

CITY COUNCIL MINUTES

Tuesday, January 4, 2005 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 Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong, and Mayor Frank Mecham

PUBLIC COMMENTS - None

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS - None

PUBLIC HEARINGS

1. Rezone 04-008 – J.M. Wilson Development

R. Lata, Community Development Director

Consider an application filed by North Coast Engineering on behalf of J.M. Wilson Development to rezone an 11-acre site in conformance with the General Plan Land Use designation. (Property is located at 1650 South River Road. Rezoning the site to R1,PD-4 [dwelling units per acre] on the lower portion of the site and to R1,PD-6 [6 dwelling units per acre] for the upper portion would bring the zoning into conformance with the General Plan. The rezone, in conjunction with Tentative Tract 2611 and PD 04-017, would allow for the development of a 45-lot single family residential subdivision. On a 5-1 vote the Planning Commission recommended that Council approve Rezone 04-008, and on a vote of 4-2 approved Tentative Tract 2611.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner (North Coast Engineering), Trevor Govers, Trudy Govers, Brenda Sullivan, Herb Sisti, Bill Tuttle, Ruth Dickey, Ron Jenkins, and Chester Zinn, Robert Spring, Kathy Barnett, and Billie Jones, and Robert Jeffries, and Scott Larsen. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Strong, seconded by Councilmember Nemeth, moved to introduce Ordinance No. XXX N.S. approving Rezone 04-008, rezoning a 11-acre site to R1,PD-4 and R1,PD-6 to be consistent with the current General Plan designation of RSF-4/RSF-6, in relation to Tract 2611; and set January 18, 2005, as the date for adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

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

2. Appeal of Planning Commission's Decision Not to Approve Planned Development 04-017 – J.M. Wilson Development

R. Lata, Community Development Director

Consider an appeal filed by J.M. Wilson Development of Planning Commission's decision to not approve Planned Development 04-017. (Property is located at 1650 South River Road. PD 04-017, in conjunction with Tentative Tract 2611 and Rezone 04-008, would allow for the development of a 45-lot single family residential subdivision. On December 14, on a vote of 4-2, the Planning Commission approved Tentative Tract 2611 and on a 5-1 vote recommended that Council approve Rezone 04-008. Approval of PD 04-017 failed on a 4-2 vote based on primarily architectural reasons [applicant requested certain deviations from the Zoning Code] related to the development proposed on the upper 7-acres of the site. Applicant is appealing the Commission's decision, stating that it is necessary to allow the deviations in order to provide a neighborhood that would be consistent with housing in the area.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner (North Coast Engineering) and Grant Roberts (Centex Homes), Marti Kemper, Trevor Govers, Bill Tuttle, Chester Zinn, John Wilson, Elizabeth Silveria, Kathy Barnett, Tim Sullivan, and Robert Jeffries. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt revised Resolution No. 05-001 upholding the Planning Commission's decision to not approve PD 04-017 and to refer the PD back to the Planning Commission, with the focus of the Commission's consideration on the issues of a masonry wall in appropriate locations along Oxen Court, landscaping to mitigate line-of-sight concerns, side yard setbacks, and the mix of houses between 2-story and 1-story.

Motion passed by the following unanimous roll call vote:

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

Council adjourned for a 10-minute recess at 9:30 PM.

3. General Plan Amendment 2004-001 (2 Parts)

R. Lata, Community Development Director

The General Plan is the City's primary long-range planning tool for land use, infrastructure, and public facilities. The State places a limit of four (4) amendments to any one element of the General Plan in a calendar year. In order to accommodate requests and needed updates, it is common, and permitted under Government Code Section 65358(b), to combine multiple General Plan Amendments into a single General Plan Amendment.

General Plan Amendment 04-01 is comprised of two separate parts as stated below

Oak Park Specific Plan Area (Part 1) Consider modifying those properties that are subject to a requirement for a Specific Plan prior to the granting of development entitlements. The proposal is to delete certain privately owned property that was included in an Oak Park Housing Project Specific Plan Area,

Airport Influence Area (Part 2) Modify the City's Airport Influence Area / Airport Noise Disclosure Area to reflect new geographic boundaries of the City.

