

**MINUTES OF THE ADJOURNED REGULAR MEETING  
PASO ROBLES CITY COUNCIL**

**Tuesday, August 7, 2001 7:30 PM**

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**CALL TO ORDER** – Library/City Hall Conference Center

The City Council of the City of El Paso de Robles, meeting in regular session at 7:30 PM on the above date in the Library/City Hall Conference Center, was called to order by Mayor Frank Mecham.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENTS**

- Dale Gustin expressed concerns re advertisement flyers/notices on City lampposts.
- Del Velten voiced her views on the purpose of government and expressed her opposition to miscellaneous charges for fees and services.
- Chuck Miller reminded the public of the upcoming *28<sup>th</sup> Annual Air Show* to be held on September 9th at the Municipal Airport.

**PRESENTATIONS** - None

**NOTICED HEARINGS**

**1. Water Tank Property Landscaping**

R. Lata, Community Development Director

Open and continue the public discussion of the water tank site landscaping design.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to continue the open noticed hearing to the Council's regular meeting of September 4, 2001. Motion passed by the following unanimous roll call vote:

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

**2. Appeal of Planned Development 01-012 (Lilly/Moore)**

R. Lata, Community Development Director

Consider an appeal of conditions attached to the Planning Commission's approval of expansion of aircraft hangar facilities at the Municipal Airport. (Commission approved construction of 6,975 square feet of aircraft storage hangar space and 1,430 square feet of office space on a partially developed site at the Municipal Airport. Applicant is appealing the requirement to provide a publicly accessible restroom on a 24-hour basis.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to continue the open noticed hearing to the Council's regular meeting of September 4, 2001. Motion passed by the following unanimous roll call vote:

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

**ADJOURN TO MEETING OF THE  
REDEVELOPMENT AGENCY**

**ROLL CALL** Agencymembers Jim Heggarty, Frank Mecham, Gary Nemeth, Duane Picanco, and Chairman George Finigan

**3. Property Tax Auditing and Reporting Services**

M. Compton, Administrative Services Director

For the Paso Robles Redevelopment Agency Board to consider approval of an agreement for property tax auditing and reporting services with HdL Coren & Cone, Inc.

Chairman Finigan opened the public discussion. There being no comments either written or oral, the public discussion was closed.

Agencymember Nemeth, seconded by Agencymember Heggarty, moved to adopt Resolution No. RA 01-08 approving a contract for property tax increment auditing and reporting services. Motion passed by the following unanimous roll call vote:

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

## ADJOURN TO CITY COUNCIL MEETING

### CONSENT CALENDAR

The Consent Calendar Items No. 4 to 14.1, with comments as shown, were unanimously approved on a single motion by Councilmember Picanco, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining from voting on Warrants 026925, 026949 and 026952 in Item No. 6.

Those items unanimously approved were as follows:

4. Approve City Council Minutes of July 3, 2001.  
D. Fansler, City Clerk
5. Receive and file Advisory Body Committee minutes as follows:  
Parks & Recreation Advisory Committee meeting of May 8, 2001  
Pioneer Museum Board meeting of June 14 and July 12, 2001  
Public Library Board of Trustees meeting of June 14, 2001  
Citizens Airport Advisory Committee meeting of June 28, 2001  
Housing Authority meeting of July 10 and July 24, 2001
6. Approve Warrant Register.  
M. Compton, Administrative Services Director  
  
Councilmember Picanco abstains from voting on Warrants 026925, 026949 and 026952.
7. Adopt Resolution No. 01-169 approving an appropriation limit for the fiscal year 2001-02 operating and maintenance budget. (The State Constitution requires state and local governments to annually adopt an appropriations limit. The limit may be adjusted annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local non-residential construction. The State provides the data required to complete the calculation.)  
M. Compton, Administrative Services Director
8. Adopt Resolution No. 01-170 appropriating \$42,700 from sewer operations reserve funds, account number 601.310.5224.163, for laboratory testing fees. (In April 2000, Carollo Engineers was authorized to complete a Wastewater Salt Management Study for the Wastewater Treatment Facility and the Final Salt Management Study was received in February 2001. The report recommended the implementation of a sampling program. Funding for the laboratory testing fees is needed to carry out the report's recommendation in compliance with the Regional Water Quality Control Board.)  
J. Deakin, Public Works Director

