

CITY COUNCIL MINUTES
Tuesday, November 18, 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

Lead by Scout Kyle Alexander, Boy Scouts of America, Troop 101

INVOCATION

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

AGENDA ITEMS TO BE DEFERRED

City Manager App announced that Agenda Item No. 19 is being recommended for continuance.

PRESENTATIONS - None

Councilmember Finigan stepped down from the dais and abstained from voting on Item No. 11 due to a conflict of interest, his employer being Pacific Gas and Electric.

PUBLIC HEARINGS

1. Kinetics Services, Inc. – Energy Conservation Proposal

J. Deakin, Director of Public Works

Consider contracting with Kinetics Services, Inc. to design and build energy saving modifications for City facilities. (Kinetics Services, Inc. presented an unsolicited proposal to the City to design and build energy retrofit projects to conserve and/or generate energy for City facilities. In August 2003, Council reviewed the proposal and appointed an ad hoc committee to develop the proposal into a draft agreement for consideration.)

Council heard a presentation from Frank Mann, Energy Services Account Manager, Kinetic Systems, Inc.,

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-215 approving a contract with Kinetics Services, Inc. to design and build energy saving modifications for City facilities, with revised wording to Section 1 to include “*conditioned on review and approval of the City Attorney.*”

Motion passed by the following roll call vote:

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

Councilmember Finigan returned to his seat at the dais.

PUBLIC COMMENTS

- Doug A. Troesh (Troesh Ready Mix) petitioned Council to allow the installation of a well on his property, citing fluctuations in City water temperatures as adversely affecting the consistent production of a quality product.
- Irv McMillan asked Council for direction as regards avoiding encroachment on the root zone of a 48” diameter Valley oak tree on his lot at 10th and Pine Streets.

CONSENT CALENDAR

Consent Calendar Items No. 2 - 9 were unanimously approved on a single motion by Councilmember Picanco, seconded by Councilmember Heggarty. Item No. 10 was approved by a 4-1 vote, with Councilmember Finigan dissenting.

2. Approve City Council minutes of October 21, 2003.
D. Fansler, City Clerk
3. Approve Warrant Registers: Nos. 43809 – 43934 (10/31/03) and 43935 – 44065 (11/7/03)
M. Compton, Administrative Services Director
4. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meetings of August 28 and September 25, 2003
Transit Advisory Committee meeting of September 3, 2003
5. Adopt Resolution No. 03-216 annexing Creekside Gardens (PD 02-001) as part of Sub-area 73 to the “Paso Robles Landscape and Lighting District No. 1” (Streets and Highways Code Sections 22500, et seq.) (Planning Commission approved Creekside Gardens development in July 2002 with condition that property annex into the Landscape and Lighting District.)
R. Lata, Community Development Director
6. Adopt Resolution No. 03-217 accepting the recordation of Parcel Map PR 00-217 (JIT Manufacturing, Inc.). (This is a 3-lot commercial-industrial subdivision located on the east side of Commerce Way and the east side of Fontana Road, and south of Sherwood Road.)
R. Lata, Community Development Director
7. Adopt Resolution No. 03-218 accepting negotiated exchange of property tax revenue and annual tax increment between the County of San Luis Obispo and the City – Annexation No. 85 (Hunter). (Subject property, designated in the General Plan as Parks and Open Space, is approximately 220 acres, located south of Highway 46 East. A pre-zone to the same category is currently underway. Under the terms of the County’s proposed agreement, the City will receive approximately 11% of the future property tax increment.)
R. Lata, Community Development Director
8. Dissolve ad hoc committee formed in September 2003 to review annual budget carry-over requests. (Work of committee is complete.)
M. Compton, Administrative Services Director
9. Dissolve ad hoc committee formed in October 2003 to review evaluate/review FY 2004 vehicle equipment replacement. (Work of committee is complete.)
J. Deakin, Public Works Director
10. Adopt Resolution No. 03-219 transferring \$100,000 from the General Fund Reserve to the Landscape and Lighting District. (On November 4, 2003, Council approved \$100,000 in landscaping improvements to the deficit sub-areas in the Landscape and Lighting District to bring them up to an improved state.)
J. Deakin, Public Works Director

DISCUSSION

11. 2004 Community Development Block Grant Program

R. Lata, Community Development Director

Consider which applications for the 2004 Community Development Block Grant (CDBG) funds should be recommended in the *Draft* Annual Action Plan. (The City's 2004 allocation of CDBG funds is uncertain. For planning purposes the program total is being estimated at approximately \$393,000. The City has received 21 applications for funds, totaling over \$854,600. In January 2004, the County will publish a Draft Consolidated Plan, which will list all of the activities being recommended for consideration by the various city councils and Board of Supervisors at public hearings to be held in February and March 2004.)

