study.

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CITY MANAGER

24. Council Advisory Bodies – Term Limits

J. App, City Manager

Clarify policy intent regarding the implementation of term limits for Advisory Body members. (Council Policies & Procedures were adopted by Council in December 2001. The Policies include provisions limiting Advisory Body members to three consecutive terms of service. At the time of Policy adoption, implementation details were not examined. Since adoption, some re-appointments have been, or may be, considered that require clarification of policy intent.)

Mayor Mecham opened the public hearing. Speaking from the public was Wayne Caruthers (Chairman of Airport Advisory Committee). There were no further comments from the public, either written or oral, and the public discussion was closed.

Council clarified its intent regarding implementation of term limits for Advisory Body membership as specified in the Council Policies & Procedures adopted in December 2001: Section 3.3.4 of the Council Policies provides that “no person shall be eligible for appointment to one standing committee for more than *three full consecutive terms*. . .” Council affirmed their original intent that this applies only to committee appointments subsequent to the date of policy adoption.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION – None

AD HOC COUNCIL BUSINESS

25. Federal Transit Administration (FTA) 5307 Memorandum of Understanding (MOU) - Committee Appointments

M. Compton, Administrative Services Director

Consider appointing committee members to the North County Transit Technical Committee and the North County Transit Policy Committee. (In April 2003, Council approved an MOU with the City of Atascadero, County of San Luis Obispo, San Luis Obispo Council of Governments and San Luis Obispo Regional Transit Authority regarding the “planning” aspect of FTA 5307 funding. A section of the MOU relating to “governance” establishes two aforementioned committees.)

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

It was the consensus of Council to appoint Michael Compton and Jody Dauth as members to the North County Transit Technical Committee and Mayor Frank Mecham as member to the North County Transit Policy Committee, with Councilmember Jim Heggarty as alternate.

26. Newsrack Ordinance Amendment - Appointment of Ad Hoc Committee
R. Lata, Community Development Director

Consider forming an ad hoc committee to discuss amendments to the City's newsrack ordinance and to discuss possible adoption of a City-standard newsrack enclosure.

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

It was the consensus of Council to appoint Councilmembers Finigan and Picanco to an ad hoc committee to discuss amendments to the City's newsrack ordinance and to discuss possible adoption of a City-standard newsrack enclosure, reporting back to the full City Council by December 31, 2003.

COUNCIL COMMENTS - None

PUBLIC COMMENT ON CLOSED SESSION - None

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

Council moved to adjourn from regular session at 10:25 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 11:47 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 12:00 AM, Wednesday, August 6, 2003.

ADJOURNMENT: to THE LOCAL AGENCY FORMATION COMMISSION (LAFCO) GENERAL PLAN WORKSHOP AT 9:00 AM ON THURSDAY, AUGUST 21, 2003, IN THE CHAMBERS OF THE COUNTY BOARD OF SUPERVISORS, 1035 PALM STREET, SAN LUIS OBISPO; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, AUGUST 19, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: August 19, 2003