



**CITY OF EL PASO DE ROBLES**  
*"The Pass of the Oaks"*

**CITY COUNCIL MINUTES**

**5:00 CLOSED SESSION / 6:30 REGULAR MEETING**

**February 7, 2017**

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**Location: Paso Robles Library/City Hall Conference Center  
1000 Spring Street, Paso Robles**

**5:00 PM – CALL TO ORDER**

**ROLL CALL**

**CLOSED SESSION ITEMS**

• **Public Employee Performance Evaluation**

Gov. Code section 54957

Title: City Manager

• **Conference with Legal Counsel – Existing Litigation (2 cases)**

Gov. Code section 54956.9(d)(1))

1. *Steinbeck Vineyards #1 LLC et al. v. County of San Luis Obispo, et al., Santa Clara County Superior Court Case No. 1-14-CV-265039*

2. *Robert Eidemiller v. County of San Luis Obispo, et al., Santa Clara County Superior Court Case No. 1-14-CV-269212*

• **Conference with Legal Counsel – Initiation of Litigation (1 Potential Case)**

Gov. Code section 54956.9(d)(4))

• **Meet and Confer Conference with Labor Negotiator**

Gov. Code section 54957.6

City Negotiator: Thomas Frutchey, City Manager  
Employee Organizations: International Association of Firefighters (IAFF)  
Police Officers Association (POA)  
Service Employees International Union (SEIU)  
Unrepresented Management  
Unrepresented Part-time Employees

**PUBLIC COMMENT REGARDING CLOSED SESSION MATTERS.** None

**ADJOURN TO CLOSED SESSION**

**6:30 PM – RECONVENE TO OPEN SESSION AND CALL REGULAR MEETING TO ORDER**

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**INVOCATION** - Pastor Sheean, Family Worship Center

**ROLL CALL** Councilmembers Steve Gregory, John Hamon, Fred Strong, Jim Reed, and Mayor Steven Martin

**STAFF AND COMMISSIONER INTRODUCTIONS**

**REPORT FROM CLOSED SESSION.** No reportable action.

**PRESENTATIONS**

1. **[Drought Conservation Progress Report](#)**

Director McKinley reported on City conservation efforts.

**PUBLIC COMMENT.** None

**GENERAL PUBLIC COMMENTS.** Linda Chimenti, Chip Tamagni, Russ Draper, Diana Weatherholt, Fernando Diaz, and Mason Seden-Hansen.

**AGENDA ITEMS TO BE DEFERRED.** None

## **CONSENT CALENDAR**

2. [Approve City Council Minutes from 1/17/17, 1/25/17, 1/26/17. 1/31/17](#)
3. [Receive Warrant Registers](#)
4. [Receive Advisory Body Minutes](#)  
Youth Commission (12/7/16)  
Library Board of Trustees (12/8/16)  
Planning Commission (01/10/17)
5. [Approve Resolution No. 17-011 - Amendment to SunEdison Agreement for Solar Power Projects](#)
6. [Creston Road Improvements Public Participation Plan Status Update and Consultant Selection and Contract Award](#)
7. [Breathing Air Compressor Replacement with Federal Grant Funds](#)
8. [Approve Resolution No. 17-012 - Self-Contained Breathing Apparatus \(SCBA\) Surplus and Disposal](#)
9. [Potential Service by the Mayor on the CJPIA Executive Committee](#)
10. [Award Construction Contract for Spring Street Repairs 10<sup>th</sup> to 16<sup>th</sup>](#)
11. [City ISA Certified Arborist List – Adding Cory Meyer, Arborist](#)

### **PUBLIC COMMENT.**

**ROLL CALL VOTE.** Motion made by Councilman Gregory and seconded by Councilman Strong to approve consent items 2-11 on a single motion.

**AYES:** Gregory, Strong, Hamon, Reed, Martin

**REPORT ON ITEMS APPROVED ON CONSENT.** City Manager Tom Frutchey provided a summary on the items approved on Consent.

## **PUBLIC HEARINGS**

12. [Smoking Ordinance](#)

**PUBLIC COMMENT.** Kathleen Karle, Jenelle Merzon, Jaiden Angulano, Zoe Murphy, Hannah Chambers, Chip Tamagni, Russell Draper, and Sasha Baer

**ROLL CALL VOTE.** Motion made by Councilman Gregory and seconded by Councilman Hamon to (1) introduce for first reading Ordinance No. XXXX to amend Chapter 9.41 of the municipal code to expand certain smoking restrictions, expressly prohibit smoking marijuana in public places, with amended language to definition 91.040.03; (2) to accept \$3,000 from the County to go towards signage purchases as offered by Kathleen Karle.; and (3) set February 21, 2017, as the date for second reading and adoption of the ordinance.

**AYES:** Gregory, Hamon, Strong, Reed, Martin

13. [Conditional Use Permit 16-006 \(Wine Boss – Thomas Booth Applicant\) 1317 Park Street: Consideration of a Recommendation from the Planning Commission to Approve a Conditional Use Permit for a Beer/Wine Lounge within an Existing Commercial Building with the Determination that Public Convenience or Necessity \(PCN\) would be Served by the Issuance of a Type 42 License by the California Department of Alcoholic Beverage Control \(ABC\)](#)

**PUBLIC COMMENT.** Thomas Booth

**ROLL CALL VOTE #1.** Motion made by Councilman Gregory and seconded by Councilman Hamon to approve Resolution No. 17-013 approving Conditional Use Permit 16-006, subject to site-specific conditions of approval.

**AYES:** Gregory, Hamon, Strong, Reed, Martin

**ROLL CALL VOTE #2.** Motion made by Councilman Gregory and seconded by Councilman Hamon to approve Resolution No. 17-014; determining that Public Convenience or Necessity will be served by the issuance of a Type 42 ABC license for the Wine Boss located at 1317 Park Street.