Mayor Mecham opened the public hearing. Speaking from the public were Jan Hop, Mary Mastagni, Norma Moye, Karolyn London, Biz Steinberg, Leora Eide, Pearl Munak, Lynn Rouch, Catherine Manning, Kathy Barnett, Bill Rouch, Elizabeth Koll, Paul Wilson, Charlotte Byne, Marie Wilson, Bernadette Bernardi Daniel Carlisle, Richard Gruner and Sandy Oneal. There were no further comments from the public, either written or oral and the public discussion was closed.

The City Council took a 10-minute break at 9:28 PM.

It was unanimously decided by Council to consider Agenda Item No. 12 before taking action on Item No. 11.

12. Economic Opportunity Commission's Request for Financial Support for Operation of Proposed North County Emergency (Homeless) Shelter in Atascadero

R. Lata, Community Development Director

Consider request from the Economic Opportunity Commission of San Luis Obispo (EOC) to the City, as well as the City of Atascadero and the County) for financial support for a proposed North County Emergency (Homeless) Shelter in Atascadero.

Mayor Mecham opened the public hearing. Speaking from the public were Tom Bean, Tammy Kirby, Joyce Mendibles, Rev. Ruben Tate, Jody Smith (reading into the record a letter from Gabriel Flores), Jan Maitzen, Jackie Sebro, Peal Munak, Catherine Manning, Biz Steinberg, Anita Robinson and Kathy Barnett. There were no further comments from the public, either written or oral and the public discussion was closed.

Councilmember Heggarty moved to deny EOC's request without prejudice, which would allow them to reformulate a new request to be resubmitted at a later date. Motion failed due to lack of a second.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to support the project in the amount of \$45,000, all of which would be taken from the 15% of the City's allocation of 2004 CDBG funds. This support being subject to the following conditions:

- (1) Shift of a proportionate share (at least \$60,000) of the Special Urban Projects Fund and ESG funds to assist the North County Emergency Shelter;
- (2) Participation by the City of Atascadero and the County to collectively contribute the amount necessary to cover the shelter's annual operating costs;
- (3) Award of a conditional use permit, completion of construction, and issuance of a Certificate of Occupancy for the shelter; and
- (4) Continued availability of CDBG funds in amounts no less than what has been received in each of the last three years, and that EOC will not seek supplemental funds should their estimated volunteer in-kind donations not mature.

Motion passed by the following roll call vote:

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

Councilmember Finigan, seconded by Councilmember Nemeth, moved to fund the following programs and to appropriate \$45,000 from General Funds to make up the deficit between \$58,950 in CDBG funding and \$103,950:

| | |
|--|------------------|
| Homeless Housing Project's Motel Voucher Program | \$24,000 |
| EOC's Senior Health Screening Program..... | \$ 5,000 |
| EOC's 40 Wonderful Program..... | \$ 2,000 |
| EOC's Teen Academic Parenting Program | \$ 3,600 |
| Boys & Girls Club Operations..... | \$ 6,300 |
| Lifestyles Drug & Alcohol Counseling Program..... | \$ 6,100 |
| Big Brothers/Big Sisters Mentoring Program..... | \$ 7,250 |
| Literacy Council's Literacy Program..... | \$ 3,000 |
| DREAM Foundation's Scholarship Program | \$ 1,700 |
| EOC's North County Homeless Shelter | <u>\$45,000</u> |
| | <u>\$103,950</u> |

Motion failed by the following roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to fund the following programs with CDBG funds:

| | |
|--|-----------------|
| Homeless Housing Project's Motel Voucher Program | \$ 4,650 |
| DREAM Foundation's Scholarship Program | \$ 4,650 |
| Lifespan Foundation's Caring Callers Program..... | \$ 4,650 |
| EOC's North County Homeless Shelter | <u>\$45,000</u> |
| | <u>\$58,950</u> |

Motion passed by the following unanimous roll call vote:

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

Councilmember Finigan, seconded by Councilmember Nemeth, moved to allocate funds for the following physical improvements and administrative costs:

| | |
|---|-------------------|
| Municipal Pool Changing Room Rehab 2..... | \$ 160,450 |
| Acorn Building Rehab (Elevator) | \$ 95,000 |
| Administration | <u>\$ 78,600</u> |
| | <u>\$ 334,050</u> |

Motion passed by the following unanimous roll call vote:

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

The City Council took a 10-minute break at 11:00 PM.

