

# CITY COUNCIL MINUTES

Tuesday, August 3, 2004 7:30 PM

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

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## 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

- Del Velten expressed her views about the City's system of government and the responsibility of Council to be responsive to the public's wishes.
- City Engineer John Falkenstien thanked residents living on Navajo and all others who travel regularly on South River Road for their patience during that road's closure from June 14<sup>th</sup> to July 26<sup>th</sup>. He also commended Swift Tectonics for completing this 12 week project in 6 weeks.
- Scott Reneau, a Boardmember of the Paso Robles Chamber of Commerce, introduced the Chamber's new President, Mike Gibson.
- Mike Gibson spoke briefly about his new position, acknowledging the City's funding to the Visitors & Convention Bureau, and the Chamber's responsibility to represent commerce in the community, as well as promoting tourism.
- Kate Davis announced that the Alliance Board Company, in association with Castle (the California Amateur skate league), held a successful skate competition on July 10<sup>th</sup> at Pioneer Park Skate Park. She expressed appreciation for allowing this event to be held in Paso Robles, as well as a qualifier for the California amateur state games, in which Andrew Easterbrook, a local youth, placed 6<sup>th</sup>.
- Councilmember Nemeth thanked residents who attended the July 24<sup>th</sup> Welcome Home BBQ and parade honoring the soldiers of the California Army National Guard's 1498<sup>th</sup> Transportation Company, recently returned from Iraq.

**AGENDA ITEMS TO BE DEFERRED (IF ANY)**

City Manager Jim App announced that the Agenda Items Nos. 1 and 2 have been recommended for continuance.

**PRESENTATIONS** - None

**PUBLIC HEARINGS**

**1. Code Amendment 02-007 (Signs)**

R. Lata, Community Development Director

Consider continuing this already open public hearing regarding an update of the City's sign ordinance. (In light of legal issues and complexity, additional time is needed to refine the text of the proposed ordinance.) CONTINUED FROM FEBRUARY 3, 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.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue the open public hearing to update the City's sign ordinance to the Council's regular meeting of October 19, 2004.

Motion passed by the following unanimous roll call vote:

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

**2. Code Amendment regarding Limitation on Vehicle Weights in Residential Zones**

R. Lata, Community Development Director

Consider continuing this open public hearing to consider limitations on vehicle weight limits on residential streets. (During the summer of 2002, Council discussed options to limit the weight of trucks within residential zoned areas. Further action was deferred pending a court decision that could impact the City's ability to enforce vehicle weight restrictions. Subsequently, the City Attorney advised that the City could proceed with consideration of an ordinance; however, in light of other pending project priorities, including the Chandler Ranch Area Specific Plan, a continuance is necessary to allow time to prepare a report outlining options open to the Council. CONTINUED FROM FEBRUARY 3, 2004

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to continue the open public hearing regarding vehicle weight restriction in residential areas to the Council's regular meeting of September 7, 2004.

Motion passed by the following unanimous roll call vote:

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

### **3. Sewer and Water Development Impact Fees**

M. Compton, Administrative Services Director

Consider modifying sewer and water development impact fees. (Council adopted new sewer and water impact fees on December 18, 2001, and authorized review of fees every two years. Analysis of the City's water system indicates changes are needed to provide for the next five year's demands, including the Nacimiento Water Project, and Foresight Consulting was contracted in November 2003 to update the City sewer and water impact fees.)  
CONTINUED FROM JULY 20, 2004

Mayor Mecham opened the public hearing. Speaking from the public were Jerry Bunin (Home Builders Association), Susan Harvey (President of Paso Watch), Del Veltin, and Dick Wilhoit (speaking on behalf of the Home Builders Association). 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. 04-xx establishing new sewer and water development impact fees, revising the wording so that fees shall be payable for building permits issued on or after January 1, 2005. Councilmember Picanco withdrew his second.

Motion failed due to lack of a second.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-163 establishing new sewer and water development impact fees.