Note: *Even though the two components are proposed as a single General Plan Amendment, it would be appropriate for each component to be considered as a separate public hearing item. The Council is requested to take a "straw vote" on each of the two parts at the conclusion of the respective public hearings. Final action on the General Plan Amendment as a whole should not be taken until the Council completes consideration of both of the two components.*

3.1 General Plan Amendment 04-01 – Specific Plan Designation – Part 1 of 2 (City Initiated)

R. Lata, Community Development Director

Consider the Planning Commission’s recommendation to modify the boundaries of the Oak Park Specific Plan area that was established through the 2003 General Plan update. This is the first part of a 2-part General Plan Amendment. (When the General Plan update was adopted in December 2003, a requirement was established for preparation of a specific plan for the Oak Park area. The overlay designation applies to both the Oak Park Public Housing Project and also some adjacent private property. The proposal under GPA 04-01, Part 1, is to reduce the boundaries of the specific plan requirement to just those publicly owned properties that are within the Oak Park Housing Project, thereby allowing owners of the private properties north of the Oak Park project the option to develop their parcels.)

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 hearing was closed.

After considering all available information and public testimony, Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-002 approving a Negative Declaration status for a component of General Plan Amendment 2004-01 – Oak Park Specific Plan Area.

Motion passed by the following unanimous roll call vote:

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

A straw vote was taken with a 5-0 vote to support approval of General Plan Amendment 04-01, which includes this component (Part 1) of a 2-Part General Plan Amendment.

3.2 General Plan Amendment 04-01 – Airport Influence Area – Part 2 of 2 (City Initiated)

R. Lata, Community Development Director

Consider the Planning Commission’s recommendation to amend the General Plan to redefine and modify the boundaries of the Airport Noise Disclosure Area that was established in 2001. This is the second part of a 2-part General Plan Amendment. (Council established the Airport Noise Disclosure Area for the City with GPA 01-01. The purpose and intent was to provide a public notice of the existence of the Paso Robles Municipal Airport [and related noise generation], particularly in relation to real estate transactions. The purposes of GPA 04-01, Part 2, are to re-establish the City’s Airport Noise Disclosure Area, expand its boundaries to include properties that have been recently annexed and are within the City’s Sphere of Influence, and to broaden the definition of the designated area to include not only “Noise Disclosure,” but also “Influence” pursuant to the Business and Professions Code requirements.)

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

After considering all available information and public testimony, Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-003 granting Negative Declaration status for a component of General Plan Amendment 2004-01 – Airport Influence Area.

Motion passed by the following unanimous roll call vote:

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

Final General Plan Amendment 04-01 Action: Councilmember Heggarty, seconded by Councilmember Picanco, moved to adopt Resolution No. 05-004 approving General Plan Amendment 2004-001, a 2-part General Plan Amendment regarding boundaries of the Oak Park Specific Plan Area and Airport Influence Area.

Motion passed by the following unanimous roll call vote:

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

ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY, REDEVELOPMENT AGENCY & CITY COUNCIL

ROLL CALL Agencymembers Jim Heggarty, Frank Mecham, Duane Picanco, Fred Strong, and Chairman Gary Nemeth

DISCUSSION

4. Redevelopment Agency Annual Report

M. Compton, Administrative Services Director

Consider accepting the Redevelopment Agency Annual Report for fiscal year 2004. (California Redevelopment Law requires that the Agency Board present an annual report to the City Council. The Annual Report was presented to the Agency's Project Area Committee on December 15, 2004, and they recommended acceptance of the report as presented.)

Chairman Nemeth opened the public hearing. There were no comments from the public and the public hearing was closed.

Agencymember Mecham, seconded by Agencymember Strong, moved to adopt Resolution No. RA 05-01 accepting the annual report for the fiscal year ended June 30, 2004.

Motion passed by the following unanimous roll call vote:

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

ADJOURN TO CITY COUNCIL MEETING

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 - 12 were unanimously approved on a single motion by Councilmember Picanco, seconded by Councilmember Heggarty.