**AYES:** Gregory, Hamon, Strong, Reed, Martin

**14. Tentative Parcel Map 16-0165 and Oak Tree Removal 16-013 – 301 Creston Road (Omni Design Group/ Carol Hawkins Applicant). A Recommendation from Planning Commission to Approve a 4-lot Parcel Map to Subdivide an Approximately 3.45-Acre Parcel with an Existing Single-Family Residential Unit into Four Parcels Ranging in Size from Approximately 20,000 Square Feet to 1.23 Acres with a Request to Remove Four Oak Trees**

**PUBLIC COMMENT.** David Marshall and Chuck Tamagni

Motions made to approve the 4-lot Parcel Map to subdivide an approximately 3.45-acre parcel with an existing single-family residential unit into four parcels ranging in size from approximately 20,000 square feet to 1.23 acres with a request to remove four oak trees by taking the following actions:

**ROLL CALL VOTE #1.** Motion made by Councilman Gregory and seconded by Councilman Hamon to approve Resolution 17-015; approving Tentative Parcel Map 16-0165, subject to site-specific conditions of approval, and an amendment to remove the last line of condition number 7.

**AYES:** Gregory, Reed, Martin

**NOES:** Hamon, Strong

**ROLL CALL VOTE #2.** Motion made by Councilman Gregory and seconded by Councilman Strong to approve Resolution No. 17-016 approving Oak Tree Removal 16-013, subject to replacement requirements.

**AYES:** Gregory, Strong, Hamon, Reed, Martin

**Council took a brief break and resumed Public Hearing at 8:35pm.**

**15. Oak Tree Removal Permit 17-001 – 155 Flag Way and 13 Green Court / Country Club Estates). Request for Removal of Two Native Oak Trees Leaning Towards the Two Condominium Units**

**PUBLIC COMMENT.** Chip Tamagni

**ROLL CALL VOTE.** Motion made by Councilman Gregory and seconded by Councilman Strong to approve Resolution No. 17-017, approving OTR 17-001, authorizing the removal of the 12-inch Coast Live Oak and the 20-inch Valley Oak. Removal based on the trees being in poor condition, as indicated in the Arborist Report; and requiring that five 1.5-inch diameter Oak replacement trees (or a reduced number of larger diameter replacement trees adding up to 8-inches) be planted on site at the direction of the Arborist.

**AYES:** Gregory, Strong, Hamon, Reed, Martin

**DISCUSSION ITEMS**

**16. Approval of Professional Services and Procedures for Construction of Tertiary Treatment Facilities**

**PUBLIC COMMENT.** None

**ROLL CALL VOTE #1.** Motion made by Councilman Gregory and seconded by Councilman Hamon to authorize the City Manager to:

1. a) Extend an agreement with Black & Veatch for engineering services during construction for an amount of \$967,225; b) extend an agreement with Covello Group for construction management services for an amount of \$1,376,575; and c) extend an agreement with environmental monitor SWCA Environmental for an amount of \$59,791.
2. Direct the City Manager and City Attorney to make any minor changes in the above agreements that are found necessary and consistent with the Council's overall direction.

**AYES:** Gregory, Hamon, Strong, Reed, Martin

**ROLL CALL VOTE #2.** Motion made by Councilman Gregory and seconded by Councilman Hamon to approve Resolution No. 17-018 approving construction change order procedures for the Tertiary Treatment Facilities project.

**AYES:** Gregory, Hamon, Strong, Reed, Martin

17. [Planned Development 10-001 – Oak Park Redevelopment Phase Three: Council Consideration of a Request from the Paso Robles Housing Authority and Real Estate Development Services to Enter into a Fee Deferral Agreement in the Amount of \\$999,423 ± Providing for the Deferred Payment of Sewer and Water Connection Fees, Development Impact \(AB 1600\) Fees, and Building Permit Fees for Phase Three of the Redevelopment of Oak Park Public Housing](#)

**PUBLIC COMMENT.** David Cooke and Lauri Dole

**ROLL CALL VOTE #1.** Motion made by Councilman Gregory and seconded by Councilman Strong to approve Resolution No. 17-019 approving a deferral of Water Connection, Sewer Connection Fees, Development Impact Fees, and Building Permit Fees to assist the redevelopment of Phase Three of Oak Park Public Housing.

**AYES:** Gregory, Strong, Hamon, Reed, Martin

**ROLL CALL VOTE #2.** Motion made by Councilman Gregory and seconded by Councilman Strong to authorize the City Attorney to prepare a final Fee Deferral Agreement for execution by the Paso Robles Housing Authority for the City of Paso Robles.

**AYES:** Gregory, Strong, Hamon, Reed, Martin

18. [Bill Avery Contract](#)

**PUBLIC COMMENT.** None

**ROLL CALL VOTE.** Motion made by Councilman Gregory and seconded by Councilman Strong to authorize the City Manager to enter into agreement with Avery & Associates for the Fire Chief and Battalion Chief recruitments, in an amount not to exceed \$42,000.00

**AYES:** Gregory, Strong, Hamon, Reed, Martin

## **COUNCIL BUSINESS & COMMITTEE REPORTS**

### **19. Current Council Committee Activities Reports**

Councilmembers reported on actions at recent committee meetings and other organizations at which they represent the Council and City.

## **ADJOURNMENT of regular meeting at 9:50 p.m.**

Motion made by Councilman Gregory and seconded by Councilman Strong and passed unanimously to adjourn regular meeting.

Submitted by:

  
Kristen L. Buxkemper, Deputy City Clerk  
Approved: February 21, 2017