Motion passed by the following unanimous roll call vote:

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

### **4. Water User Fees for Nacimiento Water**

J. App, City Manager

Consider modifying water user fees for Nacimiento Water. (At its July 20<sup>th</sup> meeting, Council approved participation in the Nacimiento Water Project [NWP] with the San Luis Obispo Flood Control District. A proposed increase in water user fees of \$6/month every July 1<sup>st</sup> from 7-2-05 through 6-30-10 [a total rate increase of \$36] will be used to fund the cost of participating in the NWP.) CONTINUED FROM JULY 20, 2004

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to introduce and hold first reading of Ordinance No. XXX N.S. to modify sewer and water user fees; and set August 17, 2004, as the date for adoption of said ordinance.

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 were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items Nos. 5 - 17 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan, with Councilmember Heggarty abstaining from voting on the June 28, 2004, Council minutes in Item No. 5, as he was absent from that meeting, and Councilmembers Finigan and Picanco abstaining from voting on the July 14, 2004, Council minutes in Item No. 5, as they were absent from that meeting; and Councilmember Picanco abstaining on Warrant Register Item No. 049270.

5. Approve City Council minutes of June 28, July 6, July 8, July 14, and July 20, 2004  
D. Fansler, City Clerk
6. Approve Warrant Register: Nos. 49003 – 49176 (7/16/04 and 49177 – 49306 (7/23/04)  
M. Compton, Administrative Services Director
7. Receive and file Advisory Body Committee minutes as follows:  
Airport Advisory Committee meeting of June 24, 2004  
Pioneer Museum Board meeting of June 10, 2004
8. Receive and file update on Atascadero Automatic Aid Agreement. (In February 2004, Council executed an automatic aid agreement with the City of Atascadero for specific fire resources. Responses to Atascadero were estimated to be between six and twelve per year under the new agreement. Actual responses to Atascadero for period February 3 – July 20 were three, and Paso Robles received assistance from Atascadero on one occasion during the same period.)  
K. Johnson, Emergency Services Chief
9. Adopt Resolution No. 04-164 accepting the public improvements of Tract 2254-3 into the City's maintenance system. (Developer & Subdivider: Bermant Development Company. This subdivision is located along Silver Oak Drive and Silverwood Way, west of Beechwood Drive and east of Creston Road. All public improvements have been constructed to the satisfaction of the City Engineer.)  
R. Lata, Community Development Director

10. Adopt Resolution No. 04-165 annexing PD 98-016 into Landscape and Lighting District No. 1 (Applicant: Canyon Creek Limited Partnership. This project is 80 multi-family dwelling units on approximately seven acres, located on the south side of Oak Hill Road, west of Nicklaus Road. PD 98-016 was originally approved by the Planning Commission with the condition that the property annex into the Landscape and Lighting District.)  
R. Lata, Community Development Director
11. Adopt Resolution No. 04-166 allocating the City's 2004 Community Development Block Grant (CDBG) funds. (Council adopted resolutions in March and April 2004 determining which activities were to be funded with the City's 2004 CDBG funds. The City now needs to make appropriations for the projects.)  
R. Lata, Community Development Director
12. Adopt Resolution No. 04-167 approving a budget appropriation in the amount of \$62,600 from the Airport Enterprise Fund. (This appropriation is to purchase Airport crash fire equipment in conjunction with 95% grant funding from the Federal Aviation Administration. The proposed equipment will meet all FAA requirements for crash-rescue equipment with only one vehicle and eliminate the current need for a second support fire engine.)  
M. Williamson, Interim Public Works Director
13. Adopt Resolution No., 04-168 awarding a contract to PCI for \$23,471 to perform the City's Annual Street Striping Project, DPW No. 04-08. (At the bid opening on July 22, 2004, four bids were received, ranging from \$23,471 to \$28,748. The low bid submitted by PCI of Long Beach was reviewed and found to be responsive.)  
M. Williamson, Interim Public Works Director
14. Adopt Resolution No. 04-169 authorizing the purchase of two street sweeping machines for a total cost of \$263,254. (At the bid opening on July 15, 2004, five bidders provided six bids — four for regenerative air sweepers and two for mechanical broom sweepers. The bids ranged from \$111,514.78 to \$145,884.00 for the regenerative air sweeper and from \$151,739.45 to \$155,841.76 for the mechanical broom sweeper. The low bid for the regenerative air sweeper submitted by GCS Western Power of Buena Park and the low bid for a mechanical broom sweeper submitted by Paso Robles Truck Center were reviewed and deemed responsive.)  
M. Williamson, Interim Public Works Director
15. Adopt Resolution No. 04-170 authorizing the City Manager to enter a contract with TPG Consulting for design of a traffic signal at 24<sup>th</sup> and Vine Streets for \$6,400. (An informal Request for Proposals was issued to five traffic engineers, with all responding with bids ranging from \$6,400 to \$17,800. The proposal submitted by TPG Consulting is significantly lower than the other bids, but is complete in its scope of work. This item was presented to the Streets and Utilities Committee, who endorsed the TPC Consulting proposal.)  
M. Williamson, Interim Public Works Director

