

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

**Tuesday, August 21, 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, Duane Picanco and Mayor Frank Mecham. (Councilmember Gary Nemeth took his seat after the invocation.)

**INVOCATION**

**PUBLIC COMMENTS**

- Dale Gustin expressed his thanks to Council and City staff for their attendance at the Senior Center groundbreaking ceremonies and helping to make the occasion a success.
- Chuck Miller gave a reminder that the Estrella Warbird Museum's USO Show and dinner dance would be held on Saturday, August 25<sup>th</sup> and the 28<sup>th</sup> Annual Paso Robles Airshow on Saturday, September 8<sup>th</sup>.

Mayor Mecham announced that the Veterans Memorial Bridge project was now completed and all lanes of the bridge are now open.

**PRESENTATIONS** - None

## NOTICED HEARINGS

### 1. **General Plan Amendment 3-01 – Chandler Ranch Area Specific Plan and Hogue Grips**

R. Lata, Community Development Director

Open and continue the scheduled public hearing regarding General Plan Amendment 3-01.

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

Councilmember Heggarty, seconded by Councilmember Picanco, 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

## CONSENT CALENDAR

Consent Calendar Items No. 2 - 7, 9, 10, 13 and 14, with comments as shown, were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty.

Those items unanimously approved were as follows:

### 2. Approve City Council Minutes of June 19, June 28, July 17, July 18, and August 7, 2001.

D. Fansler, City Clerk

A correction to the Minutes of August 7<sup>th</sup> was noted by the Deputy City Clerk, amending the roll call to reflect that all Councilmembers were present at the meeting.

### 3. Approve Warrant Register.

M. Compton, Administrative Services Director

### 4. Adopt Resolution No. 01-182 declaring certain City property as surplus and approving the method of disposal as identified therein. (The City will accumulate a sizable inventory of surplus computer equipment with implementation of Phase II of the office equipment replacement program. The age and configuration of the surplus computer and office equipment prevents its re-installation or use at alternate City sites because it is no longer compatible with current technology. The City disposes of surplus office equipment by first making it available to City employees at "market value" and then retaining the services of a secondary market resaler in order to maximize sale proceeds.)

M. Compton, Administrative Services Director

### 5. Adopt Resolution No. 01-183 authorizing staff to apply for a Park Playground Accessibility and Recycling Grant Program. (A State Grant Program offers the opportunity to upgrade public playgrounds using recycled-content materials and assist the City in meeting State and Federal accessibility standards to public playgrounds. The City applied for \$100,000 last year and was not successful. It appears that applicants applying for the minimum amount were more successful in obtaining the grant. It is proposed that the City apply for a \$50,000 grant this year to replace/improve the playground area at Sherwood Park. There is a 50% match-fund requirement for each park.)

R. Lata, Community Development Director

6. Adopt Resolution No. 01-184 appropriating \$7,000 from General Fund Reserves to Budget Account No. 118-910-5452-465, and award a contract to R. Burke Corporation to reconstruct/rehabilitate the alley between April & Oak, 28<sup>th</sup> to 30<sup>th</sup> (behind Senor Sanchos), in the amount of \$50,180. (In March 2000, the Council appropriated a budget of \$55,000 from the General Fund to reconstruct/rehabilitate three existing alleys in the city. Staff prepared the Plans and Specifications and on June 21, 2001, three bids were received, with the lowest bid submitted by R. Burke Corporation in the amount of \$103,037. R. Burke Corporation has confirmed that a reduced scope project to pave the 28<sup>th</sup>-30<sup>th</sup> Streets alley will cost \$50,180.)  
J. Deakin, Public Works Director

The Deputy City Clerk noted a clerical error in the description of this item. The location of the alley to be reconstructed should be corrected to read "...between Spring & Oak."

7. Adopt Resolution No. 01-185 authorizing installation of an additional septic system at 3580 Airport Road (APN 025-431-017), contingent upon the applicant entering into an Agreement, subject to approval by the City Attorney, to participate in the formation of a future assessment district to extend the sewer line to their property, and with the design of the septic system subject to the approval of the Regional Water Quality Control Board. (The site location is on the east side of Airport Road, between State Highway 46 and Dry Creek Road. The closest sewer is at the California Youth Authority facility on Dry Creek Road, approximately 1-1/4 mile distant. There are currently two other septic tanks located on the subject property, both of which are upstream of the proposed shop building.)  
R. Lata, Community Development Director

9. Adopt Resolution No. 01-186 authorizing the acceptance of an Offer of Dedication for a 10-foot wide drainage easement across the southern portion of Kermit King Elementary School. (It was determined that the storm drain in River Oaks Drive was inadequate to handle the additional storm runoff from Tract 2376, River Oaks, located north of River Oaks Drive and west of Buena Vista Drive. As the drainage deficiency was discovered after the filing of the Tentative Map, the drainage easement was not included in the Final Map and the easement needs to be recorded as a separate instrument.)  
R. Lata, Community Development Director

