

# CITY COUNCIL MINUTES

Tuesday, June 21, 2005 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**

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

**PUBLIC COMMENTS-** None

Mayor Mecham announced that hard demolition of the main building at Flamson Middle School will begin Thursday, with an anticipated completion date of August 20<sup>th</sup>. No street closures are expected. The replacement building is currently being designed and is scheduled for completion by the beginning of school year in 2008.

Mayor Mecham also announced that the Economic Opportunity Commission of San Luis Obispo County has been granted an Emergency Housing Assistance Program capital development award of \$999,318 from the California Department of Housing and Community Development for construction of the North County homeless shelter.

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

**PRESENTATIONS** - None

## **PUBLIC HEARINGS**

### **1. Appeal of Planning Commission Decision to Approve PD 04-017 (Serenade and Deer Park Residents)**

R. Lata, Community Development Director

Consider an appeal filed by Tim and Brenda Sullivan on behalf of Serenade and Deer Park Residents appealing the Planning Commission decision to approve Planned Development 04-017. (45-lot single family residential subdivision located at 1650 South River Road)

Mayor Mecham opened the public hearing. Speaking from the public were Christy Gabler (North Coast Engineering), Brenda Sullivan, Timothy Sullivan, Dale Gustin, Chet Zinn, Scott Larsen, Liz Silvera, Jeannette Silacci, Sandy Tuttle, Bill Tuttle, and Grant Robbins (Centex). Correspondence was submitted from Trevor and Trudy Govers. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Strong, seconded by Councilmember Nemeth, moved to adopt an amended version of **Resolution No. 05-122** upholding the Planning Commission decision to approve PD 04-017, and deny the Serenade and Deer Park Residents' request of appeal.

Motion passed by the following roll call vote:

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

***Council adjourned for a 10-minute recess at 8:50 PM.***

### **2. Determination of Historic Significance of a Commercial Building Located at 1319 Spring Street and a Request to Process a Demolition Permit Application (Demolition 05-003 – Applicant: Norman R. Bridge)**

R. Lata, Community Development Director

Consider making a determination of historic or architectural significance of a commercial building proposed for demolition and authorizing a demolition permit. (Building is located at 1319 Spring Street. Although the subject building is in the City's Historic Resources Inventory, it is not on any local or State Register of historic structures. As such, the building's demolition is not subject to review other than that provided by Council.)

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

Councilmember Picanco, seconded by Councilmember Strong, moved to (1) approve **Resolution No. 05-123** adopting a Negative Declaration, pursuant to the requirements of the Guidelines for implementing the California Environmental Quality Act (CEQA) and (2) direct that the demolition permit application be processed. Any replacement structure(s) will be the subject to a future Development Review Committee consideration and would be subject to whatever public policy requirements as may apply at the time of a request for a project approval. Additionally, Council directed that if the time frame between the completion of demolition and the beginning of construction exceeds six months that the temporary pedestrian path be set back to the property line.

Motion passed by the following unanimous roll call vote:

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

**3. Cost of Services Study**

J. App, City Manager & M. Compton, Administrative Services Director

Review and consider a cost of services evaluation and related impacts. (The Cost of Services Study was reviewed by a Council ad hoc committee for integrity and completeness of the cost accounting, the implications of documented service costs as against City Council adopted policies and budget priorities, and developing recommendations to modify service pricing to adjust for inconsistencies.)

Mayor Mecham opened the public hearing. Speaking from the public were Dan Edds (Sr. Manager, Maximus), Norma Moye, Fritz Herrmann, Dale Gustin, David Madrid, Neil Roberts, Gary Brown, Jeff Roby, Bud Wimer, Dick Wilhoit, Tom Apkarian, Herman Schwartz, Thomas Hardwick, Grace Pucci and Kathy Barnett. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Strong, moved to continue this item to a future public workshop and to keep the ad hoc committee open.

Motion passed by unanimous voice vote.

**CONSENT CALENDAR**

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

Consent Calendar Items Nos. 4 – 7 and 9 – 17 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth; with the exception of Item No. 8 being pulled for discussion; and with Councilmember Picanco abstaining on Warrant Register Items Nos. 055742 and 055744, and Mayor Mecham abstaining on Item No. 055658.