16. As the work of the committee is not yet completed, extend the ad hoc committee formed in August 2003 to analyze and report on traffic-calming alternatives to the Streets and Utilities Committee to November 4, 2004.  
M. Williamson, Interim Public Works Director
17. As the work of the committee is not yet completed, extend the ad hoc committee formed in January 2003 to review Airport development and policy to July 19, 2005.  
M. Williamson, Interim Public Works Director

*It was moved by Councilmember Heggarty, seconded by Councilmember Finigan, and passed unanimously by voice vote to discuss agenda Item No. 20 immediately after the Consent Calendar.*

**DISCUSSION**

20. **Melody Drainage Basin/Park Study – Request for Proposals**  
M. Williamson, Interim Public Works Director

Review a draft scope of work for proposals to complete/update technical analysis and prepare design options for the Melody Drainage Basin/Park. (This basin/park is located between Caddie Lane and Melody Drive, surrounded by single-family residences.)

Mayor Mecham opened the public hearing. Speaking from the public Ellen Grijalva and Mike Menath There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to direct staff to solicit proposals for the Melody Basin/Park Study in accordance with the draft Request for Proposals and its identified Scope of Work, and extend the ad hoc committee formed 5/4/04 to May 16, 2005.

Motion passed by the following unanimous roll call vote:

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

*Council adjourned for an 8-minute recess at 9:05 PM.*

18. **Emergency Well Repair Status Report**  
M. Williamson, Interim Public Works Director

Receive an update on emergency well repair and development. (The City has 16 existing production wells operating within the City limits, and it is critical to meeting our water production needs to keep all of these in operation. This report is intended as an update on expenditures from the City's Water Utility fund to facilitate emergency and scheduled repairs and explore new water production opportunities.)

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 report on emergency well repair and production development.

Motion passed by unanimous voice vote.

**19. Emergency Water Contingency Plan**

M. Williamson, Interim Public Works Director

Consider adopting an Emergency Water Contingency Plan to address diminishing water storage levels. (The San Simeon earthquake damaged one of the City's 4-million gallon storage reservoirs, reducing the City's water storage capacity by one-third. In April, Council declared an Emergency Water Shortage and all residents were asked to reduce their water use by 25%. Consumption records indicate that only a 3% water savings has been achieved over last year. It is imperative that the City have a plan in place that can prevent system wide outages in the water delivery system and can provide for potable consumption and fire fighting.)

Mayor Mecham opened the public hearing. Speaking from the public was Tom Hardwick. 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 adopt Resolution No. 04-171 adopting the Emergency Water Shortage Contingency Plan.

Motion passed by the following unanimous roll call vote:

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

**21. Housing Element Amendment**

R. Lata, Community Development Director

Review draft revision to the December 2003 Housing Element. (Prior to adoption, the State Department of Housing and Community Development [HCD] reviews all draft Housing Elements for compliance with State Housing Element Law. On December 12, 2003, HCD advised the City that its draft Housing Element needed to be refined. In order to meet the legal deadline to have a new Housing Element by the end of 2003, on December 16, 2003, the City adopted the Housing Element in the General Plan Update, knowing that the Element would have to be revised at a later date.)

