

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL

Tuesday, October 2, 2001 7:30 PM

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

- Matt Toevs expressed his desire to see a bike park in the City and asked Council to consider bringing this forward. Mayor Mecham referred Toevs to the Director of Parks & Recreation as a first step in the process.
- Shawn Varner, owner of a local bike shop, also addressed comments to having a bike park in the City.
- Mike Menath thanked Council for turning on the Downtown Park fountain.
- Christie Withers expressed concerns about road conditions on the road between Niblick and Creston and suggested including a bike route on this road if the road is widened.
- Josh Davis asked Council to consider building a BMX bike park in the City.
- Adam Rowland joined his voice to those expressing their desire to see a bike park.

PRESENTATIONS

1. Foreign Exchange Student Recognition

Mayor Mecham presented Foreign Exchange Students from Paso Robles High School with Certificates of Recognition. He was assisted by Kathy Myers of the International Exchange Club.

NOTICED HEARINGS

Mayor Picanco stepped down from the dais and abstained from voting on Item No.2 due to a possible conflict of interest.

2. **Code Amendment 01-004 (City-Initiated)**

R. Lata, Community Development Director

Consider modifying Section 21.17, Surface Mining and Reclamation, to add language that would require Sand Mining Operators operating out of City limits to pay impact fees to offset their proportional project impacts on road maintenance generated by truck hauling.

Mayor Mecham opened the public hearing. Speaking from the public were Michael Kane, Ollie Viborg, and Paul Viborg. There being no further comments either written or oral, the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to table this item for further study and direct staff to discuss with the mining company alternate routes for their trucks traveling through the City. The second was withdrawn and the motion failed.

Councilmember Finigan, seconded by Mayor Mecham, moved to deny Code Amendment 01-004 at this time, leave Section 21.17 of the Municipal Code as it currently reads and direct staff to return to Council with alternative solutions for establishing a truck route through the City. Motion passed by the following roll call vote:

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

Mayor Picanco was reseated at the dais.

CONSENT CALENDAR

Mayor Mecham asked for comments from the public on Consent Calendar items. There being no comments from the public either written or oral, the public discussion was closed.

The Consent Calendar items, with the exception of Item No. 5, which was pulled for discussion, were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Picanco.

Those items unanimously approved were as follows:

3. Approve Council Minutes of August 20, August 21, August 23, September 4 and 18, 2001.
D. Fansler, City Clerk
4. Approve Warrant Register.
M. Compton, Administrative Services Director
6. Proclamation celebrating 50th Anniversary of Second Baptist Church
F. Mecham, Mayor

7. Adopt Resolution No. 01-221 awarding the sale of the SP Bunkhouse to low bidder, Al Webster. (The City acquired the SP bunkhouse when ownership of the SP Depot was transferred to the City. It was not included in the commercial rehabilitation project with Depot Associates. Council declared the property surplus at the July 17th Council meeting and directed staff to solicit bids for its sale.)
M. Compton, Administrative Services Director
8. Adopt Resolution No. 01-222 awarding contract for alley rehabilitation to the lowest bidder for this project, Viborg Sand and Gravel. (At its meeting of May 1st, the City Council designated the alley bounded by Park, Pine, 7th and 8th Streets as the alley to be improved with CDBG funds allocated to date. The City received three bids, the lowest responsive bid being submitted by Viborg for \$35,536.)
R. Lata, Community Development Director
9. Adopt Resolution No. 01-223 amending Resolution No. 01-179 and authorizing the sale of \$7 million in non-callable, capital appreciation general obligation bonds. (At its August 7th meeting, Council authorized the sale of \$7 million par value general obligation bonds. These bonds were structured wherein they were sold as callable, capital appreciation bonds. Due to the current financial market, City's financial advisor has recommended, and staff concurs, that the call provision be eliminated in order to attract more bidders and reduce the effective interest cost.)
M. Compton, Administrative Services Director
10. Approve the installation of a cornerstone/plaque by the Masons at the new Public Safety Center Building, and direct staff to draft a letter requesting said installation. (The Paso Robles Masonic Lodge has expressed a desire to install a cornerstone at the new Public Safety Center Building. In order for the local chapter to secure approval from the Masons International, the City needs to request/approve the cornerstone.)
D. Monn, City Building Official
11. Adopt Resolution No., 01-224 authorizing execution and recordation of the Final Map & Subdivision Agreement for Tract 2281-4 (Shadow Canyon Estates, LLC); approving the Subdivision Improvement Agreement, authorizing deferred construction of the subdivision improvements, with an established deadline of October 2002 to complete these improvements; and adopt Resolution No. 01-225 annexing Tract 2281-4 into the Landscape and Lighting District as Sub-area No. 52D. (This is a 25-lot subdivision located east of Creston Road and Golden Hill Road. Currently the City is in the process of resolving concerns raised by the Oak Meadows Subdivision with regards to drainage being discharged from the Shadow Canyon Development, which, in turn, flows through the Oak Meadows development. Acceptance of the final map for Shadow Canyon was postponed pending a resolution of this problem. At this time, a design modification has been submitted to, and reviewed and approved by the City Engineer, who has concluded that the final map is in conformity with the conditions of the tentative map. The City Attorney has concluded that it would be appropriate for the City to approve a final map that is in substantial conformity with the tentative map and that the City can proceed with the approval and recordation of the final map.)
R. Lata, Community Development Director

