

CITY COUNCIL MINUTES
Tuesday, November 4, 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 - None

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Attorney Iris Yang advised Council that Agenda Item No. 23 was being recommended for continuance.

PRESENTATIONS

1. Law Enforcement Recognitions for Michael James Sotelo Homicide Investigation and Prosecution

D. Cassidy, Chief of Police

Policy Chief Dennis Cassidy presented recognitions to the following personnel for their work in the Sotelo homicide investigation and prosecution. General John Gong, California National Guard 40th Infantry Division, awarded an Army achievement citation to Special Agent Spann. Chief Investigator Doug Odom of the San Luis Obispo District Attorney's Office commended the investigative and prosecution teams for their outstanding performance of duty.

Paso Robles Police Department: Detective Sergeant Gary Silveira, Detective Bureau Commander; Detective Rick Ince, Lead Investigator; and Detective Casey Neall, Assisting Investigator

San Luis Obispo County District Attorney's Office: Investigator Bill Hanley, Lead Investigator / Trial Lead Investigator; and Assistant District Attorney Tim Covello, Lead Prosecutor

United States Army Criminal Investigations Division: Special Agent John Spann, Lead Investigator

PUBLIC HEARINGS

2. 2003-2004 Local Law Enforcement Block Grant Award (LLEBG)

D. Cassidy, Chief of Police

Consider acceptance of an \$11,030 award of the LLEBG granted by the Bureau of Justice Assistance Programs. (To supplement local law enforcement budgets for programs and/or equipment; the City must make a one-time cash match of \$1,226.)

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. 03-200 accepting and allocating the \$11,030 grant and the City's matching contribution of \$1,226 to purchase identified equipment.

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 called for public comments on Consent Calendar items. There being no comments from the public, either written or oral, the public discussion was closed.

Consent Calendar Items No. 3 – 11 and 13 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty, with the exception of Item No. 12 being pulled for discussion, and with Councilmember Picanco abstaining on Warrant Register Item No. 043768.

3. Approve City Council minutes of October 7, 2003.
D. Fansler, City Clerk
4. Approve Warrant Registers: Nos. 43556 – 43672 (10/17/03) and 43673 – 43808 (10/24/03)
M. Compton, Administrative Services Director
5. Receive and file Advisory Body Committee minutes as follows:
Housing Authority meeting of September 9, 2003
Pioneer Museum Board meeting of September 11, 2003
6. Proclamation recognizing the November 16 – 30 as *Fire Fighter Appreciation Week*
7. Adopt Resolution No. 03-201 approving the annual claim for Transportation Development Act (TDA) funding for fiscal year 2004. (The City must file an annual claim with the San Luis Obispo Council of Governments in order to receive its allocation of TDA funds. TDA funds may be used for either transit services or streets and roads. Funds represent ¼ of 1% of the sale tax collections statewide and are generally distributed back to local agencies based upon County situs and agency population. Other than transit fares, TDA is the only source of funding for the City's transit operations.)
M. Compton, Administrative Services Director
8. Adopt Resolution No. 03-202 accepting the Easement Grant Deed for installation and maintenance of drainage structures on a portion of land at the southeast corner of South River Road and Navajo Avenue in the City of Paso Robles. (Easement Grant Deed offered by Robert and Karen Cary and the Cary Family Trust. Reconstruction of the existing storm drain culvert at this location is a condition of development of Tract 2422.)
R. Lata, Community Development Director
9. Adopt Resolution No. 03-203 accepting the recordation of Parcel Map PR 03-0112, a two-lot residential subdivision located on the east side of Vine Street, south of Fein Avenue. (Applicant: Mulholland Construction, Inc. The Planning Commission tentatively approved PR 03-0112 in July 2003. All conditions imposed by the Planning Commission have been satisfied.)
R. Lata, Community Development Director
10. Adopt Resolution No. 03-204 accepting the public improvements of Tract 2254-1 into the City's maintenance system. (This subdivision is located along Silver Oak Drive, off of Beechwood Drive, south of Meadowlark Lane and east of Creston Road. Public improvements have been completed satisfactorily. A one-year Maintenance Bond will serve as warranty for the improvements installed.)
R. Lata, Community Development Director
11. Adopt Resolution No. 03-205 accepting an Irrevocable and Perpetual Offer of Dedication for road purposes related to the construction of a single-family residence at 1771 Union Road. (Edward and Linda Steinbeck are constructing a shop building at the site of their residence. The City Engineer has requested the dedication of a 12-foot strip of land to the City for public road purposes to accommodate future improvements to Union Road.)
R. Lata, Community Development Director
13. Adopt Resolution No. 03-207 accepting the Carnegie Library disabled access improvements for maintenance by the City. (Project was completed in September 2003. Adoption of this resolution allows for the project budget to be closed out. Any funds remaining can be allocated to other CDBG -funded projects.)
R. Lata, Community Development Director