5. Approve City Council minutes of December 21, 2004
D. Fansler, City Clerk
6. Approve Warrant Register: Nos. 52194 – 52360 (12/17/04) and 52361 – 52450 (12/23/04)
M. Compton, Administrative Services Director
7. Receive and file Advisory Body Committee minutes as follows:
Library Board of Trustees meeting of November 18, 2004
Senior Citizen Advisory Committee meeting of November 8, 2004
Youth Commission meeting of November 3, 2004
8. Read, by title only, and adopt Ordinance No. 890 N.S. amending Title 21 of the Zoning Code of the Municipal Code to approve Rezone 04-005 to rezone an 8.5-acre site to bring the zoning into conformance with the General Plan. (Property is located along the northern side of Meadowlark Road, between Beechwood Drive and Oriole Way. Rezoning the site to R1,PD-3 would bring the zoning into conformance with the General Plan designation of RSF-3. The rezone, in conjunction with Tentative Tract 2601 and PD 04-023, would allow for the development of a 20-lot single family residential subdivision.) 1ST READING
DECEMBER 21, 2004
R. Lata, Community Development Director
9. Read, by title only, and adopt Ordinance No. 891 N.S. amending Title 21 of the Zoning Code of the Municipal Code rezoning two property parcels from single family residential to multi-family. (Site is approximately 6.5 acres, located at 80 South River Road. Rezoning the site from R1,PD to R-3 is intended to bring the property zoning into conformity with the Land Use Map. 1ST READING DECEMBER 21, 2004
R. Lata, Community Development Director
10. Adopt Resolution No. 05-005 amending the City's adopted Conflict of Interest Code. (The Conflict of Interest Code is amended to add personnel classifications of City Planner, Water Resource Manager, and Airport Services Coordinator and delete the classifications of Principal Planner, Utilities Manager, and Airport Operations Manager.)
F. Fansler, City Clerk
11. Approve Mayor's liaison and ad hoc committee assignments.
F. Mecham, Mayor

12. Receive and file the Redevelopment Agency Annual Report for fiscal year 2004. (California Redevelopment Law requires that the Agency Board present an annual report to the City Council. The Annual Report was presented to the Agency's Project Area Committee on December 15, 2004, and they recommended acceptance of the report as presented.)
M. Compton, Administrative Services Director

DISCUSSION

13. **Request to Remove One Oak Tree – Tract 2611 (J.M. Wilson Development)**
R. Lata, Community Development Director

Consider a request to remove one 21-inch diameter Blue Oak tree. (Applicant has submitted a Tract Map to subdivide an 11-acre parcel into 45 lots for single family residential development. The oak tree proposed for removal is within the existing right-of-way of South River Road

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett and Christy Gabler (North Coast Engineering). 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 adopt corrected Resolution No. 05-006 approving the request for removal of one 21-inch diameter Blue Oak based on the tree being located within the right-of-way of South River Road and not being in good health; and require a replacement ratio of four (4) 1.5-inch diameter Blue Oak trees (or other combination of larger diameter trees, totaling 5-inches) to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional (e.g., Blue Oaks should be planted in an arid environment).

Motion passed by the following unanimous roll call vote:

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

14. **2005 Community Development Block Grant (CDBG) Program**
R. Lata, Community Development Director

Identify which applications for the City's 2005 Community Development Block Grant funds should be recommended in the Draft Annual Action Plan and set date for conducting a noticed public hearing to determine which activities are to be approved for funding with the City's 2005 CDBG funds. (Available CDBG funds are estimated to be approximately \$490,700. The City has received 20 applications for funds, totaling over \$725,000. In mid-January 2005, the County will publish a Draft Consolidated Plan, which will list all of the activities that are recommended for consideration by the various city councils and Board of Supervisors at public hearings to be held in February and March 2005.)

Mayor Mecham opened the public hearing. Speaking from the public were Angela Michaels, Karen Sorensen, Cathy Kelly (Municipal Pool/Therapy Pool); John Hamon (Children's Museum Rehabilitation); Eileen Allan (Executive Director of PR Women's Shelter); Kathy Barnett Small Business Development Center); Tammee Green (EOC's Senior Health Screening, Forty Wonderful Screening and Teen Academic Parenting); Lana Adams (Boys &

Girls Club); Pearl Munak (Motel Voucher Program); Jackie Sebro (Loaves and Fishes' Food Distribution); Bernardette Bernardi (Executive Literacy Program); Steve Thayer (Big Brothers & Big Sisters' Mentoring Program); Richard Gruener (Caring Callers); and Rev. Russ Mueller and Carlotte Byrne (ECHO – El Camino Homeless Organization shelter). There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Mecham, moved to identify the following applications to be listed in the Draft One Year Action Plan as being recommended for funding and to set Thursday, March 3, as the date for a public hearing to determine which activities are to be approved for funding with the City's 2005 CDBG funds.

