

# **CITY COUNCIL MINUTES**

**Tuesday, December 7, 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**

Led by Scout Matthew D. Kudia, Boy Scouts of America, Troop 60

## **INVOCATION**

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

## **PUBLIC COMMENTS**

- Chuck Miller invited the public to attend an event at the Municipal Airport on Saturday, December 11<sup>th</sup>, where an F-14 Tomcat will be flown in by a Navy crew and taxied to its new home at the Estrella Warbird Museum, where it will be on permanent display. He encouraged everyone to come out, welcome the flight crew, enjoy the planned festivities, and take the opportunity to visit the museum and meet with retired and active military personnel.

- Catherine Bartley, past President of the Kiwanis Club of Paso Robles, accompanied by the new President, Walt Costello, and past Secretary Chuck Bartley, gave an annual report on Kiwanis achievements, community contributions, and service projects. Ms. Bartley encouraged public awareness of Kiwanis and urged support and volunteer participation.
- Tom Hardwick thanked the City Council and City staff for heeding the needs and concerns of people living on Walnut Drive, and on behalf of the parents and children living in that area expressed appreciation for the three new speed bumps recently installed on Walnut to deter speeders.
- Councilmember Nemeth announced that at a recent mixer held at Hayward Lumber, the Paso Robles Downtown Main Street Association awarded the City Council and City staff with the *2004 Visionary Award*.

## 1. Results of Consolidated General Election – November 2, 2004

D. Fansler, City Clerk

Adopt Resolution No. 04-260 reciting the facts of the Consolidated General Election held on November 2, 2004, declaring the result and such other matters as provided by law.

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 04-260 reciting the facts of the Consolidated General Election held on November 2, 2004, declaring the result and such other matters as provided by law. Motion passed by the following unanimous roll call vote:

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

### SEATING OF NEW COUNCIL

- Mayor Mecham recognized outgoing Councilmember George Finigan for his distinguished service to the community of Paso Robles and for the straightforward and sincere manner in which he has carried out the responsibilities and duties of his office.
- Other members of Council recognized Councilmember Finigan for dedicated service to the citizens of Paso Robles during his term of office and the exemplary spirit he exhibited at all times.
- Oaths of Office were administered to members of the new Council: Mayor Frank Mecham and Councilmembers Gary Nemeth and Fred Strong.
- Council adjourned for a 20-minute recess, and the public was invited to share refreshments and take this opportunity to extend their farewells to outgoing Councilmember Finigan.
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*Newly elected Councilmember Fred Strong took his seat at the dais and outgoing Councilmember George Finigan stepped down.*

**3. Selection of Mayor Pro Tem, Redevelopment Agency Chairman, and Redevelopment Agency Vice Chairman**

F. Mecham, Mayor

Consider the selection of a Mayor Pro Tem, Redevelopment Agency Chairman, and Redevelopment Agency Vice Chairman.

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to appoint Councilmember Heggarty as Mayor Pro Tem. Motion passed by unanimous voice vote.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to appoint Councilmember Nemeth as Redevelopment Agency Chairman. Motion passed by unanimous voice vote.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to appoint Councilmember Strong as Vice Chairman of the Redevelopment Agency. Motion passed by unanimous voice vote.

**4. Appointment of Members to Council Liaison and Ad Hoc Committees**

F. Mecham, Mayor

Approve appointment of members for Council liaison and open ad hoc committees.

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

Councilmember Heggarty, seconded by Councilmember Strong, moved to authorize the Mayor to make appointments to the liaison and ad hoc committees by the first Council meeting of January 4, 2005. Motion passed by unanimous voice vote.

**AGENDA ITEMS TO BE DEFERRED (IF ANY) - None**

**PRESENTATIONS**

**5. Recognition - Howard McMasters**

F. Mecham, Mayor

Recipient of the *Marvin M. Lewis Scouting Award 2004* for 53 years of exemplary commitment in promoting the objectives of the Boy Scouts of America.

Mayor Pro Tem Jim Heggarty presented a recognition to Howard McMasters for his achievement as a recipient of the *Marvin M. Lewis Scouting Award 2004*.

6. Recognition - Edna Debardelaben  
F. Mecham, Mayor

Recipient of the National *Daily Point of Light Award*, November 18, 2004, honoring her commitment to the community through volunteer service.