9. Approve for first reading Ordinance No. XXX N.S. approving an amendment to the contract between the Board of Administration California Public Employees' Retirement System and the City. (Council recently adopted the "single-highest year final compensation" benefit for the SEIU and Professional/Manager groups. To retain equity in the groups, it is proposed that the benefit be extended to the Safety Employees Group – Police and Fire.)  
D. Fansler, Management Analyst
10. Adopt Resolution No. 01-171 approving renewal of the Professional/Manager Group long-term disability plan with Standard Insurance Company. (Standard Insurance Company has underwritten the long-term disability policy for the past eight years; they have proposed a very small increase in premium. The City's contract expired June 30, 2001 and Standard is currently covering the City under a temporary extension.)  
D. Fansler, Management Analyst
11. Adopt Resolution No. 01-172 accepting the public improvements of PR 98-199 into the City's maintenance system, and to release payment and performance bonds for these improvements upon receipt of a maintenance bond in the amount of 10% of the performance bond amount - \$23,500. (This subdivision is located between Highway 101 and Ramada Drive, north of State Highway 46 west. In June 2000, Council accepted Parcel Map PR 98-199 for recordation and executed a Subdivision Improvement Agreement with the developer of this subdivision. The public improvements have been constructed in conformance with the approved plans. Contractor is obligated to maintain all public improvements for a one-year period following acceptance by the City Council.)  
R. Lata, Community Development Director
12. Adopt Resolution No. 01-173 accepting the public improvements Tract 2137-3 into the City's maintenance system, and to release payment and performance bonds for these improvements upon posting of a Maintenance Bond in the amount of \$22,000. (This subdivision is located northwest of Riverglen Drive, north of Union Road. In September 2000, Council accepted Tract 2137-3 for recordation and executed a Subdivision Improvement Agreement with the developer of this subdivision. The public improvements have been constructed in conformance with the approved plans. Contractor is obligated to maintain all public improvements for a one-year period following acceptance by the City Council.)  
R. Lata, Community Development Director
13. Adopt Resolution No. 01-174 authorizing execution and recordation of the Final Map and Subdivision Agreement for Tract 2281-3 (La Ranchita, LLC), a 32-lot subdivision located east of Creston Road and Golden Hill Road; adopt Resolution; approve the Subdivision Improvement Agreement for Tract 2281-3, authorizing deferred construction of the subdivision improvements, with an established deadline of August 2002 to complete these improvements and authorize the Mayor to execute the Agreement; and adopt Resolution No. 01-175 annexing Tract 2281-3 into the Landscape and Lighting District as Sub-area No. 52C. (This project is located east of Creston Road and Golden Hill Road, and is in the third phase of development of the so-called Shadow Canyon subdivision. The subdivider has posted securities to guarantee installation of public improvements, the Tentative Map was approved by the Planning Commission in August 1998 and in conformance with the Conditions of Approval, the developer has also executed a Petition requesting that the subdivision be annexed into the Landscape and Lighting District No. 1. The City has collected park fees, drainage fees and plancheck and inspection fees in accordance with the conditions of approval for this tract.)  
R. Lata, Community Development Director

14. Approve the information and design of the dedication plaque for the Airport Terminal Project.  
D. Monn, Building Official

Mayor Mecham suggested that the final line of the plaque be changed so that the name of the design firm will be in alignment with other names on the plaque.