Therapy Pool Rehab	\$161,335
LED Crosswalk #2.....	\$ 27,000
Children's Museum	\$135,875
Women's Shelter Rehab.....	\$ 6,000
Public Services Activities	\$ 68,790
EOC-Senior Health Screening	4,850
EOC-40 Wonderful.....	2,550
EOC-Teen Academic Parenting	3,850
HHP Motel Voucher	20,850
Literacy Council.....	2,850
Boys & Girls Club	5,890
Big Brothers/Big Sisters.....	3,850
Caring Callers	3,500
Loaves and Fishes.....	10,000
CASA	2,600
ECHO	5,000
La Clinica de Tolosa.....	3,000
Administration	<u>\$ 91,700</u>
Total	\$490,700

Motion passed by the following roll call vote:

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

15. Water and Wastewater Resource Management

J. App, City Manager

Consider amending Boyle Engineers' Water and Sewer Master Plan contract to broaden and integrate planning for water and wastewater resources. (Increasing water demands and ever-tightening regulations on both water and wastewater quality necessitates development of integrated water and wastewater management practices and more advanced treatment regimens. Boyle Engineers is currently preparing the City's water and wastewater master plans, as well as a wastewater treatment plant operations audit. Expanding their work to integrate water and wastewater planning would allow the City to amplify and galvanize its efforts.)

Iris Priestaf (Vice President of Todd Engineering), assisted by Christine Halley and Mike Nunley (Branch Manager Boyle engineering), conducted a visual presentation reviewing various elements of developing and integrating a water and wastewater resource management plan.

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 Strong, moved to adopt Resolution No. 05-007 appropriating \$400,000 for Boyle Engineers to prepare an integrated water and wastewater master plan and authorizing the City Manager to amend the current contract to expand the scope of work.

Motion passed by the following unanimous roll call vote:

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

16. Unmet Transit Needs Hearing

M. Compton, Administrative Services Director

Consider holding a local unmet transit needs hearing. (State law requires that public agencies received Transportation Development Act (TDA) funding hold an unmet transit needs hearing annually. SLOCOG has been and continues to be responsible for holding the public hearing on behalf of all TDA recipients countrywide.

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 not to hold a local unmet transit hearing, but rather to defer the hearings to the San Luis Obispo Council of Governments.

Motion passed by unanimous voice vote.

CITY MANAGER

17. Schedule Date for Applicant Interviews/Appointments - Project Area Committee

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Project Area Committee.

4 vacancies – 5 applicants

Terms: Three 3-year regular terms expiring December 31, 207

One 1-year regular term expiring December 31, 2005 to fill vacated term of Debra Smith

Applicants

James Cole
Anthony Horzen (incumbent)
Pat McMahan
Charles Treach
Christie Withers

It was the consensus of Council not to set a date for interviewing and making appointments to the Project Area Committee, as one applicant is an incumbent and the remaining four were recently interviewed for the Planning Commission. Individual balloting by Councilmembers will be done within the next week and submitted to Mayor Mecham. The voting summary and list of appointments will be announced at the Council meeting of January 18, 2005.

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS - None

By unanimous voice vote, Council moved to adjourn from regular session at 11:30 PM.

ADJOURNMENT: to US GEOLOGICAL SURVEY PRESENTATION AT 7:00 PM ON WEDNESDAY, JANUARY 5, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO A STATUE DEDICATION CEREMONY AT 11:30 AM ON FRIDAY, JANUARY 14, 2005, AT THE PUBLIC SAFETY CENTER, 900 PARK STREET; TO A MARTIN LUTHER KING, JR. CELEBRATION AT 7:00 PM ON FRIDAY, JANUARY 14, 2005, AT CENTENNIAL PARK; TO THE MEDIA WORKSHOP AT 10:00 AM ON TUESDAY, JANUARY 18, 2005, AT THE ATASCADERO LAKE PAVILION; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 18, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: January 18, 2005