Mayor Mecham presented a recognition to Edna Debardelaben for her achievement as recipient of the National *Daily Point of Light Award*, November 18, 2004, honoring her commitment to the community through volunteer service

## **PUBLIC HEARINGS**

7. **2004 Housing Element (Amendment to the 2003 Housing Element)**  
R. Lata, Community Development Director

Consider an amendment to the Housing Element to address concerns of the State Department of Housing, and Community Development (HCD). (Policy changes are summarized in the staff report. Amendments that affect dwelling accessibility for the disabled and seasonal farm worker housing are necessary to implement changes in State Law.)  
CONTINUED FROM NOVEMBER 16, 2004

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 Picanco, moved to (1) adopt Resolution No. 04-261 approving a Negative Declaration for the 2004 Housing Element; and (2) adopt Resolution No. 04-262 approving the 2004 Housing Element, incorporating HCD's recommended change for Action Item No. 9 under Policy H-1B to schedule the Zoning Code amendment for seasonal farm worker housing for fiscal year 2005-2006.

Motion passed by the following unanimous roll call vote:

AYES: Heggarty, Nemeth, Picanco, Strong, 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. 8 - 18 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Item No. 051803 due to a possible conflicts of interest

8. Approve City Council minutes of November 16, 2004  
D. Fansler, City Clerk
9. Approve Warrant Register: Nos. 51489 – 51656 (11/12/04) and 51657 – 51813 (11/19/04)  
M. Compton, Administrative Services Director

10. Receive and file Advisory Body Committee minutes as follows:  
 Library Board of Trustees meeting of October 14 and 18, 2004  
 Parks & Recreation Advisory Committee meeting of October 12, 2004  
 Pioneer Museum Board meeting of October 14, 2004  
 Senior Citizen Advisory Committee meeting of October 11, 2004  
 Youth Commission meeting of October 6, 2004
11. Read, by title only, and adopt Ordinance No. 889 N.S. amending various sections of the City's sign ordinance (Code Amendment 02-007). 1ST READING NOVEMBER 16, 2004  
 R. Lata, Community Development Director
12. Receive and file Annual Development Impact Fee Report for fiscal year ended June 30, 2004.  
 M. Compton, Administrative Services Director
13. Adopt Resolution No. 04-263 waiving the building permit and plan review fees for the Eagle Scout Project located at St. Rose Church and School in the amount of \$360.36. (Applicant Matthew Kudija's project entails constructing a 260-square foot storage facility at the school. The plan review for this facility was performed by City staff and no contract costs were incurred.)  
 R. Lata, Community Development Director
14. Adopt Resolution No. 04-264 accepting a variable width Easement Grant Deed from Oak Knoll Ranch, LLC for a drainage and public utility easement located across Lot 10 of Tract 2457. (Property is located near the intersection of River Oaks Drive and North River Road.)  
 R. Lata, Community Development Director
15. Adopt Resolution No. 04-265 accepting a 15-foot wide Grant of Easement from the Goldstein Family Trust for a Public Utility Easement located along the west side of Theatre Drive. (This easement is necessary to satisfy conditions of approval of PD 95-009 [development of the PETCO store] and complete construction of the widening of Theatre Drive.)  
 R. Lata, Community Development Director
16. Adopt Resolution No. 04-266 accepting the Irrevocable and Perpetual Offer of Dedication for public road purposes adjacent to the west side of Theatre Drive, south of Gahan Place, in relation to the development of the PETCO store, Planned Development 95-009. (The applicants [Goldstein Family Trust] have requested occupancy of the PETCO store located at 2051 Theatre Drive. This Offer of Dedication of public right-of-way is necessary to satisfy the conditions of approval of the development and complete construction of the widening of Theatre Drive.)  
 R. Lata, Community Development Director
17. Adopt Resolution No. 04-267 accepting the recordation of Tracts 2457-3 and 2457-4 and approving the Subdivision Improvement Agreement and authorizing deferred construction of the subdivision improvements within a one-year period; and adopt Resolution No. 04-268 annexing Tracts 2457-3 and 2457-4 into the Landscape & Lighting District. (Tract 2457-3 is a 65-lot subdivision of a 12.6-acre site and Tract 2457-4 is a 67-lot subdivision of a 14.3-acre site, located on Clubhouse Drive, north of River Oaks Drive.)  
 R. Lata, Community Development Director

18. Adopt Resolution No. 04-269 (1) approving a budget appropriation in the amount of \$80,000 from the Vehicle Replacement Fund; (2) approving a budget appropriation in the amount of \$14,300 from the Sewer Operations Fund; and (3) declaring unit #519 as surplus and authorizing its sale for salvage value. (Unit No. 709 is a 1989 Case loader used in the streets division that was purchased used and is scheduled for replacement in FY 2008. Unit No. 519 is a 1995 Case tractor used at the wastewater plant and is in need of approximately \$17,000 in repairs. Staff recommends that Unit No. 519 be declared surplus and sold for its salvage value; that Unit No. 709 be transferred to the Wastewater Division; and that Unit No. 519 be replaced with a unit similar to No. 709.)  
M. Compton, Administrative Services Director