10. Adopt Resolution No. 01-187 appropriating \$8,300 to cover the cost of Building Division electronic archiving of building plans for fiscal years 2000/01 and 2001/02. (State Health and Safety Code requires jurisdictions to archive copies of building plans associated with commercial, industrial and multi-family development. Since 1999, the Building Division has collected development fees to cover the cost of electronically archiving plans submitted to the Building Division to reduce the number of paper files it must store. Periodically, the fees collected must be appropriated from the General Ledger Account where they are collected to the Building Division budget where they can be used. The appropriation being requested is for that purpose.)  
R. Lata, Community Development Director

13. Authorize the Major to sign and execute Reimbursement Agreements on behalf of the City with Shadow Canyon, LLC and Weyrich Development. (Shadow Canyon, LLC is the developer of a tract located at the northeast corner of Creston and Golden Hill Road. The City's Master Plan required that oversized waterlines be installed. The Reimbursement Agreement will compensate the developer for the incremental increased costs between a 14-inch and 16-inch diameter waterline in Golden Hill Road. Weyrich Development will be reimbursed for certain upgrades of water facilities and construction of pipelines as called for in the Water Master Plan, as part of the development for Tract 2350. The 2000 Fiscal Policy Committee reviewed the reimbursement proposals and on July 18, 2000, the City Council accepted and approved their recommendation.)  
R. Lata, Community Development Director

The Deputy City Clerk noted a clerical error in the action for this item. The authorization should read for the *Mayor* to sign and execute the reimbursement agreement.

14. Adopt Resolution No. 01-189 approving group insurance plan renewal for health insurance. (The City's health insurance provider is Lifeguard Health Care. Lifeguard has underwritten the policy for the past six years. The current contract expired June 30, 2001. Lifeguard is currently covering the City under a temporary extension. Lifeguard has proposed a one-year contract with an original 14% increase and an adjusted 8.7% increase due to benefit modifications effective September 1, 2001.)  
D. Fansler, Management Analysis

Those items pulled for discussion were:

8. Adopt Resolution No. 01-xxx authorizing accepting the public improvements of Tract 2284 into the City's maintenance system, and authorizing the release of the Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$15,350. (This subdivision is located north of Union Road and west of Golden Hill Road. Council approved recording of Subdivision Improvement Agreement on May 16, 2000. Street, sewer and water improvements have been completed. At time of staff report preparation, landscape improvements were not complete. If not completed prior to August 20<sup>th</sup>, staff will request that this item be continued.)  
R. Lata, Community Development Director

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to continue this item to a future meeting. Motion passed by unanimous voice vote.

11. Approving a request by Heritage Oaks bank to place a temporary mobile billboard at the intersection of 12<sup>th</sup> and Spring Streets from 7:00 AM to 10:00 AM on Sunday, September 30, 2001. (The 4<sup>th</sup> Annual Heritage Bank "Family Fun Run" will be located at the downtown City Park and include the closing down of the surrounding streets and most of Spring Street. Besides serving as advertising for one of the events major sponsors, the Gazette newspaper, a billboard will serve as a large marker leading to the finish line for the "Family Fun Run."  
R. Lata, Community Development Director

Mayor Mecham opened the public discussion. Speaking from the public in opposition was Michael Kane. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to approve this item. Motion passed by a 4-1 voice vote, with Councilmember Picanco abstaining.

12. Adopt Resolution No. 01-xxx designating the intersections of River Oaks Drive/Vineyard Circle/Schoolhouse Circle East and River Oaks Drive/Clubhouse Drive as all-way stop intersections, and require all vehicles to stop at all entrances to the intersections. (The Transportation Supervisor for the Paso Robles School District has requested that all-way stops be installed along River Oaks Drive at both ends of the soon to be opened Kermit King Elementary School. The request was considered by the Streets & Utilities Committee on August 10<sup>th</sup> and was unanimously recommended for approval by the Council.)  
R. Lata, Community Development Director

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt an amended version of Resolution No. 01-188, going forward with the stop signs at the River Oaks Drive/Vineyard Circle/Schoolhouse Circle East intersection, installing temporary stop signs at the River Oaks Drive/Clubhouse Drive intersection and delaying a final decision about the signs at this intersection to allow for further discussions between the developer and the School District, with the caveat that a member of Streets and Utilities Committee be present at the meeting(s). Motion passed by the following unanimous roll call vote:

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

## **PUBLIC DISCUSSION**

### **15. Request to Remove an Oak Tree – 404 Lombardo Court**

R. Lata, Community Development Director

Consider a request to remove a 10-inch diameter oak tree at 404 Lombardo Court (applicant Robert Lucy) to allow the applicant's stated intent of increasing usable rear yard space and improving his scenic view.

