

CITY COUNCIL MINUTES

Tuesday, March 2, 2004 7:30 PM

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

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

Lead by Scout Kyle Alexander, Boy Scouts of America, Troop 101

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

PUBLIC COMMENTS

- Kathy Barnett extended thanks to the League of Women Voters of California for sponsoring a candidates forum for the County Board of Supervisors. She also asked questions about the Lake Nacimiento Water Project and impacts to Paso Robles from proposed developments in San Miguel and Shandon.

AGENDA ITEMS TO BE DEFERRED

Bob Lata, Community Development Director, announced that the Noticed Public Hearing regarding Street Abandonment 03-003 is being recommended for continuance to March 16, 2004. (This hearing was noticed, but was inadvertently omitted from the agenda.)

City Manager App announced that Agenda Items Nos. 2 and 8 are being recommended for continuance.

Street Abandonment 03-003 (Bernstein-Bell) – Portion of Leland Street

R. Lata, Community Development Director

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

Councilmember Finigan, seconded by Councilmember Nemeth, moved to continue the public hearing of Abandonment 03-003 to March 16, 2004.

Motion passed by unanimous voice vote.

PRESENTATIONS

1. Briefing on, and Confirmation of, Continuing Local Emergency

J. App, City Manager

Receive verbal briefing on status of emergency and community recovery. Consider approving a resolution to continue local emergency. (State law requires Council to review the need for continuing the local emergency at its regularly scheduled meetings until the local emergency is terminated. Council is required to proclaim the termination of the local emergency “at the earliest possible date that conditions warrant.”)

Mayor Mecham opened the public hearing. Speaking from the public was Nick Sherwin. 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. 04-39 determining that a local emergency continues to exist.

Motion passed by the following unanimous roll call vote:

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

Councilmember Picanco stepped down from the dais and declined from voting on Item No. 2 due to a possible conflict of interest.

PUBLIC HEARINGS

2. Demolition Permit No. 04-004 (Former Joshua’s – Applicant: Heritage Oaks Bank)

R. Lata, Community Development Director

Continue the noticed public hearing to consider a demolition permit for improvements located at 500 13th Street (former Joshua’s). (Applicant has requested that hearing be continued to March 16, 2004.)

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

Councilmember Finigan, seconded by Councilmember Nemeth, moved to continue the open noticed hearing regarding the subject demolition permit to March 16, 2004.

Motion passed by the following roll call vote:

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

Councilmember Picanco returned to his seat at the dais.

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. There being no comments from the public, either written or oral, the public discussion was closed.

Consent Calendar Items Nos. 3 – 7 and 9 - 12 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan, with the exception of Item No. 8 being pulled for discussion and with Councilmember Picanco abstaining on Warrant Register Items 046001, 04674 and 04675.

3. Approve City Council minutes of February 3 and 17, 2004.
D. Fansler, City Clerk
4. Approve Warrant Registers: Nos. 45825 – 45993 (2/13/04) and 45994 – 46100 (2/20/04)
M. Compton, Administrative Services Director
5. Receive and file Advisory Body Committee minutes as follows:
Library Board of Trustees meeting of January 8, 2004
Parks & Recreation Advisory Committee meeting of January 13, 2004
Senior Citizen Advisory Committee meeting of January 12, 2004
Youth Commission meeting of January 7, 2004
6. Proclamation Red Cross Month – March 2004
F. Mecham, Mayor
7. Proclamation Absolutely Incredible Kid Day – March 18, 2004
F. Mecham, Mayor
9. Adopt Resolution No. 04-40 annexing Oak Park Senior Housing PD 02-018 into Landscape and Lighting District No. 1 (Applicant: Paso Robles Nonprofit Housing Corp. This project is a 40 unit apartment complex for low-income seniors, located on the northeast corner of 28th and Park Streets. PD 02-018 was originally approved by the Planning Commission with the condition that the property annex into the Landscape and Lighting District.)
R. Lata, Community Development Director

10. Adopt Resolution No. 04-41 accepting the public improvements of Tract 2404 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 \$18,611. (Applicant: Oak Creek Commons. This subdivision is located on Nicklaus Drive, south of Niblick Road and west of Rambouillet Road. All public improvements [with the exception of the seal coat and new striping of Nicklaus Drive] required as Conditions of Approval have been constructed in compliance with the improvement plans and applicable City Standards.)
M. Williamson, Interim Public Works Director
11. Adopt Resolution No. 04-42 awarding a construction contract in the amount of \$73,096.78 to repair earthquake damages at Centennial Park to Newton Construction Company. (Bid proposals for this project were solicited and five proposals were received. The low bid submitted by Newton Construction Company was reviewed and found to be a responsive bid.)
M. Williamson, Interim Public Works Director
12. Approve a Special Events request from the North County Cloud Clippers (a local radio controlled model aircraft club) to utilize a portion of the Municipal Airport to host an open house/airmeet *Airport Day 2004* on Saturday, September 11, 2004. (The Airport hosts a number of aviation fly-ins and special events each year as part of its on-going promotional effort. The Airport Advisory Committee reviewed the request from the Cloud Clippers at their January 22nd meeting and recommends approving the request.)
M. Williamson, Interim Public Works Director

CONSENT ITEM PULLED FOR DISCUSSION

8. Adopt Resolution No. 04-xx accepting the public improvements of Tract 2296 into the City's maintenance system. (Applicant: Republic Properties. This subdivision is located on Signora Rosa Court, north of Mesa Road. All public improvements required as Conditions of Approval have been constructed in compliance with the improvement plans and applicable City Standards.)
R. Lata, Community Development Director

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to continue Agenda Item No. 8 to the Council meeting of March 16, 2004.