### **ROLL CALL VOTE**

### **DISCUSSION**

19. **Children's Museum**  
M. Williamson, Interim Public Works Director

Consider the exterior design revisions proposed by the Children's Museum Board for the old Fire Station No. 1 on 13<sup>th</sup> Street. (The completion and submittal of floor plans, exterior remodel, and site use is one of the conditions of the Museum's Lease Option Agreement.)

Mayor Mecham opened the public hearing. Speaking from the public were Emily Reneau (President of the Children's Museum Board of Directors), John Hamon and Dale Gustin. Building architect Rob Nash conducted a visual presentation. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Strong, moved to adopt Resolution No. 04-270 approving the building and site plan modifications to the old Fire Station No. 1 as proposed by the Children's Museum Board.

Motion passed by the following unanimous roll call vote:

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

20. **Annual Transit Report for Fiscal Year Ended June 30, 2004**  
M. Compton, Administrative Services Director

Presentation of Annual Transit Report for fiscal year ended June 30, 2004. (The Annual Transit Report includes fare revenues, operating expenses and ridership statistics for all City transit services—Fixed-route and Dial-a-Ride. The City operates two types of transit services: demand response, commonly referred to as Dial-a-Ride [DAR], and a fixed route system called Paso Robles City Area Transit System [CATS]. Transit operations are funded from Transportation Development Act [TDA] funds, Federal Transportation Administration 5307 funds, and fares. TDA funding is derived from ¼ of 1% of the sales tax rate, distributed on a population basis.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin and 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 Strong, moved to receive and file the Annual Transit Report for FY June 30, 2004

Motion passed by unanimous voice vote.

**21. Presentation of North County Transit Study**

M. Compton, Administrative Services Director

San Luis Obispo Council of Governments (SLOCOG) presentation of the North County Transit Study, fiscal years 2005-06 to 2014-15. (This is a presentation only. No formal action is expected from Council at this time.)

Peter Rogers (SLOCOG Planning Manager), assisted by Gordon Shaw (SLOCOG Engineer and Planner) conducted a visual presentation and review of the North Study Transit Study.

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

Councilmember Strong, seconded by Councilmember Picanco, moved to defer taking action on any specific recommendation until the study has been presented to the Atascadero City Council in January 2005.

Motion passed by the following unanimous roll call vote:

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

*Council adjourned for a 10-minute recess at 9:55PM.*

**22. Library/City Hall Sulfur Spring – Environmental Review**

M. Williamson, Interim Public Works Director

Consider amending an existing contract with Boyle Engineering to complete State and Federal environmental review of the sulfur spring. (The environmental assessment will evaluate repair options discussed with the Office of Emergency Services and FEMA and result in a final recommendation that will comply with State regulatory requirements and FEMA regulations.)

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. 04-271 amending the contract for Boyle Engineering in an amount of \$86,300.

Motion passed by the following unanimous roll call vote:

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

**23. Earthquake Recovery – Federal Reimbursement Process Assistance**

M. Williamson, Interim Public Works Director

Consider appropriating additional funds to continue professional assistance with the earthquake-related Federal reimbursement process. (The Library/City Hall sulfur spring repair and the Carnegie Library involve millions of dollars and many years of FEMA/OES interface. Given the complexity of these larger projects, and the time commitment in dealing with FEMA and estimated cost, it is advantageous to continue to engage outside assistance.)

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 Strong, moved to adopt Resolution No. 04-272 approving a budget appropriation of \$100,000 to extend earthquake recovery related services under an existing consultant contract with Kermani Consulting Group

Motion passed by the following unanimous roll call vote:

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

**24. Retention of FSB Energy and Geothermal Surveys, Inc. to Perform Services Associated with Geo-Thermal Resource Grant**

M. Williamson, Interim Public Works Director

Consider contracting with FSB Energy and Geothermal Surveys, Inc. for project management and professional/technical services associated with a grant to conduct a resource assessment and feasible use study of geo-thermal resources with the City. (In March 2004, Council authorized application for grant monies from the California Energy Commission [CEC] for the purpose of locating, inventorying, and establishing feasible uses of the geo-thermal resources within the City.)