- 14.1. Adopt Resolution No. 01-168 approving the execution and recordation of the Final Map and Subdivision Improvement Agreement for Tract 2376 (River Oaks/Oak Knoll Ranch LLC); and adopt Resolution No. 01-181 annexing Tract 2376 as part of Subarea 36C to the Paso Robles Landscape and Lighting District No. 1 (Streets and Highways Code Sections 22500, et seq.). (This 148-lot subdivision is located west of Buena Vista Drive, across from the North Campus Cuesta College) and north of River Oaks Drive.  
R. Lata, Community Development Director

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

Mayor Mecham announced that an emergency item has been brought to the attention of Council regarding a proposal to the County by Union Asphalt, Inc. to allow for the operation of a sand and gravel surface mine in the Huer Huero Creek area. Councilmember Heggarty, seconded by Councilmember Nemeth, moved to place this item on the agenda based on findings that (1) there is the need to take immediate action at the Planning Commission meeting of Thursday, August 9<sup>th</sup> and (2) this need came to the attention of the City after tonight's Agenda was posted. Motion passed by the following roll call vote:

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

*This item will be discussed as Agenda Item No. 24.1 following Agenda Item No. 23.*

*City Council adjourned for a 5-minute break at 7:55 PM, reconvening at 8:00 PM.*

## PUBLIC DISCUSSION

15. **Request to Remove Oak Tree and Authorize Deferral of Median Construction – Tract 2269 (Golden Hill Road/Erskine)**

R. Lata, Community Development Director

Consider a request from Tom Erskine, the developer of Tentative Tract 2269, to remove a 35-inch diameter oak tree within the future Golden Hill Road right-of-way, and defer construction of a raised median within Golden Hill Road adjacent this subdivision by entering into an agreement to participate in an assessment district at some future date when installation of the median is warranted. This subdivision is an approximate 74-acre site of 21 industrial lots, located on the east side of Golden Hill Road, approximately 1/4 mile north of State Highway 46.

Mayor Mecham opened the public discussion. Speaking from the public was Mike Menath. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-176 denying approval of the removal of the 35-inch diameter oak tree within the future Golden Hill Road right-of-way at this time and considering its removal in the future when this project comes forward, along with allowing the deferral of the median construction as requested by the applicant. Motion passed by the following roll call vote:

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

*By unanimous voice vote, Council approved placing Agenda Item No. 22 before Item No. 16.*

**22. Sale of General Obligation Bonds**

M. Compton, Administrative Services Director

Consider approval of a resolution authorizing the sale of \$7 million par value general obligation bonds. (Sale of these bonds will provide the resources required to fund the construction of certain Measure D projects – airport terminal, senior & veterans community centers and the public safety center.)

Members of the “financing team” were introduced. Present to answer questions were Larry Jensen (Foley and Lardner, the City’s disclosure counsel), Robert Haight (bond counsel) and Craig Hill (Northcross, Hill and Ach, financial advisers). Mayor Mecham opened the public discussion. There being no comments either written or oral, the discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-179 authorizing the sale of \$7 million in general obligation bonds. Motion passed by the following unanimous roll call vote:

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

**16. Request for Fire Suppression Water Service from Templeton Community Services District**

J. Deakin, Public Works Director

Consider a request for developments on Volpi-Ysabel Road to obtain fire suppression water connections from Templeton Community Services District (TCSD).

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to allow Mr. John Dallare and Union Asphalt to apply to Templeton Community Services District for water service limited to fire suppression needs for developments planned on the north side of Volpi-Ysabel Road, if the developers agree to (1) not oppose future annexation to the City, and (2) to connect to City water and/or sewer services when available in the immediate area. Motion passed by the following unanimous roll call vote:

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

**17. Airport Road Alignment North of State Highway 46**

R. Lata, Community Development Director

The City has received an application (Phil Ward/Brett Butterfield, et al) to subdivide a parcel of land located north of State Highway 46 in the vicinity of the Airport Road intersection. The subdivision request requires consideration of options relative to the interim and future alignments of Airport Road north of State Highway 46. (This item is continued from the July 17<sup>th</sup> City Council meeting.)