Approved with amended wording as recommended by Deputy City Attorney Jon Seitz prior to the meeting.

Agenda item pulled for discussion:

12. Adopt Resolution No. 03-xx establishing the Bella Vista Estates Lift Station Reimbursement Agreement and authorize the Mayor to enter into an Agreement with Bella Vista Estates, LLC, to collect the reimbursable amounts on behalf of the developer. (In accordance with Condition of Approval No. 9 of Tract 2223, a sewer lift station and appurtenances were constructed to provide sewer service to the subdivision. As the lift station provides sewer for other properties, the developer has requested that a reimbursement agreement be established so those other properties will pay their share of the costs.)

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.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-206 establishing the Bella Vista Estates Lift Station Reimbursement Agreement and authorize the Mayor to enter into an Agreement with Bella Vista Estates, LLC, to collect the reimbursable amounts on behalf of the developer.

Motion passed by the following unanimous roll call vote:

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

DISCUSSION

14. **Superior Court at 940 Spring Street**

R. Lata, Community Development Director

Review plan for the new Superior Court facility at 940 Spring Street and acknowledge completion of the City's development review process in compliance with the executed Ground Lease. (At its October 14, 2003, meeting, the Planning Commission adopted a Mitigated Negative Declaration and Mitigation Monitoring Program and approved Planned Development 03-005 and Waiver 03-007 subject to compliance with standard and site-specific Conditions of Approval.)

Mayor Mecham opened the public hearing. Speaking from the public was Architect Bruce Fraser (Fraser Seiple Architects). 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. 03-208 acknowledging completion of the City's development review process in compliance with the executed Lease Agreement.

Motion passed by the following unanimous roll call vote:

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

15. Modification of Standard Street Improvements – 95 West 12th Street (Krijakin)

R. Lata, Community Development Director

Consider approving a modification to the City Standard curb, gutter and sidewalk adjacent to a new residence constructed at 95 West 12th Street. (Owner Ralph Krijakin has made substantial improvements to the frontage of his property and has provided a transition to the existing paving, thereby avoiding impacts to native oak trees.)

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 adopt Resolution No. 03-209 approving the request for modification to City Street Standards to protect and preserve native oak trees on West 12th Street and finding that the applicant has made substantial street improvements thereby superceding the requirement for payment of in-lieu fees.

Motion passed by the following unanimous roll call vote:

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

16. Landscape and Lighting District

J. Deakin, Public Works Director

Consider adopting a Ballot Procedure for the fiscal year 2005 Landscape and Lighting District (L&LD) Assessment. (Of the 20 L&L sub-areas balloted in 2003 to increase fees, only 2 approved. Because the fee increase was not adopted--and 15 additional sub-areas require balloting to determine a fee increase--the City must anticipate revenue shortfall in the L&L enterprise. The Council ad hoc committee supports providing landscape services to improve sub-areas to their original condition provided the sub-areas approve a future fee increase.)

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 appropriate \$100,000 from general funds to return landscaping in the proposed Landscape and Lighting Districts to its original condition and ballot property owners in July 2005 for a fee increase—which would include a cost of living increase—for future maintenance.

