

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

Tuesday, November 6, 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

INVOCATION

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

PUBLIC COMMENTS

- Debra Sowerby, a volunteer from the Lillian Larsen School in San Miguel, explained their fundraising campaign selling bookmarks designed by the students, with all proceeds being donated to the American Red Cross.
- Virginia Harris announced the beginning of the Christmas Toy Bank drive and called on the community to donate generously for the over 1500 children they anticipate serving this season.
- Kelly Nemeth, representing the Cuesta College Drama Department, announced the performance of *Hush: An Interview with America* scheduled at 7:30 PM, Thursdays, Fridays and Saturdays, November 29 and 30, and December 1, 6, 7 and 8 at the Cuesta College San Luis Obispo Campus Interact Theatre. The play is targeted for family audiences, garnering critical acclaim in schools nationwide.
- Walter Heer directed comments toward ethics in government, expressing his displeasure in the City's government.

PRESENTATIONS

1. **Recognition – Top Cop - Officer Roger Degnan**

Mayor Mecham, assisted by Chief of Police Dennis Cassidy, recognized Officer Roger Degnan for being named the 2001 Top Cop of the Police Department of the City of Paso Robles by Lodge No. 286 of the Free and Accepted Masons.

2. **Recognition – 25 Years of Service - James P. Dillon**

James Dillon was recognized for over 25 years of service with the City of Paso Robles. Mayor Mecham and Public Works Director Joe Deakin extended the City's appreciation for Mr. Dillon's dedicated service to the citizens of this community.

3. **Recognition – Paso Robles Main Street Association**

The Main Street Association was recognized for being awarded two Governor's Main Street awards at the recent California Revitalization Conference in Sacramento: the California Main Street District of the Year award for revitalization achievement and the California Downtown Association Crystal Eagle, an achievement award for economic development. Main Street Association members performed a song and dance routine they performed at the Conference, highlighting Paso's Downtown unity—in motion.

Norma Moye presented an award of recognition and thanks from the Main Street Association to Community Development Director Bob Lata for his help and support of the Association.

NOTICED HEARINGS

4. **Street Abandonment 01-003 (Applicant: William Ridino/Roberts Engineering)**

R. Lata, Community Development Director

Consider a request filed by Tim Roberts on behalf of William Ridino to withdraw an application requesting abandonment of a portion of 14th Street to accommodate his development project. (The Public Hearing was noticed by mail on October 23 and printed in the Paso Robles Press on October 24, 2001. Subsequent to the public noticings, a letter was received from Roberts Engineering requesting withdrawal of the road abandonment request.)

Community Development Director Bob Lata stated that subsequent to printing of tonight's agenda the applicant withdrew their request.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to table this item at the request of the applicant. Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

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

The Consent Calendar Items Nos. 6 to 14 and 16 to 20 were approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty, with Item Nos. 5 and 15 being pulled for discussion, and with Councilmember Picanco abstaining from voting on Item No. 7 Check Register Nos. 028790, 028809, 028850, 028956, 028997 and 029084 due to conflicts of interest.

Those items approved were as follows:

6. Receive and file Advisory Body Committee minutes as follows:
Senior Citizen Advisory Committee meeting of September 10, 2001
Parks and Recreation Advisory Committee meeting of September 11, 2001
Public Library Board of Trustees meeting of September 13, 2001
Pioneer Museum Board meeting of October 11, 2001
7. Approve Warrant Register.
M. Compton, Administrative Services Director

Councilmember Picanco abstained from voting on Item No. 7.
8. Proclamation – United States Navy Day, November 4, 2001
F. Mecham, Mayor
9. Proclamation – 2001 Veteran’s Day Weekend, November 10-12, 2001
J. Deakin, Public Works Director
10. Proclamation – America Recycles Day, November 15, 2001
G. Perruzzi, Recreation Services Manager
11. Proclamation – Toy Bank Month, November 2001
F. Mecham, Mayor
12. Proclamation – Joint Elks and Scouting Day, November 14, 2001
F. Mecham, Mayor
13. Adopt Ordinance No. 819 N.S. amending Chapter 3.40 Revenue and Finance of the Municipal Code to modify the fiscal year 2001/02 budget for the Redevelopment Agency of the City of El Paso de Robles. (This ordinance amends the Redevelopment Budget to appropriate \$25,000 in LMIH funds to assist the Oak Park Senior housing project. First reading occurred October 16, 2001 Council meeting.)
R. Lata, Community Development Director
14. Adopt Resolution No. 01-242 accepting a Grant Deed for an easement for public utility, sewer, water, drainage, emergency access, road grading, and pedestrian and vehicular ingress and egress – Tract 2071; Resolution No. 01-243 accepting a Grant Deed for an easement for sewer pipelines, appurtenances, ingress, egress, maintenance and repair of said pipelines and appurtenances – Tract 2071; Resolution No. 01-244 accepting an Offer of Dedication adjacent 475 Pacific Avenue (APN 009-121-019); and Resolution No. 01-245 accepting a Grant Deed for an easement for water pipelines, sewer pipelines, drainage structures, appurtenances, ingress, egress, maintenance and repair of said pipelines and appurtenances – Tract 2281-2
R. Lata, Community Development Director

16. Adopt Resolution No. 01-246 approving a budget appropriation in the amount of \$6,700 from the Economic Incentive Fund. (This appropriation is payment of economic incentive pursuant to an existing agreement with Jerry Reneau Chrysler, Plymouth and Dodge.)
M. Compton, Administrative Services Director

17. Adopt Resolution No. 01-247 authorizing appropriation of funds from the City's General Fund Reserves to Library and Recreation Services operating budget to fund the full-time programs position at a Professional Manager II level. (Recent Staff reorganization resulted in an employee who is currently a Professional Manager II taking responsibility for management and program operations of Barney Schwartz Park. The 2001/02 adopted budget included funding for an entry-level full-time coordinator. To fully cover the difference in salary and benefits, an additional appropriation needs to be allocated.)
B. Partridge, Library & Recreation Services Director

18. Adopt Resolution No. 01-248 authorizing the City Manager to enter a Consultant Services Agreement with RRM Design Group to prepare the construction documents to upgrade waterlines in Pine and Park Streets for a not-to-exceed fee of \$19,800. (The adopted Water Master Plan recommended that existing 4-inch diameter water lines in Pine Street from 13th to 19th Streets and in Park Street from 14th to 19th Streets be upgraded to 12-inch lines in order to improve water service delivery in the Downtown Business District. The recently adopted Capital Improvement Program included these projects.)
J. Deakin, Public Works Director

19. Adopt Resolution No. 01-249 authorizing the City Manager to enter a Consultant Services Agreement with Engineering Development Association (EDA) to perform construction engineering services for the Buena Vista Project for a not-to-exceed fee of \$17,300. (The construction contract has been awarded and work is expected to begin by November 2001.)
J. Deakin, Public Works Director

20. Receive and file report setting a Public Hearing for December 4, 2001, at 7:30 p.m. to consider adoption of an ordinance establishing vehicle maximum weight limits on residential streets. (If approved, the second reading of the ordinance will be scheduled for the December 18th Council meeting and would become effective 30 days later, on January 17, 2002.)
R. Lata, Community Development Director

Pulled for discussion were:

5. Approve Council Minutes of October 2 and 16, 2001.
D. Fansler, City Clerk

Councilmember Finigan asked for clarification of the ad hoc committee members appointed to oversee solid waste issues. City Manager App said this would be addressed later in the agenda during the City Manager section.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to approve Consent Item No. 5. Motion passed by the following unanimous roll call vote:

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

15. Adopt Resolution No. 01-xxx approving the abandonment of 10 feet of the existing 25-foot landscape easement along the 24th Street frontage of Lot 1 of Tract 2352, which would retain a 15-foot landscape easement on the existing slope. (Tract 2352 is a 9-lot residential subdivision located off of 24th Street, just west of Vine Street.)
R. Lata, Community Development Director

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to continue this item to the Council meeting of November 20, 2001, until staff can provide answers to Mr. Kane's questions. Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

21. **Request to Remove an Oak Tree – 1402 Spring Street**

R. Lata, Community Development Director

Consider a request from Jennifer Soni to remove a 6-inch diameter oak tree from the rear of the property at 1402 Spring Street.

