

# **CITY COUNCIL MINUTES**

**Tuesday, September 21, 2004 7:30 PM**

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

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**7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

**PLEDGE OF ALLEGIANCE**

Led by Scout Kevin Nicholas Kyle 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**

- Kathy Barnett suggested that fencing be installed around some of the trees in the 13<sup>th</sup> Street Bridge construction area. Ms. Barnett suggested that the City host an Americans with Disabilities Act workshop to disseminate information to the public regarding the ADA.

*Mayor Mecham announced that two Disabled Access Informational Seminars are planned for Monday, September 27<sup>th</sup>, at 8:00 a.m. and 11:00 a.m., in the City Hall Conference Center.*

**AGENDA ITEMS TO BE DEFERRED (IF ANY)**

City Manager Jim App announced that Agenda Items Nos. 2 and 3 have been recommended for continuance. Item No. 20 will also be continued to allow time for aeronautical service providers to be notified.

## **PRESENTATIONS**

### **1. Recognition – Howard McMasters**

R. Mecham, Mayor

Recognition of Howard McMasters, recipient of the Marvin M. Lewis Scouting Award.

As Mr. McMasters was unable to be present, this recognition will be postponed to a future meeting.

## **PUBLIC HEARINGS**

### **2. Municipal Code Amendment 04-004: Refinements to Oak Tree Preservation Ordinance (City-initiated)**

R. Lata, Community Development Director

Continue the open public hearing concerning an update to the City's Oak Tree Preservation Ordinance to allow the Planning Commission time to conclude their discussions. CONTINUED FROM AUGUST 17, 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 November 16, 2004.

Motion passed by unanimous voice vote.

### **3. Appeal of Notice and Order for 1234 Pine Street by the Property Owner**

R. Lata, Community Development Director

Continue the open public hearing regarding an 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 AUGUST 17, 2004

Mayor Mecham opened the public hearing. Speaking from the public was Dale Gustin. 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 October 5, 2004.

Motion passed by unanimous voice vote.

4. **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

Consider making a determination as to the historic or architectural significance of a building at 1213 Vine Street that was damaged in the December 22, 2003, San Simeon earthquake. (Council has the discretion to make a final determination of the subject building's historic or architectural significance prior to the processing of a demolition permit.) CONTINUED FROM SEPTEMBER 7, 2004

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 Heggarty, moved to approve Resolution No. 04-200 adopting a Negative Declaration pursuant to the requirements of the Guidelines for implementing the California Environmental Quality Act (CEQA), and direct that the demolition permit application be processed. (Any replacement structure/s will be the subject of future Development Review Committee consideration and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval.)

Motion passed by the following roll call vote:

AYES: Finigan, Heggarty, Nemeth, and Mecham  
NOES: Picanco  
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 Nos. 5 – 6, 8 – 10 and 14 - 15 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with the exception of Items Nos. 7, 11, 12, and 13 being pulled for discussion at the end of the agenda.

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

Pioneer Museum Board meeting of August 12, 2004  
Transit Advisory Committee meeting of June 2, 2004

6. Read, by title only, and adopt Ordinance No. 884 N.S. amending the Zoning Title of the Municipal Code to allow automotive repair facilities in the C1 zoning district, except for C1 districts west of Highway 101, subject to approval of a Conditional Use Permit (Code Amendment 04-005 – Majco, Inc.). (For construction of a 13,840 square foot Big Brand Tire Store on the 1.4-acre site located between Old South River Road and South River Road, just north of the PG&E substation.) 1ST READING SEPTEMBER 7, 2004

