

CITY COUNCIL MINUTES

Tuesday, February 17, 2004 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

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

PUBLIC COMMENTS

- Norma Moye, Director of the Paso Robles Main Street Association, announced that Paso Robles has been selected as a semi-finalist for the *National Great American Main Street Award*.
- Jim Cromwell requested that Council consider an ordinance that would provide emergency relief for mobile home owners after natural disasters like the December earthquake.
- Ted Gilbert spoke about eruptions of mineral water and expressed concerns that this water could escape into the fresh water aquifer.
- Councilmember Nemeth stated for the record that he had received a letter from Russ and Denise Surber in support of an ordinance to permit home owners to park mobile homes on private property after natural disasters.

Councilmember Nemeth announced that the City was awarded the National Softball Association “Outstanding Park Award” for 2003 for Barney Schwartz Park. He commended Recreation Services Manager Gary Perruzzi and all other involved City staff for establishing Barney Schwartz Park and its programs as models of excellence.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. **Briefing on, and Confirmation of, Continuing Local Emergency**

J. App, City Manager

Receive verbal briefing on status of emergency and community recovery. Consider approving a resolution to continue local emergency. (State law requires Council to review the need for continuing the local emergency at its regularly scheduled meetings until the local emergency is terminated. Council is required to proclaim the termination of the local emergency "at the earliest possible date that conditions warrant.")

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. 04-24 determining that a local emergency continues to exist.

Motion passed by the following unanimous roll call vote:

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

PUBLIC HEARINGS - None

ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY, REDEVELOPMENT AGENCY & CITY COUNCIL

DISCUSSION

2. **Refinance 1993 Capital Facilities Certificates of Participation**

M. Compton, Administrative Services Director

Consider approving various documents to refinance the 1993 Capital Facilities Certificates of Participation. Documents to be approved include the Site Lease, Lease Agreement, Trust Agreement and the Preliminary Official Statement. (In July 2003, Council authorized staff to proceed with refinancing if the projected cash savings were \$425,000 or greater. Refinancing savings are projected to be \$440,000.)

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

Boardmember Nemeth, seconded by Boardmember Heggarty, moved to adopt Resolution No. PFA 04-01 approving issuance and sale of Certificates of Participation and approving related documents and action.

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 Heggarty, moved to adopt Resolution No. 04-25 approving issuance and sale of Certificates of Participation and approving related documents and action.

Motion passed by the following unanimous roll call vote:

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

ADJOURN TO CITY COUNCIL MEETING

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 - 9 and 11 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan.

3. Approve City Council minutes of January 6, 12, and 30, 2004.
D. Fansler, City Clerk
4. Approve Warrant Registers: Nos. 45549* – 45687 (1/30/04) and 45688 – 45824 (2/6/04).
* Warrant No. 45548 not issued
M. Compton, Administrative Services Director
5. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meeting of December 10, 2003
6. Adopt Resolution No. 04-26 accepting the Irrevocable and Perpetual Offers of Dedications for landscape and water main easements on Lots 7, 8, 9 and 11 of Tract 2296. (Tract is located on Signora Rosa Court; easements along the northerly extension of Prospect Avenue, north of Mesa Road.)
R. Lata, Community Development Director
7. Adopt Resolution No. 04-27 accepting the public improvements of Tract 1771-5 into the City's maintenance system. (Applicant: Ennis-Langdon Homes, Inc. Subdivision is located along Brahma and Angus Streets, north of Charolais Road. All public improvements have been constructed in compliance with the improvement plans and applicable City Standards.)
R. Lata, Community Development Director