14. Downtown Diagonal Parking

J. Deakin, Public Works Director

Consider additional diagonal parking areas on downtown streets in the appropriate areas bordered by 9th Street, 15th Street, Vine Street and Riverside Drive. (Both currently unmarked parking areas and existing parallel parking spaces can be changed to diagonal parking, thereby increasing parking capacity in the downtown area. The Streets & Utilities Committee is recommending the addition of 67 spaces.)

15. Air Show Report

J. Deakin, Public Works Director

Receive report outlining concepts and provisions necessary to sponsor an airshow. (Report is based on information from the International Council of Airshow—the organizational representative and airshow authority for airshows, airshow performers, airshow producers and airshow support services.)

18. Commissioned Art in the Children's Play Area of City Park

B. Partridge, Library & Recreation Services Director

Consider Parks and Recreation Advisory Committee's recommendation to request proposals from artists to create interactive public art to be placed in the children's play area of the downtown City Park. (REC, Inc.—a nonprofit corporation that raises funds to enhance recreational places and programs in Paso Robles—gifted the City with \$10,000 from the 2002 Duck Derby to commission an interactive piece of art for the children's play area.)

19. 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.) CONTINUED FROM NOVEMBER 4, 2003

Councilmember Heggarty, seconded by Councilmember Picanco, moved to continue Agenda Items No. 14, 15, 18 and 19 to a future Council meeting.

Motion passed by the following unanimous roll call vote:

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

13. Chandler Ranch Area Specific Plan: Request to Select Alternative for Study in Environmental Impact Report and Determination of Adequacy of Grading and Landform Alteration Modeling

R. Lata, Community Development Director

Consider the Planning Commission's recommendation regarding selection of the "study alternative" for the Chandler Ranch Area Specific Plan Draft Environmental Impact Report (DEIR) and provide comment on the adequacy of available modeling information. (The Chandler Ranch Area Specific Plan [a City project] covers an approximately 833-acre geographic area located in an area generally bounded by State Highway 46 East on the north, Golden Hill Road and Fontana Road on the west, Linne Road on the south, and Airport Road on the east and some properties to the east of Airport Road, including Our Town. The Planning Commission reviewed four alternative draft land use plans and is recommending selection of Alternative No. 3: a modified property owners' proposal, with up to 1,300 dwelling units and full

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner, Susan Harvey (reading letter into the record from Tom Rusch). Gary Hoskins (PR Joint Unified School District), Kathy Barnett, David Athey and Tom Row (Penfield Smith). 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:

- (1) Determine that the City may wish to consider the option of mass grading within the Chandler Ranch Area Specific Plan and for that reason wishes to utilize a more intensive land use option (specifically Alternative No. 3 with mass grading) as the basis for study and analysis in the Draft EIR. Again, one should keep in mind that a less intensive alternative or a combination of alternatives can be selected for the final Specific Plan; and
- (2) Authorize utilization of \$15,000 in additional funding for the Chandler Ranch Area Specific Plan to develop a schematic grading plan for Area 7 in the Alternative recommended by the Planning Commission. The purpose of this analysis would be to show the comparison of mass grading versus custom lot grading in Area 7 of the Specific Plan. These funds would be transferred from contingency funding in the General Plan update program; and
- (3) Direct staff and Rincon to seek proposals for effective modeling of the grading and landform modifications that would be entailed in implementing the Hillside Ordinance and also mass grading (two different approaches); the focus of the modeling would be limited to Area 7 as illustrated on Alternative No. 3; and authorize staff to return to council on december 2nd with additional modeling proposals bring back proposals at the council meeting of december 2nd
- (4) Identify any specific topics or issues that warrant particular consideration in the context of the Draft EIR and the Draft Specific Plan; and

directed staff to provide a proposal that outlines both time and cost parameters for additional modeling beyond what was recommended by the Planning Commission.

Motion passed by the following roll call vote:

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

16. Parking Restrictions (Red Curb) on Ramada Drive

J. Deakin, Public Works Director

Consider parking restrictions (red curb) on Ramada Drive from Highway 46 West intersection to north terminus of Ramada Drive. (Streets & Utilities Committee is recommending parking restrictions in certain locations along east side of Ramada to increase the safe ingress and egress to Ramada from business driveways and street intersections.)