Motion passed by the following unanimous roll call vote:

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

DISCUSSION

13. **Request for a Temporary Use Permit to Use a Recreational Vehicle as a Temporary Residence in Conjunction with a Building Permit (Cromwell)**

R. Lata, Community Development Director

Consider approving the occupation of a recreational vehicle parked in the 1400 block of Chestnut Street in conjunction with a building permit issued to shore up a structure at 305 14th Street. (Applicant: Vickie Cromwell. Vehicle is parked in the public right-of-way along the Chestnut Street frontage of applicant's property.)

Mayor Mecham opened the public hearing. Speaking from the public were Joel Heilmann and James Cromwell. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved that, subject to the property owner meeting code requirements and obtaining a building permit for their shoring plan, the City Council authorize Vickie Cromwell to utilize a recreational vehicle parked in the Chestnut Street right-of-way as a temporary residence in conjunction with a valid building permit for a maximum period of 180 days, consistent with Section 21.23C.040I, conditioned upon the Cromwells removing all unauthorized storage from the public right-of-way and subject to confirmation from the Chief of Emergency Services and Building Official that all applicable codes are complied with relative to use of the recreational vehicle.

Motion passed by the following unanimous roll call vote:

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

14. **Golden Hill Road Water Reservoirs Earthquake Repairs**

M. Williamson, Interim Public Works Director

Consider approving the preparation of bid documents to repair the Golden Hill Road water reservoirs, which were damaged as a result of the San Simeon earthquake. (Each of the City's two 4-million gallon steel reservoirs sustained damage in the San Simeon earthquake.)

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to direct staff to initiate the repairs to both reservoirs by authorizing the City Manager to engage the services of Boyle Engineering to prepare the construction documents for the repair of both tanks for a not-to-exceed fee of \$90,200.

Motion passed by the following unanimous roll call vote:

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

15. 21st Street (Westside) Reservoir

M. Williamson, Interim Public Works Director

Provide direction regarding the future operation and function of the 80-year old 21st Street reservoir. (In November 2003, Council authorized staff to prepare an evaluation study of the reservoir and present options for repairs.)

Mayor Mecham opened the public hearing. Speaking from the public were Matt Masia, Chuck Mendelson, Mike Menath and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to determine that the existing 21st Street reservoir has reached the end of its service life and direct staff to initiate steps to design two new 4-million gallon concrete tanks at this location.

Motion passed by the following unanimous roll call vote:

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

Council took a 10-minute recess, reconvening at 9:13 p.m.

16. Water Conservation/Rationing Plan - Summer 2004

M. Williamson, Interim Public Works Director

Consider authorizing a Water Conservation/Rationing Plan for late spring and summer 2004. (During the December 22, 2003, earthquake, the City lost use of one of its above ground 4-million gallon storage tanks. The loss of storage capacity will persist through the summer 2004, thereby constituting an operational urgency to conserve 25% of the City's normal summertime water demand.)

Mayor Mecham opened the public hearing. Speaking from the public was Maggie Cox (Barnett, Cox & Associates), Chuck Mendelson, Tom Hardwick and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-43 implementing the City's Water Conservation Plan; and authorizing the City Manager to execute an agreement with Barnett, Cox & Associates for water conservation material.

Motion passed by the following unanimous roll call vote:

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

17. Mineral Hot Springs Project

M. Williamson, Interim Public Works Director

Report of progress and plans to examine options for the Library/City Hall mineral hot springs. (Following the December 22, 2003, earthquake, a mineral hot spring ruptured underground and surfaced onto the parking lot. The City’s engineers and outside experts have developed a three-track plan to further evaluate, use and/or mitigate the spring.)

Mayor Mecham opened the public hearing. Speaking from the public was David Kudiaj. 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 receive and file the staff report.

Motion passed by unanimous voice vote.

18. Mitigated Negative Declaration for Airport Test/Production Water Well and Pipeline

R. Lata, Community Development Director

Consider approval of a Mitigated Negative Declaration for the development of a test/production water well and connecting pipeline. (The proposed well would be located on Airport property approximately 100 feet south of Tower Road and approximately 1.1 mile east of Airport Road. The pipeline would be approximately 1 mile in length and will connect the well to an existing pipeline near the CDF facility.)