Mayor Mecham opened the public discussion. Speaking from the public were Robert Lucy, Michael Kane and Mike Menath. There being no further comments either written or oral, the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to postpone action on this item and ask staff to follow up on a historical review of prior Council action. Motion failed with no second.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to (1) adopt Resolution No. 01-190 authorizing the removal of a 10-inch diameter oak tree at 404 Lombardo Court, requiring two (2) replacement oak trees conforming to Section 10.01.040 (E) of the Municipal Code, either on the subject parcel, or elsewhere in the City at the direction of the Street Superintendent; (2) direct that a letter be written to the developer asking for assistance to the landowner in the expense of removal and installation of the trees and expressing Council's concern over measures being taken to protect the oaks in this development; and (3) ask staff to look at any other existing problems in this tract that may come before Council for action in the future. Motion passed by the following roll call vote:

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

**16. Intersection of Westfield Road / Brookhill Drive / Turtle Creek Drive – Installation of All-Way Stop**

R. Lata, Community Development Director

Consider adoption of a resolution designating the intersection of Westfield Road/Brookhill Drive/Turtle Creek Drive as an all-way stop intersection. (A nearby resident because of safety concerns requested that an all-way stop be installed. The request was considered by the Streets & Utilities Committee on August 10<sup>th</sup> and was unanimously recommended for approval by the City Council.)

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-191 designating the intersection of Westfield Road, Brookhill Drive and Turtle Creek Drive as an all-way stop intersection, and require all vehicles to stop at all entrances to the intersection. Motion passed by the following unanimous roll call vote:

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

**17. Inspection Report on the City Wastewater Treatment Facility**

J. Deakin, Public Works Director

Discuss a response to the Regional Water Quality Control Board regarding the inspection of the Wastewater Treatment Facility.

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 Picanco, seconded by Councilmember Nemeth, moved to (1) further evaluate discharge and salinity reduction alternatives identified in the Comprehensive Recycled Water Study, namely: (a) review water recycling alternatives, (b) develop an alternative for water resource(s) with lower salinity, with cost data, and (c) refine the alternative for land disposal, particularly cost and location options; (2) review the water monitoring system with the RWQCB staff, and return to Council for action, if needed, to modify the existing wells; and (3) provide the RWQCB a written response within their requested timeframe to address all issues raised, recapping actions already taken by the City for their information, and relaying the direction given. Motion passed by the following unanimous roll call vote:

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

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

R. Lata, Community Development Director

Consider continuing discussions regarding a negotiated exchange of property tax revenue for the Vina Robles Annexation.

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to continue discussions regarding acceptance of Negotiated Exchange of Property Tax Revenue and Annual Tax Increment between the County of San Luis Obispo and the City of Paso Robles to 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

**CITY MANAGER** - None

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**19. Request Appointment of Ad Hoc Committee to Review Indemnification Clauses in City Contracts**

J. Seitz, Deputy City Attorney

Consider appointment of an ad hoc committee to review indemnification clauses in City Contracts, and report back to the full City Council by December 18, 2001.

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

It was the general consensus of the Council to appoint an ad hoc committee consisting of Councilmember Nemeth and Mayor Mecham to review indemnification clauses in City Contracts, and report back to the full City Council by December 18, 2001.

**20. Report from General Plan Update Ad Hoc Committee**

R. Lata, Community Development Director

Hear report from ad hoc committee formed May 1, 2001, to review proposals for General Plan update and conduct interviews. The ad hoc committee has reviewed the four proposals, a recommendation has been formulated and will be forthcoming during September 2001.

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

It was the general consensus of the Council to accept and file the ad hoc committee report and extend this committee to September 4<sup>th</sup>.

**21. Report from Sewer and Water User Fees Ad Hoc Committee**

M. Compton, Administrative Services Director

Hear report from ad hoc committee formed May 1, 2001, to review sewer and water user fees and impact fee schedule.

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

It was the general consensus of the Council to accept and file the ad hoc committee report and extend this committee to November 20<sup>th</sup>.

**22. Report from Airport Master Plan Ad Hoc Committee**

J. Deakin, Public Works Director

Hear report from ad hoc committee formed June 5, 2001, to review the Airport Master Plan draft documents.

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

It was the general consensus of the Council to accept and file the ad hoc committee report and extend this committee to November 6<sup>th</sup>.

**PUBLIC COMMENT ON CLOSED SESSION**

Public comments limited to Closed Session items only. There were no public comments.

**CLOSED SESSION**

*Council moved to adjourn from regular session at 8:55 PM. and re-adjourn to Closed Session. Motion passed by unanimous voice vote.*

Attorney Harriet Steiner 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 9:00 PM.*

**CLOSED SESSION**

*The City Council returned to Regular Session at 11:15 PM.*

**RETURN TO OPEN SESSION**



**CLOSED SESSION REPORT**

*Attorney Harriet Steiner announced that no reportable action was taken in closed session:*

*By unanimous voice vote, Council moved to adjourn from regular session at 11:20 PM.*

**ADJOURNMENT:** to THE SPECIAL MEETING CLOSED SESSION ON THURSDAY, AUGUST 23, AT 6:00 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE ALL-CITY STAFF MEETING, THURSDAY, AUGUST 30, AT 7:30 AM AT THE LIBRARY/CITY HALL CONFERENCE CENTER

Submitted by:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: October 2, 2001