Motion passed by the following roll call vote:

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

17. Union/46 Specific Plan Park Site Purchase

M. Williamson, Assistant to the City Manager

Consider authorizing purchase of a 7-acre park site located in the Montebello housing tract project - Tract 2369. (Union/46 Specific Plan, adopted in 1989, established the requirement that a combined 17-acre school and park site be offered for purchase. It is unknown whether the School District will purchase a 10-acre site for a school. The City may purchase 7 acres at this time. Council approved Tract 2369 in 2000 with the condition that the sale of the park site is offered to the City in conjunction with recordation of Phase 3. Submittal of Phase 3 for recordation is expected in November 2003.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-210 authorizing the City Manager to execute a Purchase Agreement for 7 acres for a park site within the Union/46 Specific Plan Area and to enter into an Option Agreement for an additional 3 acres for an expanded park site in the event the School District does not acquire the adjacent 10-acre site for a school.

Motion passed by the following unanimous roll call vote:

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

At 8:50 the City Council took a break, reconvening at 9:00.

18. 21st Street Reservoir

J. Deakin, Public Works Director

Consider rejecting a bid to replace the roof of the 21st Street Reservoir. (One bid from Cushman Contracting Corporation for \$3,787,000 was received, which significantly exceeds the \$1,400,000 adopted budget. Additionally, it has been determined there may be structural integrity issues with the Reservoir. Consequently, it is premature to repair the roof at this time.)

Mayor Mecham opened the public hearing. Speaking from the public was Chuck Mendelson. 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 (1) adopt Resolution No. 03-211 rejecting the bid from Cushman Contracting Corporation to replace the roof at the 21st Street Reservoir; (2) engage the services of (a) DIVE/CORR to perform underwater inspection of the

reservoir for a not-to-exceed fee of \$2,500, and (b) Fugro Geotechnical to perform geotechnical investigative work for a not-to-exceed fee of \$20,000; and (3) direct staff to report back to Council with evaluation findings and rehabilitation options.

Motion passed by the following unanimous roll call vote:

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

19. Water Improvement Projects

J. Deakin, Public Works Director

Consider revising the Capital Improvement Program (CIP) budget for water facilities. (Analysis of the City's water production indicates changes are needed to provide for the next five year's demands.)

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 (1) adopt Resolution No. 03-212 approving revisions to the Water Capital Improvement Project budget as shown in the resolution attachment; (2) authorize the City Manager to execute a professional services contract with Foresight Consulting for a not-to-exceed fee of \$10,000 to review and update water connection fees; and (3) direct staff to return to the City Council with recommended revisions to utility user rates and connection fees for consideration.

Motion passed by the following unanimous roll call vote:

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

20. Roof Repair to Federal Aviation Administration (FAA) Building

J. Deakin, Public Works Director

Consider rejecting a proposal to repair the roof at the FAA Building. (One proposal was received from Quaglino Roofing for \$44,734; the adopted budget is \$20,000. More cost effective repair methods may be available.)

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 Heggarty, moved to adopt Resolution No. 03-213 rejecting the bid received from Quaglino Roofing and directing staff to revise and reduce the scope of work and solicit new informal bid proposals for the FAA roof repair project.

Motion passed by the following unanimous roll call vote:

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

21. Airport Capital Improvement Plan

J. Deakin, Public Works Director

Consider forwarding the Airport Capital Improvement Program (ACIP) project list for 2004 to the Federal Aviation Administration (FAA). (The ACIP Project List, a 6-year plan, is updated annually for the FAA. The FAA uses the ACIP to determine grant funding. The Airport Advisory Committee endorsed the proposed 2004 ACIP update.)

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 Heggarty, seconded by Councilmember Nemeth, moved to approve the 2004 project list for the Airport Capital Improvement Program, as presented, and direct staff to forward it to the FAA.

Motion passed by the following unanimous roll call vote:

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

22. Annual Development Impact Fee

M. Compton, Administrative Services Director

Presentation of the annual development impact fee report for the fiscal year ended June 30, 2003.

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 Picanco, moved to receive and file.

Motion passed by the unanimous voice vote.