8. Adopt Resolution No. 04-28 accepting the Irrevocable and Perpetual Offer of Dedication for a 12-foot wide easement for public road purposes adjacent to the west side of Union Road along the property known as 1781 Union Road. (Offerors: Jeffrey and Charla Zukowski. This dedication of easement does not affect the owner's ability to reasonably develop and use the subject property, where they have constructed a single family residence.)
R. Lata, Community Development Director
9. Direct staff to perform pre-construction compliance of the mitigation requirements for the 13th Street Bridge Widening Project, removing several trees (including a 30-inch diameter oak tree) as shown on Exhibit A. (On December 17, 2002, Council adopted the Final Mitigated Negative Declaration for this project, which identified the need to remove several trees. The first phase of work is to widen the bridge within the Salinas River channel and requires that the trees be removed at the northwest quadrant.)
M. Williamson, Interim Public Works Director
11. Extend Sewer & Water User and Impact Fee Update ad hoc committee's assignment to June 1, 2004. (The committee has not completed its assignment.)
J. Deakin, Public Works Director

CONSENT ITEM PULLED FOR DISCUSSION

10. Adopt Resolution No. 04-xx approving a change in hours for Tuesday's Farmers' Market to 10:00 a.m. to 1:00 p.m. (Applicant: North County Farmers' Market Association [NCFMA]. NCFMA finds morning hours make a more successful market due to cooler temperatures in the summer and daylight hours in the winter.)
M. Williamson, Interim Public Works Director

Mayor Mecham opened the public hearing. Speaking from the public were Kim Rogers, James Herrmann, Marsha Perez, Kevin Rees, and Judy Suschke. 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 No. 04-29 approving a change in hours for Tuesday's Farmers' Market to 10:00 a.m. to 1:00 p.m.

Motion passed by the following unanimous roll call vote:

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

DISCUSSION

12. **Building and Planning Permit Fee Waivers**

R. Lata, Community Development Director

Consider a special fee schedule for earthquake related fees that would apply to either Building or Planning permits / approvals. (The special fees schedule is intended to facilitate recovery of quake damaged properties and would be retroactive to December 22, 2003. This fee schedule would remain in effect until June 1, 2004.)

Mayor Mecham opened the public hearing. Speaking from the public was Jim Cromwell. 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 adopt Resolution No. 04-30 authorizing a temporary fee schedule for Building and Planning Permit and Application fees that are directly related to responding to the earthquake of December 22, 2003, with the inclusion of *Temporary Use Permits at zero fees*. The fee schedule would apply to complete applications filed through June 1, 2004, and would be retroactive to December 22, 2003.

Motion passed by the following unanimous roll call vote:

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

13. Determination of Significance, Modification to Historic Structure at 1245 Park Street (Old Bank of America Building / Ali Salmanzadeh)

R. Lata, Community Development Director

Consider determining that proposed modifications to the subject property to address earthquake related damage would not be a significant alteration under California Public Resources Code Section 5028. (Owner is requesting that an area on the east façade of the subject building be permitted to be in stucco, similar to what was approved for the north façade.)

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 Option A to allow the façade modification, with the following modified language: That the proposed modification to the eastern façade of the subject building, which would include repairing the parapet with stucco rather than the original bricks consistent with that on the northern elevation, would not result in the building losing its integrity, historic qualities, or potential to yield information, and therefore, based on that finding, determine that the proposed modifications to the subject property to address earthquake related damage would thereby not be a significant alteration under California Public Resources Code 5028. (This building is included in the City's Historic Resources Inventory. The proposed modification to the eastern frontage stucco to replace brick veneer on the upper story façade of the building appears not to be significant, and it would enhance public safety for pedestrians along Park Street.)

Motion passed by the following unanimous roll call vote:

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

14. Professional Quake Assistance – Kermani Consulting Group

M. Compton, Administrative Services Director

Consider retaining outside professional expertise in dealing with quake issues and Federal Emergency Management Administration (FEMA). (The declaration of a federal disaster by President Bush for the San Simeon Quake provides the means for the City to be reimbursed by FEMA for repairs to public facilities and emergency response expenditures. Preparation of proper damage documentation and reimbursement requests is complex and requires a large time commitment. Professional assistance would improve the City's ability for maximizing potential FEMA reimbursement.)

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. 04-31 approving a consulting services agreement with Kermani Consulting Group and a budget appropriation for \$20,000.