Community Development Director Bob Lata announced that subsequent to printing tonight's agenda the property owner asked that Council defer consideration of this item and asked that it be rescheduled.

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 continue this item until such time as it is brought back with reason. Staff was directed to contact the property owner to determine what the problem is, so that Council can determine whether or not to bring this forward in the future. Motion passed by the following unanimous roll call vote:

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

22. **Traffic Calming Study Within Rambouillet and Nicklaus Corridor**

J. Deakin, Public Works Director

Approve a budget appropriation to allocate \$20,000 from General Fund Reserves to perform a Traffic Calming Study in the Rambouillet and Nicklaus Corridor, and to direct the City Manager to enter a Consultant Services Agreement with Associated Transportation Engineers (ATE) to perform the study.

Mayor Mecham opened the public hearing. Speaking from the public were Mike Menath, Donna Peach, Joyce Raid 4545 Ourplace Rd. and Mary Chambers. There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to direct staff to approach Omni Means Engineers (consultant for downtown circulation plan) to provide a traffic claming study on Rambouillet and report back to Council on the cost. Motion passed by the following unanimous roll call vote:

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

Councilman Picanco stepped down and abstained from voting on Item No. 23, making a declaration of conflict.

23. Union Asphalt Sand Mine and Truck Routes

R. Lata, Community Development Director

Determine whether or not to appeal the action of the County Planning Commission with regards to approving the Union Asphalt Sand Mine in the vicinity of the town of Creston. (On October 25, 2001 the County Planning Commission approved an application from Union Asphalt to establish a sand mining operation along the Huer Huero Creek near the town of Creston. The project proposes to use five routes (some through Paso Robles) to haul the sand via heavy trucks from the excavation site to the Union Asphalt plant on Volpi Ysabel in the County unincorporated area.)

Mayor Mecham opened the public hearing. Speaking from the public were Michael Kane, Dale Gustin, Lorraine Scarpance, Dale Tozzi, Maryanne Pettyjohn and Bob Kober (representing Union Asphalt). There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to direct staff to file an appeal of the County Planning Commission's action to approve the Union Asphalt development based on the concerns expressed in the attached letter from Mayor Mecham, referencing the lack of adequate environmental analysis and mitigation measures regarding the Highway 46 West/101 Interchange and the proportionate truck traffic through both school districts. Motion passed by the following roll call vote:

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

Councilman Picanco was reseated after Council voted on Item No. 23.

At 10:55 PM, the City Council took a 10-minute break, reconvening at 11:05PM.

24. Fixed Truck Routes Through City of Paso Robles

R. Lata, Community Development Director

Consider alternatives for having a qualified traffic engineer analyze and recommend a Truck Route through the City of Paso Robles. (Public concerns have been expressed regarding truck travel within the City and as a result, there has been discussion regarding the possible need to establish a fixed Truck Route.)

Mayor Mecham opened the public hearing. Speaking from the public were Mary Chambers and Dale Gustin. There being no further comments either written or oral, the public discussion was closed. Community Development Director Bob Lata suggested that this item be tabled due to a recent court decision.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to table this item until further notice. Motion passed by unanimous voice vote

25. Annual Development Impact Fee Report

M. Compton, Administrative Services Director

Receive annual development impact fee report.

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to receive and file. Motion passed by unanimous voice vote.

26. Annual Transit Report

M. Compton, Administrative Services Director

Presentation of the results of transit operations for the fiscal year ended June 30, 2001.