23. Solid Waste Program – Regional Recycling Facility Agreement

J. Deakin, Public Works Director

Consider an agreement with North San Luis Obispo County Recycling, Inc. for recyclables processing and associated solid waste / recycling services. (The City and Paso Robles Waste Disposal [PRWD] partner to collect commercial and residential recyclable materials. Currently, PRWD ships collected recyclables to the Cold Canyon Landfill, near San Luis Obispo. San Luis Obispo County Recycling, Inc. has completed construction of a recyclables

facility in Templeton and will open mid-November. The agreement provides franchise fee revenue.)

Councilmember Finigan, seconded by Councilmember Picanco, moved to continue this item to the Council meeting of November 18, 2003.

Motion passed by unanimous voice vote.

24. Replacement Vehicles/Equipment

J. Deakin, Public Works Director

Consider approving the fiscal year 2004 vehicles/equipment list and authorize staff to solicit bids. (The Vehicle/Equipment Purchasing Procedures ad hoc committee recommends upgrades to a building maintenance van and parks maintenance truck, as well as adding a budget appropriation for a backhoe replacement. All other vehicles on the vehicle replacement list replace retiring vehicles with in-kind replacements.)

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 Picanco, moved to (1) adopt Resolution No. 03-214 authorizing staff to solicit bids for annual replacement of City vehicle/equipment, including the two vehicle upgrades and water division backhoe; (2) transferring \$8,000 from Budget Account 112-310-5454-178 to Budget Account 112-310-5454-192; and (3) approving a new budget appropriation in the amount of \$61,000 to Budget Account 600-310-5454-165 from Water Operations Fund.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

25. Schedule Date for Applicant Interviews/Appointments – Planning Commission

J. App, City Manager

Select date for conducting interviews and making appointments to fill vacancies on the Planning Commission. The application deadline is November 19th at 5:00 p.m.

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

By unanimous voice vote Council to set Thursday, December 11, 2003, at 7:00 PM for conducting interviews and making appointments for vacancies on the Planning Commission.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

26. Ad Hoc Committee - Security Vulnerability Assessment of City Water System

J. Deakin, Public Works Director

Consider appointing two Councilmembers to an ad hoc committee to interview water system Security Vulnerability Assessment consultants. (In accordance with the Bioterrorism Response Act of 2002, the City is required to prepare a Security Vulnerability Assessment of the City's water system. The Assessment must comply with Federal Environmental Protection Agency requirements. Requests for Proposals [RFP] were issued to 12 firms, with 6 responding. Interviews of the two top firms are tentatively scheduled for Thursday, November 13th, from 2:00 – 4:30 p.m.)

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 Mayor Mecham, moved to appoint Councilmember Heggarty and Mayor Mecham to an ad hoc committee to interview the two top firms responding to the Security Vulnerability Assessment RFP reporting back to the full Council by December 16, 2003.

Motion passed by unanimous voice vote.

27. Ad Hoc Committee – Barney Schwartz Park Concession Stand Proposal

B. Partridge, Library & Recreation Services Director

Consider appointing two Councilmembers to an ad hoc committee to review proposal, or consider other options, for concession operations at Barney Schwartz Park.

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 Heggarty, moved to appoint Councilmember Picanco and Nemeth to an ad hoc committee to review proposal, or consider other options, for concession operations at Barney Schwartz Park, reporting back to the full Council by December 2, 2003.

Motion passed by unanimous voice vote.

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

City Attorney Iris Yang announced Council's authority to go into closed session to discuss the items listed on the agenda.

Council moved to adjourn from regular session at 10:05 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 11:45 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

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

By unanimous voice vote, Council moved to adjourn from regular session at 11:50 PM.

ADJOURNMENT: to THE AIRPORT MASTER PLAN & LAND USE PLAN PUBLIC WORKSHOP AT 7:00 PM ON WEDNESDAY, NOVEMBER 5, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 18, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved:

THESE MINUTES ARE NOT OFFICIAL OR A PERMANENT PART OF THE RECORDS UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING.