

CITY COUNCIL MINUTES

Tuesday, August 17, 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

Led by Scout Kevin Alexander, Boy Scouts of America, Troop 101

INVOCATION

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

PUBLIC COMMENTS

- Del Velten spoke about City government and the responsibilities of Council.

PRESENTATIONS

Mayor Mecham announced the American Cancer Society's "Sixth Annual Relay for Life" being held August 21st and 22ⁿ at the Mid-State Fairgrounds.

1. **Recognition – Chaunte Howard**
Member of the 2004 Athens Olympic Team.

Mayor Mecham, accompanied by Director of Library & Recreation Services Barbara Partridge, saluted the achievement of local student Chaunte Howard in making the 2004 Olympic High-jump Team.

2. Recognition – Paso Robles Firefighters Association, Paso Robles Realtors Association, Senior Citizen Advisory Committee, and REC, Inc.

The Departments of Emergency Services and Library & Recreation Services have developed an AED program for locations at the Municipal Pool, Centennial Pool, City Hall/Library and the Senior Center. Mayor Mecham, assisted by Chief Ken Johnson and Captain Randy Harris of the Department of Emergency Services, and Recreation Services Manager Charlotte Gorton, presented Certificates of Recognition from the City to those organizations that donated funds to purchase Automatic External Defibrillators.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App announced that Agenda Items Nos. 3, 4, 5, and 8.1 have been recommended for continuance.

PUBLIC HEARINGS

3. Demolition 04-009 – Determination of Historic or Architectural Significance of Existing Unreinforced Masonry Building at 1213 Vine Street for Demolition/Reconstruction Permit Application (Henderson Family Trust)

R. Lata, Community Development Director

Continue the open public hearing to allow time for applicant to provide additional information. (Owner/applicant: Alice Henderson Rodriguez.) CONTINUED FROM JULY 6 AND 20, 2004

Mayor Mecham opened the public hearing. Speaking from the public was Jack Sloan. There were no further comments from the public, either written or oral.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue the open public hearing to the City Council meeting of September 7, 2004. Staff was directed to notify owner/applicant of neighboring property owners' concerns regarding clean-up of the property and trimming of overhanging trees.

Motion passed by the following unanimous roll call vote:

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

4. Appeal of Planning Commission Approval of Amendment to Planned Development PD 02-003 – East Village Associates LLC

R. Lata, Community Development Director

Continue the open public hearing regarding a proposed amendment to PD 02-003 regarding vehicular access to the East Village (Food 4 Less) shopping center. CONTINUED FROM JULY 6, 2004

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue the open public hearing to the City Council meeting of September 7, 2004.

Motion passed by the following unanimous roll call vote:

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

5. Appeal of Notice and Order for 1234 Pine Street by the Property Owner

R. Lata, Community Development Director

Consider appeal of a Notice and Order issued for a leaning building at 1234 Pine Street. (Property is a 120-year old wood, framed building. The City's recent assessment showed that the building is leaning and rotating four inches, exceeding limits set by code for this type of building.) CONTINUED FROM JULY 6, 2004

Mayor Mecham opened the public hearing. Speaking from the public was Ron French. There were no further comments from the public, either written or oral.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue the public hearing to the City Council meeting of September 21, 2004.

Motion passed by the following unanimous roll call vote:

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

6. Zone Change 04-006 (Beechwood Area – Annexation No. 87)

R. Lata, Community Development Director

Consider the Planning Commission's recommendation regarding a pre-zone of property proposed for annexation to the City. (The Beechwood Annexation includes approximately 235 acres, 13 separate properties, and has 9 different property owners. Properties are located in the County unincorporated area east of the City, south of an eastward extension of Meadowlark Road and north of Creston Road. The PG&E electric transmission lines form the eastern boundary. Subject properties were anticipated for annexation in the 2003 General Plan update and future development was anticipated in the Final Environmental Impact Report. Pre-zoning of the property is a step in the annexation process; there is no development proposed at this time. The Planning Commission is scheduled to hold a noticed public hearing on August 10, 2004 and a verbal report of the Commission's recommendation will be provided at the August 17th Council meeting.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner (North Coast Engineering), Ruth Reasor, Mike Gibson (Chamber of Commerce), Tom Roush, Del Velten, Irv McMillan, and Tom Hardwick. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to make a finding that there is no need for additional environmental assessment in conjunction with the pre-zone as a part of the annexation process; and introduce for first reading Ordinance No. XXX N.S. establishing a pre-zone pattern consistent with the General Plan (which provides RSF-3 with up to 200 units of multi-family for a total of not to exceed 674 dwelling units, all subject to approval of a specific plan which would be required prior to granting any entitlements for subdivision of properties within the proposed annexation area), and set September 7, 2004, as the date for second reading and adoption of the pre-zone ordinance.

Motion passed by the following roll call vote:

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

7. Code Amendment 04-003 – Zoning Map and Zoning Ordinance Amendment to Establish a Mixed-Use Overlay Zoning District and Mixed-Use Development Regulations

R. Lata, Community Development Director

Consider an amendment to the Zoning Map to add a Mixed-Use Overlay district and establish development regulations, including site development standards and design guidelines for mixed-use development projects. (The Planning Commission unanimously recommends the Mixed-Use Overlay zoning district.)

Mayor Mecham opened the public hearing. Speaking from the public Mike Gibson (Chamber of Commerce). There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue this item to the Council meeting of October 5, 2004, to allow for assessment of the downtown parking plan by the Council ad hoc committee.

Motion passed by unanimous voice vote.