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 Finigan, moved to receive and file the Draft Revised Housing Element.

Motion passed by unanimous voice vote.

**22. Project Study Report – Airport Road / Highway 46 East**

R. Lata, Community Development Director

Consider selecting a consultant to prepare the Project Study Report (PSR) for the Airport Road/Highway 46 East project. (A future interchange of Airport Road with Highway 46 East has been in the City's General Plan since 1991. District 5 Caltrans staff and the San Luis Obispo Council of Governments recognizes that long term planning for this interchange needs to occur as soon as possible to identify and preserve the necessary right of way and to avoid unnecessary long term costs and economic disruptions. An at-grade signalized intersection is the City's goal for an interim improvement, recognizing that the need and funding for a full grade-separated interchange is many years away. A Request for Proposals to prepare the necessary PSR was distributed and three qualified and experienced firms responded. After review, it appears that Omni-Means has the best proposal for the most acceptable cost.)

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 adopt Resolution No. 04-172 awarding a contract Omni-Means for a not-to-exceed amount of \$280,000 to prepare the Project Study Report for the intersection of Airport Road and Highway 46 East consistent with the attached Exhibit A Scope of Work; establish a budget of \$280,000 for the subject project; approve a promissory note for the General Fund advance to the Airport Road Project Study Report Fund; and authorize the City Manager to enter into a contract services agreement.

Motion passed by the following unanimous roll call vote:

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

**23. Airport Short-Term Lease – Cook's Coastal Enterprises**

M. Williamson, Interim Public Works Director

Consider a short-term, month-to-month lease agreement for office space in the Airport Terminal with Cook's Coastal Enterprises. (Applicant Eric Cook proposes the premises be used as a business office in support of his flight instruction activities conducted at the Airport. The proposed operation meets the requirements of the FAA and the City's requirement for conduct of business on the airport.)

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. 04-173 approving a short-term lease agreement with Eric Cook, dba Cook's Coastal Enterprises, for office space within the Airport Terminal building at 4900 Wing Way.

Motion passed by the following unanimous roll call vote:

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

**24. Airport Short-Term Lease – Riley’s Restaurant Corporation**

M. Williamson, Interim Public Works Director

Consider a short-term, month-to-month lease agreement for office space in the Airport Terminal with Riley’s Restaurant Corporation. (Applicant proposes the premises be used as a business office to conduct the administrative functions of its restaurant operation, also located in the Terminal building.)

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. 04-174 approving a short-term lease agreement with Riley’s Restaurant Corporation for office space within the Airport Terminal building at 4900 Wing Way.

Motion passed by the following unanimous roll call vote:

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

**25. Amendment to Transit Operations Contract**

M. Compton, Administrative Services Director

Consider approval of amendment to the transit operations contract with Laidlaw Transit Services. (In June 2001, the City’s contract with Laidlaw Transit Services was modified to provide additional compensation to Laidlaw to cover increased staff wages and benefit costs. Laidlaw is again requesting a contract modification for the same purposes. If approved, the City will have sufficient TDA [Transportation Development Act] and Federal Transit Administration funds to cover the increase cost. There will be no impact on transit fares, as there is no proposal to increase fares.)

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

Mr. Compton noted a correction to the staff report. The Fiscal Year annual cost impact should be \$26,900 instead of \$22,400, as shown on Page 25-2.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-175 approving a contract amendment with Laidlaw Transit Services.

Motion passed by the following roll call vote:

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

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS** - None

**COUNCIL COMMENTS** - None

**PUBLIC COMMENT ON CLOSED SESSION** - None

*City Attorney Iris Yang 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 9:50 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.*

## **CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor

*Council returned to Regular Session at 10:45 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 item, and there was no reportable action.*

*By unanimous voice vote, Council moved to adjourn from regular session at 10:46 PM.*

**ADJOURNMENT:** to THE CHAMBER OF COMMERCE RECEPTION AT 5:30 PM ON WEDNESDAY, AUGUST 4, 2004, AT THE DOWNTOWN CITY PARK; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, AUGUST 17, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

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