Mayor Mecham opened the public hearing. Speaking from the public was Joy Sprague. 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. 04-44 approving a Mitigated Negative Declaration for the Airport test/production water well and pipeline project.

Motion passed by the following roll call vote:

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

19. Enforcement of Removal of Illegal Signs

R. Lata, Community Development Director

Provide direction to staff regarding enforcement of codes related to illegal signs. (Due to the proliferation of illegal signs, most of which are related to real estate activity, enforcement priorities and options need to be addressed.)

Mayor Mecham opened the public hearing. Speaking from the public were Mike Menath 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 Finigan, moved to direct staff to forward a letter to the Board of Realtors seeking their cooperation and assistance in enforcing the City's sign codes, with the understanding that if they are not successful in obtaining voluntary compliance from their members that the City's Police Department will undertake active enforcement measures.

Motion passed by the following unanimous roll call vote:

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

20. Development Impact Fee Update

R. Lata, Community Development Director

Consider an amendment to the contract with David Taussig & Associates to prepare an update of the City's Development Impact Fees. (David Taussig & Associates are contracted to prepare the City's Community Facilities District [CFD], one of the steps necessary to ensure fiscal neutrality called for in the new General Plan. Updating the City's Development Impact Fee schedule is another of the General Plan implementation steps. By having Taussig prepare both the CFD and Development Impact Fee update, the City can better coordinate the scope of work.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to authorize the City Manager to enter into an addendum to the current scope of work with David Taussig & Associates to undertake the update of the Development Impact Fees at a not-to-exceed contract amount of \$38,000.

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 - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

21. **Seismic Safety Ordinance Update - Ad Hoc Committee**

R. Lata, Community Development Director

Consider appointing an ad hoc committee to review and consider an update to the current seismic safety retrofit requirements.

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to appoint Councilmembers Nemeth and Heggarty to an ad hoc committee to address issues relating to an update to the current seismic safety retrofit requirements, and report back to the full Council July 3, 2004.

Motion passed by unanimous vote.

22. **Oak Park Specific Plan - Ad Hoc Committee**

R. Lata, Community Development Director

Consider appointing an ad hoc committee to formulate scope of the specific plan and work with members of the Nonprofit Housing Corp. to develop a viable long-term plan for the Oak Park area.

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to appoint Councilmember Finigan and Mayor Mecham to an ad hoc committee to address issues relating to future development in the Oak Park area, and report back to the full Council September 7, 2004.

Motion passed by unanimous vote.

23. **Development Standards for Mixed-Use, High-Density Multi-Family and Senior Housing Projects - Ad Hoc Committee**

R. Lata, Community Development Director

Consider appointing an ad hoc committee to address issues relating to an update to the current development standards for Mixed-Use, High-Density Multi-Family, and Senior Housing Projects.

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to appoint Councilmember Finigan and Mayor Mecham to an ad hoc committee to address issues relating to an update to the current development standards for Mixed-Use, High-Density Multi-Family, and Senior Housing Projects, and report back to the full Council September 7, 2004.

Motion passed by unanimous vote.

24. Barney Schwartz Concession Stand Operations – Ad Hoc Committee

B. Partridge, Library & Recreation Services Director

Consider appointing an ad hoc committee to review options for Barney Schwartz Park concession operations.

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 Mayor Mecham, moved to appoint Councilmembers Picanco and Nemeth to review options for Barney Schwartz Park concession operations, and report back to the full Council by April 6, 2004.

Motion passed by unanimous vote.

COUNCIL COMMENTS

- Responding to a recent article in The Tribune newspaper concerning a perceived shortage of emergency service personnel in Paso Robles, Councilmember Nemeth highlighted the fact that the current council has approved 11 new full-time positions in the Department of Emergency Services during its tenure since 2000.

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

CLOSED SESSION - None

By general consensus, Council moved to adjourn from regular session at 10:10 PM.

ADJOURNMENT: to THE REGULAR MEETING AT 7:30 PM ON TUESDAY, MARCH 16, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

FUTURE MEETINGS

- Downtown Vision Workshop at 7:00 p.m. on Thursday, March 4, 2004, at the Paso Robles Inn, 1103 Spring Street, Paso Robles
- 2004 CDBG Funds Hearing at 7:00 p.m. on Thursday, March 11, 2004, at the Library/City Hall Conference Center, 1000 Spring Street
- Seismic Safety Commission meeting 3:00 p.m. – 6:30 p.m. on Thursday, March 11, 2004, at the Paso Robles Inn, 1103 Spring Street, Paso Robles

- Hearing on the San Simeon Earthquake (a Seismic Safety Commission meeting) 9:00 a.m. – 7:00 p.m. on Friday, March 12, 2004, at the Paso Robles Inn, 1103 Spring Street, Paso Robles
- Chamber of Commerce Dinner at 6:00 p.m. on Saturday, March 13, 2004, at the Pavilion Building at the Mid-State Fair Grounds, Paso Robles

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: March 16, 2004