ROLL CALL VOTE

Pulled for discussion by Councilmember Nemeth:

5. Receive and file Advisory Body Committee minutes as follows:
Library Board of Trustees meeting of August 9, 2001
Parks and Recreation Advisory Committee meeting of July 10, 2001
Senior Citizen Advisory Committee meeting of July 9 and 18, 2001

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 approve Item No. 5. Motion passed by unanimous voice call vote.

PUBLIC DISCUSSION

12. Establishing Truck Weight Limits for City Streets

R. Lata, Community Development Director

Consider the adoption of an ordinance to prohibit commercial vehicles from traveling on residential streets. (The California Vehicle Code allows local agencies to enact ordinances prohibiting the use of a street by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit. However, if the streets being considered for these weight limits have been constructed or are maintained by funds from the State Highway Account in the State Transportation Fund [Gas Tax], then the Code requires that a Public Hearing be held to consider any objections to the proposed action prior to enacting the Ordinance.)

Mayor Mecham opened the public hearing. Speaking from the public was Dennis Steele and Elizabeth Curiel. 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. 01-226 setting a public hearing for December 4, 2001 at 7:30 p.m. to consider adoption of an ordinance to restrict the use of local streets to commercial traffic, and authorize the City Clerk to publish notice of said hearing in a newspaper of general circulation. Motion passed by the following unanimous roll call vote:

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

Mayor Picanco stepped down from the dais and abstained from voting on Item No.13 due to a possible conflict of interest.

13. Landscape Maintenance in the Downtown Area

J. Deakin, Public Works Director

Consider the landscape maintenance agreement with Tom Flynn & Sons for downtown services.

Mayor Mecham opened the public hearing. Speaking from the public was Tom Flynn. There being no further comments either written or oral, the public discussion was closed. Mayor Mecham stated for the record that he had received several letters commending the work of Mr. Flynn.

Councilmember Finigan moved to accept Tom Flynn and Sons' proposal to continue downtown maintenance services for one more year. Motion failed due to lack of a second.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to discontinue the informal arrangement with Tom Flynn and Sons and in-source the tasks into the City staff workload, as reflected in the fiscal year 2002/2003 budget. Motion passed by the following roll call vote:

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

Mayor Picanco was reseated at the dais.

14. Draft Request for Proposals (RFP), Chandler Ranch Area Specific Plan and Environmental Impact Report (EIR)

R. Lata, Community Development Director

Consider approving the distribution of an RFP seeking proposals to prepare a Specific Plan and EIR for the Chandler Ranch Area. The selection of the most qualified proposal would be subject to City Council approval and Council authorization of the necessary budget to advance funds for preparation of the subject documents. (Pursuant to Council direction at its September 4th meeting, an RFP has been prepared. The costs for the Specific Plan and EIR are not yet known, and any consultant contract would be subject to full City Council approval.)