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to receive and file. Motion passed by the following unanimous roll call vote:

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

27. Investment Policy – Annual Review

M. Compton, Administrative Services Director

Annual review of the City’s Investment Policy. (Recommended changes include eliminating references to mayor and mayor pro tempore and substituting with ad hoc appointees; changing frequency of review to annually rather than semi-annually; and substitutions in language to corporate bonds and investments sections.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 01-250 approving revisions to the City's Investment Policy. Motion passed by the following unanimous roll call vote:

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

Councilmember Picanco recommended bringing forward at a future meeting the subject of the office of City Treasurer being an appointed position versus an elected position.

28. Options Associated with Addition to Airport Terminal Restaurant

D. Monn, City Building Official

Consider options associated with the design and construction of an addition to the Airport Terminal Restaurant.

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to direct staff to negotiate a consultant services agreement with an architect or architectural firm and amend the contract with Newton Construction Services to provide construction management and general contracting services for the restaurant addition. Motion passed by the following roll call vote:

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

29. City Council Public Opinion Survey

J. App, City Manager

Consider the utility of a public opinion survey concerning the Council's performance.

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to abandon the plan of conducting a public opinion survey. Motion passed by the following unanimous roll call vote:

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

ABSENT: None

30. Vehicle Replacement

D. Cassidy, Police Chief

Consider the replacement of the unmarked Police Unit No. 627. (Due to operational needs Unit No. 627 was retained in service after replacement by Unit No. 654 in 1998. The unit is no longer in operational condition. Funds to replace Unit No. 627 exist by expanding the fleet through the Union/46 Specific Plan fees. Bid specifications for all City vehicle acquisitions will be widely distributed and all local vendors will be provided an opportunity to bid.)

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. 01-251 and approve the request to go out to bid for a new/used unmarked vehicle. 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

31. Development Proposal – J. Paul Winery

Consider request from Airport Advisory Committee to forward comments and concerns regarding this project to the County Planning Department, suggesting that a more comprehensive and detailed review be conducted before proceeding with the project.

Mayor Mecham opened the public hearing. Speaking from the public were Chuck Miller, Matt Masia and Mac Gleim. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to direct staff to find out if this project has already been approved by the County and if not, to prepare correspondence to the County Planning Department conveying the City’s concerns and requesting further study of this project. Motion passed by unanimous voice vote.

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham

NOES: None

ABSTAIN: None

ABSENT: None

AD HOC COUNCIL BUSINESS

32. **Appointment of Ad Hoc Committee – Council Policies & Procedures**

J. App, City Manager

Appoint an ad hoc committee to review draft Council Policies & Procedures.

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 Councilmember Nemeth and Mayor Mecham to a two-member ad hoc committee to review draft Council Policies & Procedures, and report back to the full City Council by January 15, 2002.

33. **Appointment of Ad Hoc Committee –Fiscal Impact Analysis**

R. Lata, Community Development Director

Appoint an ad hoc committee to review proposals for preparing fiscal impact.

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 Councilmember Picanco and Mayor Mecham to a two-member ad hoc committee to review proposals for preparing fiscal impact analysis, and report back to the full City Council by December 31, 2001.

PUBLIC COMMENT ON CLOSED SESSION

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

Council moved to adjourn from regular session at 11:30 PM. and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

City Attorney Iris Yang announced City Council's authority to go into closed session to discuss the one item listed on the agenda.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:35 PM.

CLOSED SESSION

The City Council returned to Regular Session at 12:40 AM, Wednesday, November 7 2001.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Iris Yang announced that there was no reportable action taken in closed session.

By unanimous voice vote, Council moved to adjourn from regular session at 12:45 AM, Wednesday, November 7, 2001.

ADJOURNMENT: to THE EMERGENCY SERVICES WORKSHOP ON THURSDAY, NOVEMBER 8, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE EMERGENCY SERVICES WORKSHOP ON WEDNESDAY, NOVEMBER 14, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING ON TUESDAY, NOVEMBER 20, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted by:

Sharilyn M. Ryan, Deputy City Clerk
Approved: January 3, 2002