4. Approve City Council minutes of May 12, May 19, June 2, and June 7, 2005  
D. Fansler, City Clerk
5. Approve Warrant Register: Nos. 55538 – 55667 (6/3/05) and 55668 – 55781 (6/10/05)  
M. Compton, Administrative Services Director
6. Receive and file Advisory Body Committee minutes as follows:  
Library Board of Trustees meeting of May 12, 2005  
Pioneer Museum Board meeting of May 12, 2005  
Senior Citizen Advisory Committee meeting of 9, 2005  
Youth Commission meeting of May 4, 2005
7. Recognitions – Dolly Bader and Virginia Harris – Senior Citizens Advisory Committee  
F. Mecham, Mayor

9. Adopt Resolution No. 05-124 authorizing the City Manager to contract with Todd Engineers to prepare the 2005 Urban Water Management Plan (UWMP). (The Urban Water Management Plan provides water shortage contingency management and water conservation measures. California regulations require the UWMP to be updated at least once every five years.)  
B. Hagemann, Water Resources Manager
10. Adopt Resolution No. 05-125 accepting the recordation of Parcel Map PR 04-0133, a 2-lot subdivision located at 3340 Airport Road, north of Highway 46. (Applicant is Jerry Handley. Parcel map was tentatively approved by the Planning Commission on January 11, 2005, and all conditions imposed have been satisfied.)  
R. Lata, Community Development Director
11. Adopt Resolution No. 05-126 awarding a contract to Prousys, Inc. for \$403,100 to upgrade the Supervisory Control and Data Acquisition [SCADA] telemetry system of the City's sewer lift stations. (At the bid opening on March 3, 2005, three bids were received ranging from \$403,100 to \$591,156. The low bid submitted by Prousys, Inc. was reviewed and found to be responsive.)  
D. Monn, Interim Public Works Director
12. Authorize staff to engage the services of Pavement Engineering, Inc. for evaluation of City streets and sidewalks, as follows: \$34,595 Pavement Management Program and \$25,050 for Sidewalk Inventory. (In September 2004, Pavement Engineering was engaged to rate the City's arterial and collector streets. Subsequently, the Streets and Utilities Committee recommended the evaluation be expanded to include all streets, and sidewalks, curbs and gutters within the area bordered by Olive Street and Highway 101 and by 38<sup>th</sup> Street and First Street.)  
D. Monn, Interim Public Works Director
13. Extend duration of the City Council landfill environmental analysis ad hoc committee (Councilmembers Heggarty and Nemeth) to December 20, 2005.  
M. Williamson, Assistant to the City Manager
14. Extend duration of the City Council Melody Basin evaluation ad hoc committee (Mayor Mecham and Councilmember Nemeth) to December 20, 2005.  
M. Williamson, Assistant to the City Manager
15. Extend duration of the City Council private water well use ad hoc committee (Councilmembers Heggarty and Strong) to December 20, 2005.  
D. Monn, Interim Public Works Director
16. Dissolve City Council Community Facilities Districts ad hoc committee (Mayor Mecham and Councilmember Nemeth) as the work of the committee is complete.  
R. Lata, Community Development Director
17. Dissolve City Council budget ad hoc committee (Councilmembers Nemeth and Picanco) as the work of the committee is complete.  
M. Compton, Administrative Services Director

## DISCUSSION

### 18. Airport Regulations and Minimum Standards)

M. Williamson, Assistant to the City Manager

Consider approving amended Airport Rules & Regulations and Airport Minimum Standards. (Regulations are a key tool in airport operations and public safety. The proposed Rules & Regulations establish standard rules for all users of the airport. Minimum Standards guide aviation business activity and development at the airport. Airport Rules & Regulations were last amended in 1993.)

Mayor Mecham opened the public hearing. Speaking from the public were James Siemer, Jerry Parker, and Doug Hauf. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt **Resolution No. 05-127** amending the Airport Rules & Regulations and adopting Minimum Standard Requirements for Airport aeronautical services, allowing for Ultralights to carry alternative coverage less than \$1,000,000 per occurrence, with minimum coverage of \$100K/\$250K/\$1M as described in the staff report.

Motion passed by the following **unanimous** roll call vote:

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

### 19. Borkey Specific Plan Fees

M. Compton, Administrative Services Director

Consider modifying the Borkey Specific Plan fees per the increase in the Engineering News Record (ENR). (There have been several prior adjustments to Plan fees, all associated with development specific related changes to the Plan. No inflationary adjustments have been made since the Plan was adopted. The ENR is a widely used industry index for estimating inflationary increases in construction costs. To be consistent with other Council approved fees, it is recommended that automatic annual inflationary adjustments based upon the annual percentage change in the ENR be approved.)

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. 05-xx approving fee adjustments reflecting the annual percentage increase in the engineering News Record index retroactively back to the last modification.

Motion failed by the following roll call vote:

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

Councilmember Strong, seconded by Councilmember Picanco, moved to adopt **Resolution No. 05-128** approving fee adjustments reflecting the annual percentage increase in the Engineering News Record index for the annual period ending April 30, 2005.