Mayor Mecham opened the public hearing. Speaking from the public were Michael Kane and Wayne Condict. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to approve the attached RFP for distribution with the addition of four alternatives instead of three, designate Mayor Mecham and Councilmember Finigan to represent the City Council in reviewing the proposals for the Chandler Ranch Area Specific Plan and EIR and conducting interviews for that project and report back report back to the full City Council by December 31, 2001. The recommendation of the ad hoc Committee would be subject to approval by the City Council and the necessary Council appropriation of funding. Motion passed by the following unanimous roll call vote:

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

15. Energy Fair and Exploration of Related Matters

R. Lata, Community Development Director

Provide staff direction regarding what steps the City should be taking relative to investigating energy conservation opportunities for the City.

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to have Councilmember Finigan consult with representatives of the Main Street Association to discuss the possibility of that

organization taking a leading role in organizing an Energy Fair. Motion passed by unanimous voice vote

Council adjourned for a 10-minute recess at 8:58 PM.

16. Barney Schwartz Park – Program Operations Plan

B. Partridge, Library & Recreation Services Director

Consider the Program Operations Plan for Barney Schwartz Park. (Elements included in the Plan are staffing, fees and charges, concession operations, and park security.)

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to set a date in November for a public workshop to focus on the operation of Barney Schwartz Park and bring this item back to Council for further discussion. Motion passed by the following unanimous roll call vote:

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

17. Barney Schwartz Park – Allocation of Measure D Funds to Offset Changes to the Construction Contract

D. Monn, Building Official

Authorize appropriation from Measure D funds to cover costs associated with the completion of Barney Schwartz Park.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-227 approving the allocation from Measure D reserves in the amount of \$250,000 to cover the changes to the contract. Motion passed by the following unanimous roll call vote:

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

18. Modifications to Airport Terminal Restaurant

J. Deakin, Public Works Director

Consider modifying the layout and construction of the Airport Terminal restaurant. (Staff solicited proposals to operate the Terminal restaurant, and received one proposal. This proposer has requested certain modifications to the physical layout of the restaurant in order to provide space for daily sit-down dining in a heated/cooled environment. The modifications requested will cost an additional estimated amount of \$300,000. There are some funds

remaining in the project, however an additional \$200,000 from Measure D reserves is required to fund the changes. The Airport Restaurant Ad Hoc Committee reviewed this approach, and requested staff to provide this report to the Council.)

Mayor Mecham opened the public hearing. Speaking from the public were Lee Agon (Airport Advisory Committee) and Jim Subject (Cahoots Café). There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to (1) approve the concept to expand the restaurant seating area at the Airport Terminal; and (2) adopt Resolution No. 01-228 appropriating \$200,000 from Measure D Reserves to the Airport Terminal Project for the construction effort; (3) direct staff (in conjunction with the Airport Restaurant Ad Hoc Committee) to determine the process and schedule for this work, and return to Council to execute an agreement to implement the project; and (4) direct staff to come back to council next meeting with its recommendation on the necessity or desirability of sending out another RFP after expanding the restaurant seating. Motion passed by the following roll call vote:

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

19. Request for Proposals – City’s Web Site Design

D. McCue, Information Systems Manager

Consider issuing a Request for Proposals (RFP) for Web design and development. (The City’s Information Systems Strategic Plan calls for community electronic access to City reference materials, records and services. Council authorized funding for the development and implementation of an Internet web site. An RFP has been developed that outlines the City’s needs for design of an Internet web site. The RFP’s scope of work is divided into phases; the first to include posting of Council and Planning Commission business.)

Mayor Mecham opened the public hearing. Speaking from the public were Chris Giminez and Michael Kane. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to approve issuance of RFP for web site design and development services. 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

Councilmember Picanco announced that Mayor Mecham had celebrated his birthday on Monday. Council extended their best wishes.