Motion passed by the following unanimous roll call vote:

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

15. Comprehensive Annual Financial Report

M. Compton, Administrative Services Director

Presentation of the Comprehensive Annual Financial Report for fiscal year ending June 30, 2003, for City Council consideration.

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 receive and file the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2003.

Motion passed by the following unanimous roll call vote:

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

16. 2004 Annual Street Maintenance

M. Williamson, Interim Public Works Director

Consider a recommendation from the Streets and Utilities Committee for the 2004 Annual Street Maintenance Program. (The Streets and Utilities Committee considered three scenarios regarding the utilization of \$550,000 in street maintenance funds for 2004 and are recommending Scenario 3, which specifies portions of Airport Road, Golden Hill Road, Melody and the intersection of Creston and Meadowlark.)

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 Nemeth moved to accept the recommendation from the Streets and Utilities Committee and direct staff to perform the 2004 Annual Street Maintenance work under Scenario 3 as outlined in the staff report.

Motion passed by the following unanimous roll call vote:

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

17. Municipal Pool Changing Room Project

B. Partridge, Library and Recreation Services Director

Consider approving a change order and appropriating additional funds for the Municipal Pool Changing Room Project. (In 2001, 2002, and 2003, the City obtained Community Development Block Grant funds to perform construction at the Municipal Pool Changing Room. In January 2004, Council awarded the construction bid to low bidder Newton Construction & Management, Inc. Bid additives were included as part of the bid process to complete rehabilitation of the roof if funding was 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 Heggarty, seconded by Councilmember Nemeth moved to adopt revised Resolution No. 04-32 (1) approving a Change Order to Newton Construction & Management, Inc. to complete the roof rehabilitation work in the amount of \$26,850 and (2) appropriating an additional \$27,000 to the Municipal Pool Changing Room Project from Fund 119.000.4713.184.

Motion passed by the following unanimous roll call vote:

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

18. Street Lights on Dallons Drive

R. Lata, Community Development Director

Cuesta College does not have adequate funds in their budget to provide street lights along Dallons Drive [in conjunction with their new permanent building construction]. It is proposed that \$30,000 in Measure D funds be allocated to purchase and install six light standards.
CONTINUED FROM JANUARY 20, 2004

Mayor Mecham opened the public hearing. Speaking from the public was Mike Menath. 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 (1) authorize the Mayor to sign the attached Reimbursement Agreement *adding a stipulation that Cuesta College will be responsible for paying all electricity charges for the lights after five years* and (2) adopt Resolution No. 04-33 authorizing the transfer of \$30,000 from Budget Account No. 130-910-5452-508 to 130-910-5452-528 to provide funds for installation of six (6) new light standards along Dallons Drive.

Motion passed by the following unanimous roll call vote:

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

19. Bus Stop Improvements – Red Curbing

M. Williamson, Interim Public Works Director

Consider approving parking restrictions (new or extended) at various City bus stops. (Concerns have been raised regarding insufficient space at certain red curbed bus stops along Routes A & B. Existing red curbing at certain stops could be extended where vehicular parking is a problem or where the red curb is too short. The Transit Advisory Committee recommends that existing red curbing be extended only in problem locations. The Street and Utilities Committee voted 2-0 to approve parking restrictions, with the added option of changing all bus stop curbing to 55 feet of white curb with black lettering stating “Passenger Loading and Unloading Only.”)

Mayor Mecham opened the public hearing. Speaking from the public was Mike Menath. 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 adopt Resolution No. 04-34 approving a standard of 55 feet of white curb with black lettering stating “Passenger Loading and Unloading Only” for all City Bus Stops.

Motion passed by the following unanimous roll call vote:

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

20. Alley between 10th and 11th Streets at Pine Street

M. Williamson, Interim Public Works Director

Consider designating the alley between 10th and 11th Streets, from Park Street to Pine Street, as one-way from east to west. (One-way travel in this alley alleviates the concern of traffic exiting the alley on Pine Street and encountering pedestrian or vehicular traffic. The Street and Utilities Committee recommends approval of this one-way designation.)

