

CITY COUNCIL MINUTES

Tuesday, May 20, 2003 7:30 PM

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

PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR
TO THE MEETING WITH A COPY TO THE CITY CLERK

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

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

PUBLIC COMMENTS

- Keith Belmont complimented the City on its website.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

In recognition of *Older Americans Month*, Mayor Mecham recognized Dorothy Enright and Marie Wilson as *San Luis Obispo County Older Workers of the Year* and Edna De Bardelaben as *Senior Citizen of the Year*.

NOTICED HEARINGS

1. Street Abandonment 02-003 (Dry Creek Partners, LLC)

R. Lata, Community Development Director

Consider a request from Dry Creek Partners, LLC to abandon a variable width portion of Vine Street. (The property, which is south of 1st Street, is requested for abandonment to accommodate the applicant's proposed development. The Planning Commission has recommended approval of the abandonment.)

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 adopt Resolution No. 03-72 to abandon an unimproved portion of Vine Street right-of-way and retain an easement for water, sanitary sewer, storm drains, and public services as shown on the Exhibits "A" and "B" as requested by the adjacent property owners.

Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

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

Consent Calendar Items No. 2 - 4 to 6 – 12.1 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty (with Item No. 5 being pulled for separate discussion).

2. Approve City Council minutes of April 29 and May 6, 2003

D. Fansler, City Clerk

3. Approve Warrant Registers: Nos. 40221 – 40334 (5/2/03) and 40335 – 40496 (5/9/3)

M. Compton, Administrative Services Director

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

Youth Commission meeting of March 5 and April 2, 2003

6. Read, by title only, and adopt Ordinance No. 857 N.S. amending the Municipal Code to add Section 21.21.140 amending Table 12.16.200 relating to family day care homes (At its meeting of May 6th, Council approved this ordinance modifying the City's family day care regulations for conformance with state law. The City may no longer require a Conditional Use Permit for a Family Day Care Home with less than 14 children.) FIRST READING MAY 6, 2003

R. Lata, Community Development Director

7. Read, by title only, and adopt Ordinance No. 858 N.S. amending the Municipal Code to amend the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 003-001 – Langstaff (At its meeting of May 6th, Council approved this ordinance in conjunction with General Plan Amendment 003-001 [Part 2] to establish an Office Professional Zoning Overlay on existing Residential Low Density property bounded by Oak Street, 9th Street, the adjacent alley, and 8th Street. Applicants: Ryan and Jennifer Langstaff.) FIRST READING MAY 6, 2003
R. Lata, Community Development Director
8. Proclamation – Special Olympics Law Enforcement Torch Run Day – June 2 & 3 2003
F. Mecham, Mayor
9. Adopt Resolution No. 03-73 declaring certain City property as surplus and approving the method of disposal. (The City's adopted equipment replacement program provides for replacing computers on a pre-determined schedule. The age and configuration of the computer and office equipment prevents its re-installation or use at alternate City sites as it is no longer compatible with current technology.)
M. Compton, Administrative Services Director
10. Adopt Resolution No. 03-74 awarding a contract to low bidder MGE Underground in the amount of \$527,695 for rehabilitation/repair of various sewer mains. (Over 11,000 feet of pipe in the City need to be lined and/or repaired. A majority of the pipes are located in the older, west side of the City. Competitive bids were solicited and bid specifications were provided to 12 Plan Rooms. Five bids were received at the Bid Opening on May 8, 2003, ranging from \$527,695 to \$736,776.)
J. Deakin, Public Works Director
11. Adopt Resolution No. 03-75 (1) appropriating \$23,500, and (2) approving a Change Order to the contract with Maggiora Bros. Drilling, Inc. in the amount of \$23,268.76. (A contract to Maggiora Bros. Drilling, Inc. was awarded in April 2003 to rehabilitate Well No. 12 and Well No. 19. It was contemplated that the work required removing the existing impeller assembly, hydro-washing the existing assembly and then re-installing. Upon removal of the assembly, inspections indicate that it has deteriorated to the point where replacement is the only option.)
J. Deakin, Public Works Director
12. Adopt Resolution No. 03-76 accepting the recordation of Parcel Map PR 01-266; and Resolution No. 03-77 annexing Parcel Map PR 01-266 into the Landscape and Lighting District (L&LD). (Property is a 3-lot residential subdivision located on the east side of Golden Hill Road, north of Rolling Hills Road, and south of Gilead Lane. Applicant Ella Porter has signed a petition and voted in favor of annexation into the L&LD.)
R. Lata, Community Development Director
- 12.1 Adopt Resolution No. 03-78 awarding a bid for two replacement transit buses to low bidder Creative Bus Sales. (The City applied for and received a Federal Transit Administration 5311 grant to purchase two replacement buses. The buses are on the approved replacement schedule and are included in the adopted two-year budget. The grant requires a 20% local match, and the City has sufficient TDA funds to provide the grant match. Bid specifications were distributed and advertised in accordance with adopted purchase procedures and two bids were received.)
M. Compton, Administrative Services Director