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. 03-220 approving parking controls (595 feet of red curb) on the northern end of Ramada Drive from the Highway 46 intersection north to the terminus of the road.

Motion passed by the following unanimous roll call vote:

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

17. 13th Street/Creston Road/River Road Intersection

J. Deakin, Public Works Director

Consider traffic warning signage and road marking at the intersection of Creston Road and North River Road. (Traffic at both ends of the 13th Street Bridge is heavy and it is difficult during peak hours for motorists to make left-hand turns. The 13th Street Bridge project will alleviate many of the traffic concerns at this intersection, but this interim measure of signage and road markings will alert drivers to the potential for gridlock in the intersection.)

Mayor Mecham opened the public hearing. Speaking from the public was David Hammish and Chuck Mendelson. 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 adopt Resolution No. 03-221 approving "Do Not Block Intersection" road marking and signage at the 13th Street intersection with Creston Road and North River Road.

Motion passed by the following unanimous roll call vote:

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

20. Award Contract to Relocate and Upgrade Lift Station No. 7

J. Deakin, Public Works Director

Consider awarding a contract to relocate and upgrade Lift Station No. 7. (Lift Station No. 7 is currently located north of First Street, between Oak and Spring Streets. Planned relocation will be to the southeast corner of First and Oak Streets within the public right-of-way to accommodate planned developments tributary to the zone. Eleven bids were received at the Bid Opening on November 6th. The low bid submitted by MGE Underground, Inc. was reviewed and considered to be a responsive bid.

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. 03-222 awarding a contract to low bidder MGE Underground, Inc. in the amount of \$205,902.00 to upgrade and relocate Lift Station No. 7.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

21. Schedule Date for Applicant Interviews/Appointments – Housing Authority

J. App, City Manager

Select date for conducting interviews and making appointment to fill vacated term on the Housing Authority.

1 vacancy to fill vacated term of resident member Gladys Moore. Term to expire 2-28-05.

2 resident applicants:

Andres Perales
Carmen Garcia

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 Housing Authority.

Motion passed by the following unanimous roll call vote:

22. Schedule Date for Applicant Interviews/Appointments – Transit Advisory Committee

J. App, City Manager

Select date for conducting interviews and making appointment to fill vacancies on the Transit Advisory Committee.

3 vacancies for 4-year regular terms expiring 10-31-07

3 applicants:

Joe M. Dutra (incumbent)
Terry L. Gillespie (incumbent)
Daniel B. Young

Mayor Mecham opened the public hearing. Speaking from the public was/were xxx. There were no further 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 Housing Authority.

Motion passed by the following unanimous roll call vote:

23. Schedule Date for Applicant Interviews/Appointments – Project Area Committee

J. App, City Manager

Select date for conducting interviews and making appointment to fill vacancies on the Project Area Committee. Application deadline is December 1, 2003, at 5:00 p.m.

4 vacancies for 3-year regular terms expiring 12-31-06

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

It was the consensus of Council not to set a date for interviews at this time, but rather to wait until after the first of the year.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

24. Ad Hoc Committee – Fiscal Year 2005 Budget

M. Compton, Administrative Services Director

Consider appointing two Councilmembers to an ad hoc committee to assist with review and preparation of budget for fiscal year 2005. (Due to uncertainties of State budget and potential impact upon City revenues, Council adopted a single-year budget for fiscal year 2004, rather than a two-year budget. Efforts have now begun to develop the fiscal year 2005 budget.)

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

It was the consensus of Council to appoint Councilmembers Nemeth and Picanco to an ad hoc committee to assist with the development and preparation of the budget for fiscal year 2005, reporting back to the full Council by no later than April 6, 2004.

COUNCIL COMMENTS - None

Council moved to adjourn from regular session at 12:30 AM on Wednesday, November 19, 2003. Motion passed by unanimous voice vote.

ADJOURNMENT: to THE CHANNEL COUNTIES QUARTERLY MEETING AT 5:30 PM ON FRIDAY, NOVEMBER 21, 2003, ODD FELLOW'S BALLROOM, 1226 PARK STREET; TO THE GENERAL PLAN UPDATE PUBLIC HEARING AT 7:30 PM ON TUESDAY, NOVEMBER 25, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, DECEMBER 4, 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.