Mayor Mecham opened the public discussion. Speaking from the public was Brett Butterfield, Dale Gustin, Kathy Barnett, and Phil Ward. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth moved to adopt Resolution No. 01-xxx approving a design exception as illustrated in Exhibit B, as requested by the applicant, which would permit the applicant to proceed with processing of the parcel map that would subdivide the subject property including a dedication of a 100-foot right-of-way along the existing Airport Road alignment (as modified by the referenced Exhibit), and direct staff to initiate a “plan line” designation for Airport Road based on a 100-foot right-of-way. Motion failed due to lack of a second.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-177 approving a design exception as illustrated in Exhibit B, as requested by the applicant, which would permit the applicant to proceed with processing of the parcel map that would subdivide the subject property, including a dedication of 100 foot right-of-way along the existing Airport Road alignment (as modified by the referenced Exhibit), and direct staff to initiate a “plan line” designation for Airport Road along the eastern boundary of PR 00-168 and continuing along this alignment south of State Highway 46, in substantial conformance with the alignment indicated in Exhibit E, except that the 100-foot plan line shall straddle the easterly property line, 50 feet on each side, with said plan to be the centerline of a 100-foot wide right-of-way. Motion passed by the following roll call vote:

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

**18. Installation of Loading Zone Along North Side of 16<sup>th</sup> Street Adjacent NCI Facility at 1602 Spring Street**

R. Lata, Community Development Director

In response to a written request from the Paso Robles Unified School District, consider adoption of a resolution installing a loading/unloading zone along the north side of 16<sup>th</sup> Street adjacent the NCI facility at 1602 Spring Street.

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 01-178 establishing a no parking/bus loading zone along the north side of 16<sup>th</sup> Street between the alley east of Spring Street and the driveway entrance to the NCI facility located at 1602 Spring Street, and authorize staff to install the necessary signs and curb markings to designate said zone. Motion passed by the following unanimous roll call vote:

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

**19. California Superior Court – North County Expansion**

J. App, City Manager

Consider a Memorandum of Agreement with the Superior Court to facilitate expansion of the Court's North County facility on City property. (Property is located at 940 Spring Street.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to approve and authorize the Mayor to sign to execute a Memorandum of Agreement with the Court. Motion passed by the following unanimous roll call vote:

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

**20. Pepsi Contract Amendment**

D. Fansler, Management Analyst

Consider an amendment to the Vending contract with Pepsi-Cola Corporation. (In June 2000 the City entered into a vending agreement with Pepsi. In exchange for commissions, scoreboards and other amenities, the City agreed that only Pepsi-Cola beverages would be offered for sale or served on property owned or controlled by the City. After the contract had been in place for one year, the parties entered into discussion to modify certain features.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to approve the adoption of and authorize the City Manager to sign an amendment to the Pepsi-Cola Corporation contract, adding text that would specifically preclude Pepsi-Cola from installing or operating vendors on the downtown City Park grounds. Motion passed by the following unanimous roll call vote:

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

**21. Vina Robles Annexation Property Tax Negotiation**

R. Lata, Community Development Director

Consider a negotiated exchange of property tax revenue for the Vina Robles Annexation. This 94-acre property proposed for future annexation is located on the south side of Highway 46 East, on either side of Mill Road. The property, approximately 29 acres in size and located on the east side of Mill Road, is rezoned for Parks and Open Space. The remaining approximate 65 acres is rezoned with a City Agricultural designation and is located on the west side of Mill Road.

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue discussion of this item to Council’s regular meeting of August 21, 2001. Motion was approved by unanimous voice vote.

22. Moved to follow Agenda Item No. 15.

**23. Purchasing Policy and Procedures**

M. Compton, Administrative Services Director

Consider approving updated purchasing policy and purchases. (Current code relating to purchasing and payment procedures was added in 1992. Implementation of the Code, via the purchasing payment and procedures manual, was updated in March 1995. Staff has undertaken a review of the manual and has made certain recommendations as to improving and updating procedures.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 01-180 approving a new purchasing policy statement and updated purchasing procedures. Motion passed by the following unanimous roll call vote:

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

**CITY MANAGER**

**24. Schedule Date for Special Meeting Closed Session**

J. App, City Manager

Schedule Special Meeting Closed Session to discuss “Meet & Confer” issues affecting each/all Employee Groups. Possible dates include Monday, August 13<sup>th</sup> at 7:30 PM., Thursday, August 16<sup>th</sup> at 8:00 AM or 7:30 PM and/or Friday August 24<sup>th</sup> at 8:00 AM. Meeting duration is estimated at three hours.

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

The Council, by general consensus, set Thursday, August 23<sup>rd</sup>, at 6:00 PM for a Special Meeting Closed Session.