Pulled for discussion:

5. Read, by title only, and adopt Ordinance No. 856 N.S. amending the Municipal Code to amend the Borkey Area Specific Plan to accommodate Planned Development 02-006 and Tract 2457 (Applicant: Mr. Dick Willhoit of Estrella Associates) – Specific Plan Amendment 03-001. (At its meeting of May 6, Council approved this ordinance, which incorporates Specific Plan Amendment 03-001 into the Borkey Area Specific Plan to: [a] eliminate the requirements and standards for the Salinas River Landscaped Greenbelt/Pedestrian Corridor ["trail"] on Open Space Lot 212 of Tract 2457 along the bluffs (thereby providing for Lot 212 to remain in private ownership, for Lot 212 to be the maintenance responsibility of others, not the City, and for the City to avoid the possibility of future involvement in any potential concerns, claims, or lawsuits that may be filed with respect to trail design, trail maintenance, handicap accessibility, lighting, and safety/security fencing); [b] require enhanced landscaping on Lot 212 of Tract 2457 to buffer development of the homes along the bluff from public view, subject to Development Committee review and approval prior to installation; and [c] authorize a 20-foot rear yard setback for those residential lots within Tract 2457 that abut River Oaks Drive except in Airport Zones 1 through 5, where this amendment will not apply, provided that employee housing shall be appurtenant to an approved commercial or industrial development; and subject to a provision that the ordinance shall sunset [expire] in 5 years.)
FIRST READING MAY 6, 2003
R. Lata, Community Development Director

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett, Richard Harvey, Tom Rusch and Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Item No. 5 was unanimously approved on a single motion by Councilmember Picanco, seconded by Councilmember Heggarty.

PUBLIC DISCUSSION

13. **Offer of Dedication (River Parcel, Tract 2457, Oak Knoll Ranch, LLC) and Accepting and Approving an Agreement to Grant Easements to Oak Knoll Ranch, LLC for Well and Water Line**
R. Lata, Community Development Director/ J. Deakin, Public Works Director

Consider authorizing the recordation of an Irrevocable and Perpetual Offer to Dedicate a parcel of land in and adjacent to the Salinas River, and approve an agreement to accept a quitclaim to the City for any interest in said parcel by Oak Knoll Ranch, LLC and consider grant of easements to Oak Knoll Ranch, LLC for an existing well and water line. (This Offer will correct a "cloud" of title to the property, which was referenced in Resolution No. 98-88 and subsequently recorded with the Offer to Dedicate attached; satisfy Condition No. 31 of the tentative approval of Tract 2457; and will allow Oak Knoll Ranch, LLC the right to use the well and water line located in the area of the Offer to Dedicate.)

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

Councilmember Nemeth, seconded by Mayor Mecham, moved to adopt Resolution No. 03-xx, as revised, accepting and authorizing recordation of the Irrevocable and Perpetual Offer to Dedicate provided by Oak Knoll Ranch, LLC and modify the Agreement to accept a quitclaim deed relieving Oak Knoll Ranch, LLC of any interest in said Offer and to grant appurtenant well and water line easements for the benefit of Oak Knoll Ranch, LLC with language added to the Agreement that Oak Knoll Ranch, LLC or successors in interest, connect to City-provided reclaimed water at such time said reclaimed water is available.

Motion failed by the following roll call vote:

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-xx, as revised, accepting and authorizing recordation of the Irrevocable and Perpetual Offer to Dedicate provided by Oak Knoll Ranch, LLC and approve the Agreement to accept a quitclaim deed relieving Oak Knoll Ranch, LLC of any interest in said Offer and to grant appurtenant well and water line easements for the benefit of Oak Knoll Ranch, LLC.

Motion failed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-79, as revised, accepting and authorizing recordation of the Irrevocable and Perpetual Offer to Dedicate provided by Oak Knoll Ranch, LLC and modify the Agreement to accept a quitclaim deed relieving Oak Knoll Ranch, LLC of any interest in said Offer and to grant appurtenant well and water line easements for the benefit of Oak Knoll Ranch, LLC with language added to the Agreement that Oak Knoll Ranch, LLC or successors in interest, connect to City-provided reclaimed water at such time said reclaimed water is available. Staff was authorized to proceed with recordation and work toward indemnification per City Attorney's approval.

