

CITY COUNCIL MINUTES

Tuesday, February 1, 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

INVOCATION

ROLL CALL Councilmembers Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong, and Mayor Frank Mecham

PUBLIC COMMENTS

- Kathy Barnett expressed concerns about the Gateway Center and need for clean-up of the southwest corner of Spring and First Streets. She also inquired about the roofing materials to be used for the buildings in the Gateway Center development.
- Maria de Los Angeles Ramirez spoke about drug related problems in the area of 19th and Pine Streets and requested Police Department enforcement in this area.
- Chuck Miller representing the Estrella Warbird Museum encouraged the public to come to a program at the Museum tomorrow night for dinner and a movie.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS – None

PUBLIC HEARINGS

- 1. Determination of Historic or Architectural Significance of a Commercial Building located at 1307 & 1311 Park Street and a Request to Process a Pending Demolition Permit Application (Demolition 04-011 – Applicant: Gilson / Jackson & Co.)**

R. Lata, Community Development Director

Consider making a determination of historic or architectural significance of a commercial building proposed for demolition and to authorize a demolition permit. (Building is located at 1307 & 1311 Park Street. Although the subject building is in the City's Historic Resources Inventory, it is not on any local or State Register of historic structures. As such, the building's demolition is not subject to review other than that provided by Council.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to (1) approve Resolution No. 05-017 adopting a Negative Declaration, pursuant to the requirements of the Guidelines for implementing the California Environmental Quality Act (CEQA), and (2) direct that the demolition permit application be processed. Any replacement structure(s) will be the subject of a future Planned Development application 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 unanimous roll call vote:

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

- 2. Street Abandonment 04-005 (19th Street – Newton)**

R. Lata, Community Development Director

Consider abandoning a portion of 19th Street, an 80-foot wide street. (Applicant Eric Newton requested this abandonment for the purpose of expanding residential use of the abandoned area. The request is consistent with the Streets and Highway Code and the General Plan. The Streets and Utility Committee has recommended approval, and the Planning Commission recommends approval subject to retention of easements for City sewer, water and storm drain lines and other public utilities.) RESOLUTION OF INTENT TO ABANDON WAS ADOPTED ON DECEMBER 21, 2005

Mayor Mecham opened the public hearing. Speaking from the public Darrell Todd. 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 Resolution No. 05-018 abandoning a portion of 19th Street—an 80-foot right-of-way from Pine Street to the Union Pacific Railroad—and retain a public services easement for water, sanitary sewer, and public services as shown on Exhibit A as requested by the adjacent property owners subject to conditions set forth.

Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. Speaking from the public Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items Nos. 3 – 6 and 8 - 11 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Items Nos. 052807, 052925 and 052968 due to possible conflicts of interest.

Consent Calendar Item No. 7 was approved by a 4-1 vote on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Strong abstaining due to a conflict of interest.

3. Approve City Council minutes of January 18, 2004
D. Fansler, City Clerk
4. Approve Warrant Register: Nos. 52692 – 52856 (1/14/05) and 52857 – 53014 (1/21/05)
M. Compton, Administrative Services Director
5. Receive and file Advisory Body Committee minutes as follows:
Housing Authority meeting of January 11, 2004
Parks & Recreation Advisory Committee meeting of November 9 and December 14, 2004
Pioneer Museum Board meeting of December 9, 2004
Senior Citizen Advisory Committee meeting of December 13, 2004
Youth Commission meeting of December 1, 2004
6. Proclamation designating February 22, 2004 as *Spay Day USA*.
F. Mecham, Mayor
7. Read, by title only, and adopt Ordinance No. 893 N.S. amending the City's Zoning Map regarding property at the Northwest Corner of Creston and Rolling Hills Road (Zone Change 04-007 – North Coast Engineering / Woody Woodruff). (Property is located at the northwest corner of Creston and Rolling Hills Road. The subject parcels are currently zoned Office Professional [OP]. The General Plan calls for a change in land use to high density multi-family residential, allowing up to 20 dwelling units per acre.) 1ST READING JANUARY 18, 2005
R. Lata, Community Development Director
8. Adopt Resolution No. 05-019 awarding a 3-year contract for official advertising to The Tribune and the Paso Robles Press. (Request for Proposals was distributed to local

newspapers of general circulation in November 2004, with two vendors responding, one a daily, and one a weekly. Although Paso Robles Press was the low bidder, their weekly publishing schedule does not satisfy all City advertising requirements. To allow flexibility in meeting all noticing deadlines, contracting with both newspapers is recommended.)

D. Fansler, City Clerk

9. Adopt Resolution No. 05-020 authorizing the City Clerk, Department Directors, and/or the City Attorney to prepare ordinance summaries for publication pursuant to Government Code section 36933; and direct City Clerk to obtain cost estimates for determining most cost effective alternative for ordinance publication. (California Government Code requires the City Clerk to publish each municipal ordinance within 15 days following adoption. An alternative to publishing the full ordinance is to publish a summary.)