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 Strong, moved to adopt Resolution No. 04-273 authorizing the City Manager to (1) enter into a contract with FSB Energy in the amount of \$25,680 plus \$326 in reimbursable expenses to provide project management and project support services; (2) enter into a contract with Geothermal Surveys, Inc. (GSI) in an amount not to exceed \$115,100 to provide field investigation and professional services associated with completing a resource assessment and feasible use study of the geo-thermal resources within the City of Paso Robles; and (3) allocate \$162,800 from General Fund reserves to implement the grant, of which \$145,500 will be reimbursed from the State.

Motion passed by the following unanimous roll call vote:

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

**25. Niblick Road Corridor Signal Synchronization – First Street to Creston Road**

M. Williamson, Interim Public Works Director

Consider awarding a contract to inter-connect eight signals along the Niblick Road corridor from First Street to Creston Road. (With the addition of traffic lanes and two new signals on Niblick Road, the traffic pattern within this corridor has changed. Synchronization of the signals will optimize the cycle lengths for peak traffic flow periods.)

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

Councilmember Strong, seconded by Councilmember Nemeth, moved to authorize the City Manager to engage the services of TPG Consulting to perform signal synchronization of eight signals along Niblick Road from First Street to Creston Road for \$15,200.

Motion passed by the following unanimous roll call vote:

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

**26. Nacimiento Water Project – Design Phase Funding**

J. App, City Manager

Consider options for funding Nacimiento Water pre-construction project costs.

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 Picanco, moved to authorize interim (next 6-9 months) payments from Water Operations Fund for design phase costs as presented in the cash flow projection (attached), and development of an interim financing (bond) option.

Motion passed by the following unanimous roll call vote:

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

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**27. Water Well Policy - Ad Hoc Committee Formation**

M. Williamson, Interim Public works Director

Consider appointing an ad hoc committee to assist in the preparation of policies related to private water well use.

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 Heggarty and Strong to an ad hoc committee to assist in the preparation of policies related to private water well use, and report back to the full Council by June 1, 2005.

**28. Budget Preparation - Ad Hoc Committee Formation**

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to assist in the preparation of the 2-year Budget/ 4-year Financial Plan for fiscal years 2006 to 2009.

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 Picanco and Nemeth to an ad hoc committee to assist with the development and preparation of the 2-year Budget / 4-year Financial Plan for fiscal years 2006-2009, and report back to the full Council by July 1, 2005.

**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 11:10 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 11:44 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 11:45 PM .*

**ADJOURNMENT:** to THE CITY HOLIDAY PARTY AT 6:00 PM ON FRIDAY, DECEMBER 10, 2004, AT THE PASO ROBLES INN, 1103 SPRING STREET; TO THE VICTORIAN VINE STREET EVENT AT 6:00 PM ON SATURDAY DECEMBER 11, 2004; TO THE PLANNING COMMISSION INTERVIEWS/APPOINTMENTS AT 7:00 PM ON MONDAY, DECEMBER 13, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 21 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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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 A FUTURE REGULAR MEETING.**

**CITY COUNCIL MINUTES**  
**ADJOURNED REGULAR MEETING**  
**Monday, December 13, 2004 7:00 PM**

PLANNING COMMISSION INTERVIEWS & APPOINTMENTS:

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

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CALL TO ORDER

ROLL CALL      Councilmembers Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong,  
and Mayor Frank Mecham

PUBLIC COMMENTS

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

**1. Advisory Body Interviews & Appointments – Planning Commission**  
R. Lata, Community Development Director

Interview and make appointments to the Planning Commission.

**3 VACANCIES**

- Three 3-year regular terms expiring December 31, 2007

After interviewing all applicants, Council voted as follows:

Regular Terms

Ed Steinbeck 5 votes: Heggarty, Nemeth, Picanco, Strong, and Mecham  
Margaret Holstine 4 votes: Heggarty, Nemeth, Picanco, and Strong  
Michael Menath 3 votes: Heggarty, Nemeth and Strong  
James Cole 1 vote: Mecham  
Pat McMahan 1 vote: Picanco  
Charles Treach 1 vote: Mecham  
David Nicklas 0 votes  
Christie Withers 0 votes

Councilmember Strong, seconded by Councilmember Picanco, moved to appoint Ed Steinbeck, Mike Menath and Margaret Holstine to 3-year regular terms, expiring December 31, 2007. Motion passed by the following unanimous roll call vote:

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

*By unanimous voice vote, Council moved to adjourn from regular session at 9:02 PM.*

**ADJOURNMENT:** to REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 21, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved:

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