Motion passed by the following roll call vote:

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

14. Acceptance of Tract 2457 (Oak Knoll Ranch, LLC) for Recordation, and Annexation into the Landscape and Lighting Maintenance District)

R. Lata, Community Development Director/ J. Deakin, Public Works Director

Consider taking action towards finalizing development plans for a residential subdivision. (Tract 2457 is a 10-lot subdivision of an 86-acre site, located on Clubhouse Drive, north of River Oaks Drive and west of Buena Vista Drive. Applicants [Oak Knoll Ranch, LLC] have signed a petition and voted in favor of annexation into the Landscape and Lighting District.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-80 accepting the recordation of Tract 2457, a 10-lot subdivision located on Clubhouse Drive, north of River Oaks Drive, and west of Buena Vista Drive.

Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-81 annexing Tract 2457 into the Landscape and Lighting District No. 1.

Motion passed by the following unanimous roll call vote:

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

15. Acceptance of Tract 2457-2 (Oak Knoll Ranch, LLC) for Recordation, Execution of Subdivision Improvement Agreement, and Annexation into the Landscape and Lighting Maintenance District

R. Lata, Community Development Director

Consider approving steps required for finalizing development plans for a residential subdivision. (Tract is a 79-lot subdivision of a 16.14-acre site, located on Clubhouse Drive, north of River Oaks Drive. As the public improvements have not been completed, a Subdivision Improvement Agreement guaranteeing the construction of the improvements within a one-year period would be signed. Payment and Performance Bonds are to be submitted and placed on file in the office of the City Engineer.)

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 Finigan, moved to adopt Resolution No. 03-82 accepting the recordation of Tract 2457-2, a 79-lot subdivision located on Clubhouse Drive, north of River Oaks Drive; and approving the Subdivision Improvement Agreement for Tract 2457-2, authorizing deferred construction of the subdivision improvements, with an established deadline of May 20, 2004, to complete these improvements, and authorizing the Mayor to execute the Agreement.

Motion passed by the following unanimous roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-83 annexing Tract 2457-2 into the Landscape and Lighting District.

Motion passed by the following unanimous roll call vote:

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

16. Street Abandonment 03-001 (Estrella Associates)

R. Lata, Community Development Director

Consider adopting a Resolution of Intent to abandon a 50-foot wide improved cul-de-sac street. (Applicant: Dick Willhoit. The purpose of request is to accommodate the applicant's desire to establish a small, private community along Waterford Court, a street that has been constructed to City standards. Request is consistent with Streets and Highway Code and City's General Plan and the Planning Commission recommended approval of the abandonment at their May 13th meeting.)

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to adopt Resolution of Intent No. 03-84 abandoning an improved street as shown on the Exhibit A and setting June 17, 2003, in the Paso Robles City Hall, 1000 Spring Street, for public hearing for all persons interested or having objection to the proposed closing; and directed staff to ensure that language in the recorded title reports is completely clear that responsibility for street maintenance rests with the property owners.

Motion passed by the following roll call vote:

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

(Council adjourned for a 15-minute recess.)

17. Water Well Exception Request (Pemberton)

J. Deakin, Public Works Director

Consider a request by Margaret Pemberton to retain a private well on property already served by City water. (Property is a 2.7-acre parcel at 1650 Kleck Road. In September 2000, the Council approved the first request for this property to retain an agricultural irrigation well. The City's current practice discourages continued reliance on private wells for properties served with City potable water and recent requests for continued private well usage have been denied.)

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to approve retention of private well, with the condition that the well must be used for agricultural purposes only and abandoned upon change of ownership or any further request for lot split/subdivision.

Motion passed by the following unanimous roll call vote:

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

18. Downtown Diagonal Parking

J. Deakin, Public Works Director

Consider modifying the diagonal parking project approved March 18, 2003. (On March 18th, Council approved the installation of additional diagonal parking in the downtown core. Due to the concerns of some residents opposing diagonal parking in their neighborhood, the Streets and Utilities Committee developed a recommended modification to the project.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to direct staff to modify the diagonal parking plan and proceed with installation.

Motion passed by the following unanimous roll call vote:

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

19. Customer Parking Only (Downtown)

J. Deakin, Public Works Director

Consider a request submitted by Main Street to paint “Customer Parking Only” on selected curbs downtown. (In line with a short-term option from Kimley-Horn and Associates for increasing parking spaces in the downtown area, Main Street has offered a plan to fund initial “Customer Only” painting of the curbs, as well as the required annual maintenance.)

Mayor Mecham opened the public hearing. Speaking from the public was Steve Martin 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 approve the Main Street request to paint “Customer Parking Only” on selected curbs downtown in accordance with a map that was discussed at the Streets & Utilities Committee meeting of April 25th, and which will be distributed to Council.