R. Lata, Community Development Director

8. (1) Adopt Resolution No. 04-202 accepting the recordation of Tract 2391, a 8-lot subdivision located on the west side of Beechwood Drive, south of Meadowlark Lane, and approving the Subdivision Improvement Agreement for Tract 2391 guaranteeing the construction of the subdivision improvements, with an established deadline of September 21, 2005, to complete these improvements, and authorizing the Mayor to execute the Agreement; and (2) adopt Resolution No. 04-203 annexing Tract 2391 into the Landscape and Lighting District. (Applicants: Mart and Laura Hundertmark and Don Benson. Tract 2391 was originally approved by the Planning Commission on January 9, 2001, and all conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
9. Adopt Resolution No. 04-204 establishing reimbursement fees for the construction of a sewer line and appurtenances in 18<sup>th</sup> Street and authorize the Mayor to enter into an Agreement with developer Chris Thomas for the City to collect the reimbursable amounts on behalf of the developer. (The sewer line provides sewer availability for the immediate area and thereby benefits other properties, allowing those properties the opportunity for development.)  
R. Lata, Community Development Director
10. Adopt Resolution No. 04-205 accepting the recordation of Parcel Map PR 04-0080, a 2-lot residential subdivision located at 823 22<sup>nd</sup> Street, east of Park Street. (Applicant: Steve Holman. Parcel Map PR 04-0080 was tentatively approved by the Planning Commission on May 11, 2004, and all conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
14. Adopt Resolution No. 04-209 approving a budget appropriation for \$144,000 from the Economic Incentive Fund for Paso Robles, GMC. (Council approved an economic incentive agreement with Paso Robles, GMC in July 2000. Their performance to date—expanding the vehicle dealership on the property—satisfies the terms of the incentive agreement.)  
M. Compton, Administrative Services Director
15. As the work of the committee is not yet complete, extend duration of the ad hoc committee formed in April 2004 for review and analysis of City-wide user fees (non-utility).  
M. Compton, Administrative Services Director

## DISCUSSION

### 16. Code Amendment – Fire Sprinkler Requirement

R. Lata, Community Development Director

Consider amending Municipal Code Sections 17.04.020 and 17.04.030 (Uniform Building and Fire Code) reducing the requirement to install fire sprinkler systems in buildings greater than 5000 square feet. (Property at issue is at 1529 North River Road, a 1500-square foot addition to an existing building, approximately 6500-square foot. In 1988, the City amended the Uniform Building and Fire Codes requiring new construction in excess of 5000 square feet to be equipped with fire sprinklers. An amendment to the current code requirement is a procedural alternative to complying with the City's Code.)

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

Councilmember Finigan, seconded by Councilmember Nemeth, moved to reject the proposed code amendment, maintaining the current requirements for fire sprinklers.

Motion passed by the following unanimous roll call vote:

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

**17. Request to Reconstruct Building with Encroachment into the Public Right-of-Way (Cagliero)**

R. Lata, Community Development Director

Consider a request by Phillip Cagliero to allow the structural retrofit of an existing commercial building with a permanent encroachment in the public right-of-way. (In August 2004, applicant submitted plans and a permit application for structural earthquake retrofits to the building located at 617-625 12<sup>th</sup> Street. During plan check, it was determined that the existing building encroaches into the public right-of-way approximately ten inches. Additionally, applicant proposes to construct new features that will extend further into the public right-of-way. A permit cannot be issued for the construction of a building outside of the boundaries of the property owned by the applicant unless Council approves abandonment of the public right-of-way involved in the encroachment.)

Mayor Mecham opened the public hearing. Speaking from the public were Phillip Cagliero, Dale Gustin, Pete Cagliero, Mike Gibson, and Norma Moyer. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to (1) direct that staff seek the opinion of the City Attorney to determine whether the encroachment permit process or a formal street abandonment on the existing building would be the most appropriate legal process to protect the City's best interest and grant staff authority to follow through with whichever process is recommended by legal counsel; and (2) direct that staff seek the opinion of the City Attorney to determine whether the encroachment permit process or a formal street abandonment on the proposed additional column support would be the most appropriate legal process to protect the City's best interest and grant staff authority to follow through with whichever process is recommended by legal counsel to approve the applicant's request to place additional structural reinforcing on the existing building in the public right-of-way.

Motion passed by the following unanimous roll call vote:

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

**18. AB 1600 Development Impact Fees for RV Parks**

M. Compton, Administrative Services Director

Consider a special development impact fee category for RV parks. (At the time the City’s AB 1600 fee study was prepared, a fee category for RV parks was not included. Since adoption of the fee schedule, a limited amount of verified traffic generation data has been published by the Institute of Traffic Engineers, which indicates the City may consider fee category alternatives.)

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 Heggarty, moved to adopt Resolution No. 04-210 (with revised Exhibit A) approving a new RV park fee category and set the fee at the 18 hour day rate.

Motion passed by the following unanimous roll call vote:

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

**19. Public Finance Goals and Policies**

R. Lata, Community Development Director

Receive and file a set of Draft Goals and Policies for implementing the General Plan provisions regarding “fiscal neutrality,” with formal consideration on October 19, 2004. (The intent of the Draft Goals and Policies is to provide tools to off-set any adverse financial impacts on the residents of Paso Robles from new residential development—cost of infrastructure or services and/or reduced levels of existing services resulting from the new development.)