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. 04-35 designating the alley between 10th and 11th Streets from Park Street to Pine Street as one-way travel from east to west.

Motion passed by the following unanimous roll call vote:

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

21. Parking Restrictions at the Intersection of 10th and Pine Streets

M. Williamson, Interim Public Works Director

Consider parking restrictions (red curb) on the northeast corner of the intersection of 10th and Pine Streets. (The intersection of 10th Street at Pine has four corners with handicap ramp access to the street [which prohibits parking near the corners]. Three of the four corners also have other features that inhibit parking. The site line on the remaining corner can be improved with the installation of red curbing. The Streets and Utilities Committee voted 2-0 to recommend approval of the parking restrictions at this corner.)

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. 04-36 approving parking restrictions on 10th Street from the northeast corner handicap ramp extending eastward 20 feet.

Motion passed by the following unanimous roll call vote:

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

22. Parking Restrictions on Nicklaus Drive at Niblick Road

M. Williamson, Interim Public Works Director

Consider parking restrictions (red curb and signage) on the southeast side of Nicklaus Drive from Gardenia Circle to Niblick Road. (The presence of parked cars on the east side of Nicklaus Drive from the Alder Creek condominiums' entrance to the intersection of Nicklaus and Niblick block the newly installed right turn lane. This corner does not have sight line challenges, but is not wide enough to accommodate both curbside parking and a dedicated turn lane. The Streets and Utilities Committee voted 2-0 to recommend parking restrictions at this location.)

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. 04-37 creating a "No Parking" zone on Nicklaus Drive from Gardenia Circle to the intersection at Niblick Road.

Motion passed by the following unanimous roll call vote:

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

23. Parking Restrictions on Appaloosa Drive and Niblick Road

M. Williamson, Interim Public Works Director

Consider parking restrictions (red curb) on Appaloosa Drive and Niblick Road near their intersection. (The Paso Robles Unified School District has requested that a section of curb on both sides of Appaloosa Drive at Niblick Road, be changed to a red "No Parking" area. Red curbing on both corners would maximize usable road width, open up sight lines and could improve safety of the intersection during times of heavy use. The Streets and Utilities Committee was divided in their support for these parking restrictions.)

Mayor Mecham opened the public hearing. Speaking from the public was Jason Taylor (Paso Robles Unified School District). 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. 04-38 approving revised parking restrictions on the west side of Appaloosa Drive beginning at the northeast corner of Niblick Road, extending north 30 feet; and on the east side of Appaloosa Drive beginning at the northwest corner of Niblick Road, extending north 90 feet.

Motion passed by the following unanimous roll call vote:

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

24. Council Advisory Bodies, Boards & Commission Bylaws

J. App, City Manager

Consider standard bylaws for all City Council advisory bodies, boards and commissions. (The proposed bylaws incorporate Council policy and have been reviewed by legal counsel and the Council's advisory bodies. The bylaws address membership requirements, conflict of interest rules, meeting protocol, and Council communication practices. The bylaws are adaptable to each body's unique function and authority.)

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

A straw vote was taken on the matter of term limits.

Councilmember Finigan, seconded by Councilmember Heggarty moved to adopt standard bylaws as set forth in Exhibit 2 and as amended per the staff report.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS

- Councilmember Nemeth brought to Council's attention a letter received from Maria White regarding suggested improvements to Melody "Park" (drainage basin).

PUBLIC COMMENT ON CLOSED SESSION - None

CLOSED SESSION - None

By general consensus, Council moved to adjourn from regular session at 10:20 PM.

ADJOURNMENT: to THE DOWNTOWN VISION WORKSHOP AT 7:00 PM ON THURSDAY, FEBRUARY 19, 2004, AT THE PASO ROBLES INN, 1103 SPRING STREET; TO THE CALIFORNIA MID-STATE FAIR AWARDS DINNER AT 6:30 PM ON FRIDAY, FEBRUARY 20, 2004, AT THE PAVILION AT THE FAIR GROUNDS; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, MARCH 2, 2004, 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.**