Motion passed by the following roll call vote:

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

20. Parking Restrictions at the 3300 Block of Spring Street

J. Deakin, Public Works Director

Consider restricting parking on the east curb of Spring Street at the northernmost end of the 3300 block. (Traffic on 34th Street at Spring Street is controlled by stop signs. There is also a painted crosswalk and “School Crossing” signs. Vehicles parking on the east curb of Spring, south of 34th Street, restrict the view of cross-traffic and the view of pedestrians crossing in the painted crosswalk is restricted. The Streets and Utilities Committee recommends that Council consider restricting parking to increase the safety of pedestrians and drivers.)

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

Councilmember Finigan, seconded by Councilmember Nemeth, moved to restrict parking on the east curb of Spring Street at the northernmost end of the 3300 block (approximately 30 feet).

Motion passed by the following unanimous roll call vote:

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

21. Centennial Park Upgrades/Rehabilitation

J. Deakin, Public Works Director

Presentation by BFGC Architects for the upgrade/rehabilitation of Centennial Park. Consider approving a concept for final design. (In June 2002, the Council accepted a \$500,000 Roberti Z’Berg grant and appropriated \$214,000 in City matching funds. In February 2003, Council authorized engaging the services of BFGC Architects to assist staff in preparing the Plans, Specifications and Estimates for the project. By May 20th, the concept plans will have been presented to the Youth Commission, Planning Commission, Parks and Recreation Advisory Committee and REC, Inc. and their recommendations will be presented to Council in staff’s verbal report.)

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 Nemeth, seconded by Councilmember Finigan, moved to direct staff to prepare final plans and specifications for the project, incorporating the “Internet Café” design for the Youth Center Teen Room.

Motion passed by the following unanimous roll call vote:

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

22. Council Advisory Body, Board & Commission Bylaws: Membership Residency Requirement

J. App, City Manager

Consider City residency as a condition of membership in a City Advisory Body, Board or Commission. (As standardized bylaws were being developed for all advisory bodies, discussion focused upon inclusion not only of those who reside in town, but those who own businesses and/or are appointed as representatives of non-profit associations headquartered in town. The definition of residence was broadened to include such business and association interests. As a result of the broad residency definition, many who do not reside in town would be eligible to formally participate in City affairs.)

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 discussion was closed.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to approve revised residency requirements as presented in Exhibits C & D.

Motion passed by the following unanimous roll call vote:

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

22.1. Financial Auditing Services

M. Compton, Administrative Services Director

Consider approving a contract award for financial auditing services to Moss, Levy & Hartzheim. (The City’s current contract with Moss, Levy & Hartzheim expired with the completion of the audit for fiscal year 2001-02. Request for Proposals were distributed to 54 accounting firms, with six firms submitting proposals. The results of staff’s review of each proposal and their recommendations were presented to the Council’s ad hoc fiscal policy/budget committee, who affirmed staff’s recommendation.)

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 Finigan, moved to adopt Resolution No. 03-85 approving a 3-year contract with Moss, Levy & Hartzheim, Certified Public Accountants, to undertake the scope of annual financial auditing and reporting work identified in their proposal for fiscal years 2003, 2004 and 2005; and authorize the Director of Administrative Services to execute the contract.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

23. Proposed Legislation: California Assembly Bill 1221 “California Balanced Communities Act of 2003”

J. App, City Manager

Consider formal comment upon the Legislature’s proposed “California Balanced Communities Act of 2003.” (Bill 1221 was introduced by the California Assembly to restructure local government finance by exchanging a portion of City sales tax for an equal amount of property tax. As proposed, one half of the City’s 1% sales tax would be retained by the State in exchange for an equal amount of property taxes above what is currently received. The Bill is opposed by the California League of Cities, but supported “in concept” by the California State Association of Counties.)

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

Council agreed by unanimous voice vote to direct issuance of a letter articulating the Council’s opposition to AB 1221.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION – None

AD HOC COUNCIL BUSINESS – None

COUNCIL COMMENTS - None

PUBLIC COMMENT ON CLOSED SESSION - None

Deputy City Attorney Jon Seitz announced Council's authority to go into closed session to discuss the item listed on the agenda.

Council moved to adjourn from regular session at 10:37 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 10:42 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Seitz announced that Council received an update from the City's negotiator on the Closed Session item, and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 10:47 PM.

ADJOURNMENT: to THE BUDGET WORKSHOP AT 7:00 PM ON WEDNESDAY, MAY 21, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JUNE 3, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Cindy Pilg, Deputy City Clerk
Approved: June 3, 2003