8. Establishment of Undergrounding Districts for Overhead Utilities

M. Williamson, Interim Public Work Director

Consider establishing a utility undergrounding district from the north side of 10th Street to the south side of 9th Street and from the west side of Spring Street to the east side of Park Street. (Rule 20 funds [funds accrued through Pacific Gas & Electric Company for the purpose of undergrounding of utilities] may be allocated for established Undergrounding Districts. This will allow undergrounding of utilities for the future Court House without impacting the project budget.)

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 Councilmember Finigan, moved to adopt Resolution No. 04-176 establishing Undergrounding District Area No. 5, thereby allowing undergrounding work to be accomplished using Rule 20 Funds.

Motion passed by the following unanimous roll call vote:

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

8.1 Municipal Code Amendment 04-004: Refinements to Oak Tree Preservation Ordinance (City-Initiated)

R. Lata, Community Development Director

Open and continue a noticed public hearing on an update to the City's Oak Tree Preservation Ordinance. (As the Planning Commission continued its discussions on this item, it is recommended that Council also reschedule its consideration of the Code Amendment.)

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue the open noticed hearing regarding the subject Code Amendment to September 21, 1004.

Motion passed by unanimous voice vote.

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 Nos. 9, 10, 11, 13, 15 and 16 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Finigan, with the exception of Items Nos. 12 and 14 being pulled for discussion, and with Councilmember Picanco abstaining on Warrant Register Item No. 049385.

9. Approve City Council minutes of August 3, 2004
D. Fansler, City Clerk

10. Approve Warrant Register: Nos. 49307 – 49429 (7/30/04) and 49430 – 49601 (8/6/04)
M. Compton, Administrative Services Director

11. Receive and file Advisory Body Committee minutes as follows:
Housing Authority meeting of July 13, 2004

13. Receive and file update status report on the 1001 Grant of \$500,000 in State CalHome funds; and adopt Resolution No. 04-178 authorizing the submittal of an application to the California State Department of Housing and Community Development for funding under the CalHome Program, the execution of a standard agreement if selected for such funding, and any amendment thereto, and any related documents necessary to participate in the CalHome Program.
R. Lata, Community Development Director
15. Adopt Resolution No. 04-177 authorizing the application process for state grant funding, as outlined in the staff report, together with the execution of all pertinent documentation, as required. (The City has received federal grant funding from the Federal Aviation Administration [FAA] for the acquisition of replacement of airport crash rescue equipment. State grant funding, available through the State Department of Transportation [CALTRANS] Aeronautics Program, provides for additional funding of 5% of the federal grant.)
M. Williamson, Interim Public Works Director
16. As the work of the committee is complete, dissolve the ad hoc committee formed in December 2003 to review sewer and water user and impact fees.
M. Compton, Administrative Services Director

CONSENT ITEMS PULLED FOR DISCUSSION

14. Adopt Resolution No. 04-xx accepting the public improvements of Tract 2269 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond for \$198,200 and a landscape improvement bond for \$100,000. (Applicant: Danley, Erskine, et al. Subdivision is located on Golden Hill Road, north of Highway 46. With the exception of the parkway landscaping, 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

Staff announced that the applicant recommended that this item be continued.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to be continue this item to the Council meeting September 7, 2004.

Motion passed by unanimous voice vote.

12. Read, by title only, and adopt Ordinance No. 882 N.S. amending Sections 14.04.020 and 14.16.020 of the Municipal Code to approve an adjustment of water user fees. (At its July 20th meeting, Council approved participation in the Nacimiento Water Project [NWP] with the San Luis Obispo Flood Control District. A proposed increase in water user fees of \$6/month every July 1st from 7-2-05 through 6-30-10 [a total rate increase of \$36] will be used to fund the cost of participating in the NWP.) 1ST READING AUGUST 3, 2004
J. App, City Manager

Mayor Mecham opened the public hearing. Speaking from the public were Pascual Padilla and Del Velten. 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 determine that the property owners have complied with the intent of the Notice and Order issued in May 2004, and that no further action by staff is necessary.

Motion passed by the following unanimous roll call vote:

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

DISCUSSION

17. Tilting Block Fence – 800 Block of Niblick Road

R. Lata, Community Development Director

Receive information regarding a tilting masonry wall on the south side of the 800 block of Niblick Road. (The block fence/sound wall was constructed in 1985 and since its construction had tilted to the south into the rear yards of four property owners, constituting a hazard to the property owners or other individuals accessing the rear yards of the properties. On July 30, 2004, the property owners returned the wall to within 4 inches of vertical, mitigating the potential hazard for which the Notice and Order was issued by the City in May 2004.) CONTINUED FROM MAY 18, 2004

Mayor Mecham opened the public hearing. 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 determine that the property owners have complied with the intent of the Notice and Order issued in May 2004, and that no further action by staff is necessary.

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 5-minute break at 9:10 PM.

18. Private Gated Residential Developments and Other Barriers to Public Vehicular Traffic Flow

R. Lata, Community Development Director

Consider establishing a policy regarding private gated residential developments and other barriers to vehicular traffic. (Gates or other barriers to traffic flow could have significant impacts on overall City traffic circulation.)

Mayor Mecham opened the public hearing. Speaking from the public were Fred Strong and Del Velten. There were no further comments from the public, either written or oral, and the public discussion was closed.

Moved by Councilmember Nemeth, seconded by Councilmember Picanco, moved to refer this item back to staff for further refinement.

Motion passed by unanimous voice vote.

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS

- Mayor Mecham urged the Streets and Utilities Committee and engineering staff to review the traffic problems along the 13th Street Bridge corridor and possibly prohibiting right-hand turns during the construction period of the bridge. He also brought attention to the problem of westbound traffic merging from North River Road to 13th Street.

Council moved to adjourn from regular session at 9:35 PM. Motion passed by unanimous voice vote.

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

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: September 7, 2004