D. Fansler, City Clerk

10. Adopt Resolution No. 05-021 appropriating \$110,500 to Budget Account No. 100-110-5235-101; and authorize payment pursuant to the stipulation. (In 2000, the City updated its newsrack ordinance to limit the number and placement of freestanding newsracks located in the public right of way to reduce visual clutter on sidewalks and other public areas, while protecting public safety. Subsequent to its adoption, the ordinance was challenged in the Superior Court by The Tribune. In 2002, the Court rendered a decision, which invalidated the limitations on the maximum number of newsracks per block face. In 2004, the Court of Appeals upheld the Superior Court decision. In conjunction with the Court of Appeal determination, the City is responsible for payment of attorney fees for the plaintiffs and the City must cover costs that were stipulated in the Superior Court Case.)

M. Williamson, Assistant to the City Manager

11. Adopt Resolution No. 05-022 accepting the recordation of Parcel Map PR 03-304, a 4-lot residential subdivision located on the east side of Prospect Avenue, south of Bella Vista Court; and adopt Resolution No. 05-023 annexing Parcel Map PR 03-304 into the Landscape & Lighting District (L&LD). (Applicants: Joseph and Mary Egger. Parcel Map PR 03-304 was tentatively approved by the Planning Commission in January 2004. All conditions imposed have been satisfied. Applicants have signed a petition and voted in favor of annexation into the L&LD.)

R. Lata, Community Development Director

DISCUSSION

12. **Request to Remove Oak Trees – Tract 2620 (Vanderlip / Scanlan)**

R. Lata, Community Development Director

Consider approving the removal of 13 oak trees in conjunction with the development of a proposed 16-lot single family residential development. (Property is located east of North River Road, north of Union Road, at the terminus of Via Lantana and Via Magnolia. Ten trees are proposed for removal for road construction within the development and three trees in relation to the construction of homes. The Emergency Services Department has confirmed that the connection of the two streets is necessary to provide adequate circulation in this area of the City. If oak tree removals are not approved by Council, the project will need to be redesigned.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner (North Coast Engineering), Ted Elder (Elder & Elder, Ltd., landscape architects), Brian O'Kelly, Tom Hardwick, Kathy Barnett, Betty Miller, and Vince Vanderlip (property owner).

There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Strong, seconded by Councilmember Picanco, moved to adopt Resolution No. 05-024 approving the oak tree removal request based on the need to remove ten (10) trees in order to construct the road, and an additional three (3) trees in order to build homes, and require a replacement ratio of twenty-five (25) 1.5-inch-diameter Blue Oak and Valley Oak trees (or other combination of larger diameter trees totaling 37.25 inches) to be planted in a location that is appropriate for the species of tree as determined by a horticulture professional.

Motion passed by the following roll call vote:

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

13. Sewer and Water Development Impact Fees

M. Compton, Administrative Services Director

Consider modifying water and sewer development impact (connection) fees. (Fee adjustments are necessary for special sewer and water studies to enhance and integrate the master plans currently being prepared. In addition, the cost of the master plans included in the last fee update are understated, and costs of certain water system improvement projects listed in both the water Capital Improvement Projects budget and fee study are insufficient.)

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 adopt Resolution No. 05-025 adjusting sewer and water development impact (connection) fees and modifying appropriations for the CIP budget for water system improvements.

Motion passed by the following unanimous roll call vote:

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

14. Public Employees' Retirement System (PERS) Contract Revision

M. Williamson, Assistant to the City Manager

Consider amending the Public Employees' Retirement System retirement contract for the Police Officers Association (P.O.A.), the Miscellaneous group (Service Employees International Union - S.E.I.U.), and the Unrepresented Confidential, Professional, and Management bargaining groups. (The current PERS contract for the P.O.A. is a 2% at 50-years formula. The Memorandum of Understanding with the City calls for an amendment to a 3% at 50 years formula by April 1, 2005. The current PERS contract for the Miscellaneous group is 2% at 55 years. The Memorandum of Understanding between the City and these labor groups calls for an amendment to a 2.5% at 55 years formula by April 1, 2005.)

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

Councilmember Nemeth, seconded by Councilmember Strong, moved to (1) "Resolution of Intention" No. 05-026 establishing the City Council's intention to approve an amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System and the City of Paso Robles.; and (2) introduce for first reading Urgency Ordinance No. XXX N.S. authorizing an amendment to the Contract between the City of El Paso de Robles and the Board of Administration of the California Public Employees' Retirement System; and set March 1, 2005, for second reading 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

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

15. Water Rate Re-structuring - Ad Hoc Committee Formation

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to consider alternative water rate structures.

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

It was the consensus of Council to appoint a Councilmember Nemeth and Heggarty to assist in the development and preparation of alternative water rate structure; and report back to the full Council by July 1, 2005.

COUNCIL COMMENTS

- Councilmember Heggarty asked when City water statements will reflect usage in gallons versus units. Director Compton expressed the expectation that the new North Star computer software could support the conversion.

By unanimous voice vote, Council moved to adjourn from regular session at 8:45 PM.

ADJOURNMENT: to THE MID-STATE FAIR ANNUAL DINNER AT 6:30 PM ON FRIDAY, FEBRUARY 11, 2005, AT THE MID-STATE FAIR GROUNDS PAVILION BLDG; TO THE GOAL SETTING WORKSHOP AT 9:00 AM ON SATURDAY, FEBRUARY 12, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, FEBRUARY 15, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: February 15, 2005