CORRESPONDENCE

20. **Appointment of Ad Hoc Committee – West Coast Kustoms Car Club Labor Day Weekend Car Show**

D. Cassidy, Chief of Police

Consider request from the Paso Robles Main Street Association Board of Directors for Council to meet with representatives of Main Street, the West Coast Kustoms Car Club, and City staff to discuss preparation measures within the City for the Labor Day Weekend car show.

Mayor Mecham opened the public hearing. 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 Councilmembers Finigan and Picanco to meet with representatives of the Main Street Association, the West Coast Kustoms Car Club, and City staff to discuss preparation measures within the City for the Labor Day Weekend car show, and report back to the full City Council by December 31, 2001. Mayor Mecham stated for the record that he offered to go to the Main Street wrap-up meeting to discuss this issue, but was not contacted with a scheduled time.

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

21. **Appointment of Ad Hoc Committee – Solid Waste Projects**

J. Deakin, Public Works Director

Appoint an ad hoc committee to participate in overseeing solid waste projects.

It was the general consensus of the Council to appoint an ad hoc committee consisting of Councilmembers Heggarty and Nemeth to oversee solid waste issues and report back periodically to the full City Council through January 15, 2002.

22. **Dissolution of Ad Hoc Committee – General Plan**

R. Lata, Community Development Director

Consider dissolving the ad hoc committee formed May 1st to work on reviewing proposals for preparing an update to the City's General Plan.

It was the general consensus of the Council to dissolve the General Plan Ad Hoc Committee formed at the May 1, 2001. A report from the committee was given to Council on September 4th and the committee has completed its assignment.

23. **Dissolution of Ad Hoc Committee – Downtown Parking & Circulation**

R. Lata, Community Development Director

Consider dissolving the ad hoc committee formed April 17th to work on reviewing proposals for downtown parking and circulation.

It was the general consensus of the Council to dissolve the ad hoc committee formed at the April 17, 2001 City Council meeting as a report from the committee was given to Council on September 18th and the committee has completed its assignment.

24. Orchard Bungalow Ad Hoc Committee

J. Deakin, Public Works Director

Receive and file a report from the Orchard Bungalow ad hoc committee.

No action could be taken on this item, as it was not included on tonight's published agenda. Item will be brought forward at the October 16, 2001 Council Meeting.

25. Schedule Library Board of Trustees Applicant Interview/Appointment Date

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Library Board of Trustees (5 vacancies - 2-year terms; 14 applicants – 4 of which are incumbents).

The Council, by general consensus, set the interview date for Library Board of Trustees applicant interviews and appointment date for Wednesday, November 14, 2001 at 7:30 PM.

PUBLIC COMMENT ON CLOSED SESSION

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

CLOSED SESSION

Council moved to adjourn from regular session at 10:55 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 three items listed on the agenda: (1) initiation of litigation, one case; pursuant to G.C. 54956.9; (2) a conference with legal counsel regarding existing litigation (administrative hearing before the State Water Resources Control Board); and (3) a conference with labor negotiators Mayor Frank Mecham and Councilmember Gary Nemeth, and the unrepresented employee, City Manager Jim App.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 10:56 PM.

CLOSED SESSION

The City Council returned to Regular Session at 2:00 AM, Wednesday, October 3, 2001.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Jon Seitz announced that there was no reportable action taken in closed session.

By unanimous voice vote, Council moved to adjourn from regular session 2:05 AM on Wednesday, October 3, 2001.

ADJOURNMENT: to THE JOINT MEETING BETWEEN CITY COUNCILS & SAN LUIS OBISPO BOARD OF SUPERVISORS ON WEDNESDAY, OCTOBER 10, 2001, AT 6:00 PM AT THE EMBASSY SUITES, 333 MADONNA ROAD, SAN LUIS OBISPO; AND TO THE REGULAR MEETING ON TUESDAY, OCTOBER 16, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted by:

Sharilyn M. Ryan, Deputy City Clerk
Approved: November 6, 2001