Mayor Mecham opened the public hearing. Speaking from the public was consultant David Taussig (David Taussig & Associates), Kathy Barnett, and Fred Strong. 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 receive and file the Draft Goals and Policies and direct staff to prepare for formal City Council consideration of adoption at the Council meeting of October 19, 2004.

Motion passed by the following unanimous roll call vote:

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

*Council adjourned for a 10-minute recess at 9:20 PM.*

**20. Airport Regulations and Minimum Standards**

M. Williamson, Interim Public Works Director

Consider amended Rules & Regulations and Minimum Standards for Aeronautical Services for the Municipal Airport. (The Rules & Regulations are essential to the safe and efficient operation of the Airport. The Minimum Standards provide equal treatment of all who conduct business on the Airport, as required by the FAA.)

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 Nemeth, moved to receive and file the Airport Rules & Regulations and Minimum Standard Requirements for Airport Aeronautical Services and return same to Council for action at a future date.

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. Transit Advisory Committee**

M. Compton, Administrative Services Director

Consider membership of the Transit Advisory Committee (TAC) and provide direction regarding the recruitment to fill the current vacancy. (The City continues to experience considerable difficulty in recruiting interested persons to serve on the TAC.)

Mayor Mecham opened the public hearing. Speaking from the public was Nettie O'Brien. 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 dissolve the Transit Advisory Committee.

Motion passed by the following unanimous roll call vote:

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

**CONSENT ITEM PULLED FOR DISCUSSION**

7. Adopt Resolution No. 04-xx establishing a fee schedule for certain permits required in connection with repairs or demolition of residential structures as a result of earthquake damage. (The “zero fee” building permit schedule adopted by Council in February 2004 applied for a period of 120 days and expired June 1, 2004.)  
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. (Mr. Gustin, who requested that this item be pulled, had left the conference room.)

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-201 establishing a fee schedule for certain permits required in connection with repairs or demolition of residential structures as a result of earthquake damage.

Motion passed by the following unanimous roll call vote:

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

11. Adopt Resolution No. 04-xx approving a salary adjustment for the City Manager and Employment Contract amendment. (Based on the annual review of the City Manager’s performance recently conducted by the City Council, and in accordance with an amendment to the terms of the Contract, the annual base salary of the City Manager will be increased by 6% effective September 1, 2004.)  
I. Yang, City Attorney

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett and Mike Gibson (Chamber of Commerce). 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 adopt Resolution No. 04-206 approving a salary adjustment for the City Manager and Employment Contract amendment.

Motion passed by the following roll call vote:

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

12. Adopt Resolution No. 04-xx authorizing use of an existing bid process completed by the City of Los Angeles Department of Airports and purchase two infrared lidar systems from the low bidder Kustom Signals, Inc. (On September 7<sup>th</sup>, Council approved implementation of several measures to mitigate anticipated traffic problems related to construction of the 13<sup>th</sup> Street Bridge project. The approved purchases included two laser speed enforcement tools.)  
D. Cassidy, Chief of Police

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 Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-207 authorizing use of an existing bid process completed by the City of Los Angeles Department of Airports and purchase two infrared lidar systems from the low bidder Kustom Signals, Inc.

Motion passed by the following roll call vote:

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

13. Adopt Resolution No. 04-xx authorizing the City Manager to execute a contract with Blue Cross for medical coverage for one additional year. (The City's one-year health insurance contract with Blue Cross expires on September 30<sup>th</sup>. All employee bargaining groups have endorsed continuation of the current health contract for another year.)  
M. Williamson, Assistant to the City Manager

Mayor Mecham opened the public hearing. Speaking from the public was 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. 04-208 authorizing the City Manager to execute a contract with Blue Cross for medical coverage for one additional year.

Motion passed by the following unanimous roll call vote:

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

*Mayor Mecham announced that a Well Dedication in Honor of Dick Avery will be held at 11:00 a.m. on Friday, September 24, 2004.*

#### **COUNCIL COMMENTS**

- Councilmember Finigan announced that he will not be able to attend the Avery Well Dedication on Friday, as he will be out of town.

**ADJOURNMENT:** to CITIZENS AIRPORT ADVISORY COMMITTEE INTERVIEWS/APPOINTMENTS AT 7:00 PM, THURSDAY, SEPTEMBER 30, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE CHANDLER RANCH AREA SPECIFIC PLAN PUBLIC WORKSHOP AT 7:00 PM, MONDAY, OCTOBER 4, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, OCTOBER 5, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: October 5, 2004