**24.1 Union Asphalt, Inc. Proposal for Operation of Sand/Gravel Surface Mine**

R. Lata, Community Development Director

Discuss a proposal by Union Asphalt, Inc. for a Development Plan to allow for the operation of a sand and gravel surface mine, which could remove up to 88,000 cubic yards annually (400,000 cubic yards maximum total) over the next ten years. The operation would extend over an approximate 1.5-mile portion of Huer Huero Creek and would result in the disturbance of approximately 45 acres on a 1,500-acre site, in the Agriculture Land Use category. The property is located in the county in Huer Huero Creek, 500 feet north of the Highway 41 bridge, adjacent to Creston Road (APN: 035-101-007, 043, 046, 047, 048, 049, 050, 061; 035-111-014 and 015).

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to authorize submitting a letter to the County of San Luis Obispo Department of Planning and Building requesting that this item be continued to a future County Planning Commission meeting in order for the City to have the time and opportunity to review the adequacy of the staff report and environmental analysis, with a copy of said letter to be submitted to the County Board of Supervisors. Motion passed by unanimous voice vote.

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**25. Schedule Youth Commission Applicant Interview/Appointment Date**

J. App, City Manager

Schedule interview/appointment date for the Youth Commission -

7 vacancies (4 regular/3 alternates) – 12 applicants

2-year staggered terms

Applicants:

Nicole Buenafe

Victoria Edelman

Ashley Estrada

Jake Fuller

Amaya Greenwood

Danielle Hollander

Christopher Matthews

Tianna Minter

Courtney Pritchard

SierraRose Przybyla (incumbent)

Monique Rodriguez

Brittany Wiley

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

By general consensus, Council set Interview dates for Advisory Body applicants for Monday, August 20<sup>th</sup>, at 7:30 PM.

**26. Mayors & Council Members Executive Forum: Council Assessment Tool**

J. App, City Manager

Discuss assessment process options and consider distribution of a Council assessment questionnaire.

Mayor Mecham opened the public discussion. Speaking from the public was Kathy Barnett. There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to distribute a Council assessment questionnaire first to City staff and then to the general community (via inclusion in the water bills), with copies being distributed to all local media. Motion passed by unanimous voice vote

**PUBLIC COMMENTS ON CLOSED SESSION**

No comments

*Council moved to adjourn from regular session at 10:02 PM. and re-adjourn to Closed Session. Motion passed by unanimous voice vote.*

Deputy City Attorney Jon Seitz announced City Council's authority to go into closed session to discuss the two items listed on the agenda.

*The City Council thereupon adjourned to Closed Session in the 2<sup>nd</sup> floor Large Conference Room at 10:05 PM.*

**CLOSED SESSION**

*The City Council returned to Regular Session at 11:55 AM.*

**RETURN TO OPEN SESSION**

**CLOSED SESSION REPORT**

Deputy City Attorney Jon Seitz announced the following action taken in closed session:

- a. **Public Employee Performance Evaluation**  
The City Council has tentatively completed its evaluation of the City Manager and, by a 5-0 vote, determined that the City Manager has exceeded the Council's expectations during the 2000/2001-evaluation period.
- b. **Conference with Real Property Negotiator**  
The City Council heard a report from its negotiator and established "just compensation."

**c. Conference with Legal Counsel – Initiation of Litigation**

The City Council heard reports from the Deputy City Attorney, but there was no reportable action.

**d. Public Employment**

The City Council, on a 5-0 vote, appointed Michael Seitz of Shipsey and Seitz, Inc. as the City's Code Enforcement Attorney. Note to record: Councilmember Picanco expressed his preference to use the Request for Proposal (RFP) process.

*By unanimous voice vote, Council moved to adjourn from regular session at 12:00 PM.*

**ADJOURNMENT:** to THE SENIOR CITIZENS & VETERANS BUILDINGS GROUNDBREAKING ON FRIDAY, AUGUST 10, AT 10:00 AM AT 270 SCOTT STREET AND TO THE REGULAR MEETING ON TUESDAY, AUGUST 21, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted by:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: May 7, 2002