Motion passed by the following unanimous roll call vote:

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

**20. Union/Highway 46 Specific Plan Fees — Cost of Living Adjustment (COLA)**

M. Compton, Administrative Services Director

Consider modifying the Union/Highway 46 Specific Plan fees per the increase in the Engineering News Record (ENR). (Per adopted resolution in February 1992, annual Consumer Price Index or ENR adjustments to Plan fees are to be reviewed by Council. Consistent with all other Council approved fees, it is recommended that automatic annual inflationary adjustments based upon the annual percentage change in the ENR be approved. As annual inflationary adjustments have never been made, Council may wish to consider applying adjustments to Plan fees retroactively back to 1992.)

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 Picanco, moved to adopt **Resolution No. 05-129** approving fee adjustments reflecting the annual percentage increase in the Engineering News Record index for the 12 month period ending April 30, 2005.

Motion passed by the following unanimous roll call vote:

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

**21. Engineering Design Services Contract Award – Plan Line for Creston Road from Capitol Hill to Rolling Hills Road**

D. Monn, Interim Public Works Director

Consider entering into a contract with URS Corporation to develop a Plan Line for the ultimate improvement of Creston Road from Capitol Hill to Rolling Hills Road. (In December 2004, a Request for Proposal was issued to 17 firms. Six firms responded. The Council ad hoc committee recommends the team from URS Corporation.)

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 authorize the City Manager to enter into a contract with URS Corporation for \$194,217 to prepare a Plan Line for the ultimate improvements for Creston Road from Capitol Hill to Rolling Hills Road, in accordance with the Scope of Work included in the staff report.

Motion passed by the following unanimous roll call vote:

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

## **22. Roof Design for Sherwood Forest Playground Structure**

A. Robb, Interim Recreation & Library Services Director

Consider the final design for the Sherwood Forest playground structure (Phase 1A). (In September 2003, Council adopted a Master Plan to improve/enhance Oak Creek and Sherwood Park. The first phase of the Plan is to relocate, replace, and expand the existing playground structure. In November 2004, one design for the roof was presented to Council and staff was directed to develop other options.)

Mayor Mecham opened the public hearing. Speaking from the public was Carolyn Jones, Community Design Group. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to approve the final design concept as presented and accept the recommendation from REC Inc., the Parks and Recreation Advisory Committee, and the City Council ad hoc committee to install the Option B (stripes) roof over the playground structure; and dissolve the ad hoc committee as its work has been completed.

Motion passed by the following unanimous roll call vote:

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

## **23. Nacimiento Water Pre-construction Funding**

M. Compton, Administrative Services Director

Consider authorizing the "pay as you go" method for Nacimiento water pre-construction costs. (Given cash on hand and projected fee revenues, the City has the capacity to opt for the "pay as you go" method.)

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett 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 Heggarty, moved to approve the "pay as you go" option and authorize staff to undertake any and all activities necessary.

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**

**24. North Coast Engineering Request for Reconsideration – Tract 2369 – Elimination of “A” Street Connection to North River Road**

J. App, City Manager

Consider North Coast Engineering request to reconsider eliminating the “A” Street connection to North River Road.

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

Councilmember Strong seconded by Councilmember Heggarty, moved to approve North Coast Engineering’s request to reconsider eliminating the “A” Street connection to North River Road and instruct staff to schedule this item for action at the August 2<sup>nd</sup> Council meeting.

Motion passed by unanimous voice vote.

**CONSENT ITEM PULLED FOR DISCUSSION**

- 8. Read, by title only, and adopt Ordinance No. XXX N.S. modifying water rate structures.** (A “no flat rate/no minimum consumption” or a “pay-as-you-go” rate structure. This proposed re-structuring is intended to be revenue neutral, i.e., the City would realize no financial gain or loss.) 1ST READING JUNE 7, 2005  
M. Compton, Administrative Services Director

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

Councilmember Strong, seconded by Councilmember Heggarty, moved to continue this item to the Council meeting of August 2<sup>nd</sup>.

Motion passed by unanimous voice vote.

**ADVISORY BODY COMMUNICATION** - None



**AD HOC COUNCIL BUSINESS** - None

**COUNCIL COMMENTS** - None

**PUBLIC COMMENT ON CLOSED SESSION** - None

*Deputy City Attorney Jon Seitz 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 11:40 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

*The City Council returned to Regular Session at 11:58 PM.*

### **RETURN TO OPEN SESSION**

#### **CLOSED SESSION REPORT**

*Deputy City Attorney Seitz 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 11:59 PM.*

**ADJOURNMENT:** to THE PRCC USCB ECONOMIC FORECAST AT 8:00 AM ON WEDNESDAY, JUNE 29, 2005, AT THE PASO ROBLES INN, 1103 SPRING STREET, PASO ROBLES; TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 5, 2005, 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 A FUTURE REGULAR MEETING.**