

# MINUTES OF THE ADJOURNED REGULAR MEETING PASO ROBLES CITY COUNCIL

Tuesday, November 20, 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

- Greg Kudlick brought to Council's attention a proposed fee increase by the County for appealing negative declarations and asked for Council's support in opposition.
- Ted Miller discussed the concerns he previously expressed in a letter sent to Council last month about motor vehicles driving through City property between Riverbank Lane and the Salinas River (in the vicinity of Larry Moore Park), thereby creating a hazard to pedestrians walking in this area. Mayor Mecham suggested that Mr. Miller apply to the Streets and Utilities Committee to get this item on the agenda.
- Coby Ferguson registered his opposition to the County's proposed fee increase and suggested that Council seriously consider the City's position of involvement.
- Tom Rusch advised that the Board of Supervisors would be considering the issue of fees at their meeting of December 4<sup>th</sup>.
- Dale Gustin followed up with additional information on the legality of the County's proposed fee increases.

Councilman Heggarty asked staff to investigate the County issue of increased fees and asked Deputy City Attorney Seitz to contact other cities in the county to ascertain their position on this issue and to seek their support.

*Mayor Mecham announced two birthdays celebrated this week—City Manager Jim App and Councilmember George Finigan.*

**AGENDA ITEMS TO BE DEFERRED (IF ANY)**

City Manager App informed Council of two items on tonight's agenda that are being recommended for continuance: Agenda Item No. 1 to December 18, 2001 and Agenda Item No. 11 to February 11, 2002

**PRESENTATIONS** - None

**NOTICED HEARINGS**

**1. Sewer and Water Development Impact and User Fees**

M. Compton, Administrative Services Director

Consider adoption of sewer and water development impact and user fee adjustments. (Development impact fee increases are being considered to provide sufficient funds to construct sewer and water infrastructure to serve future growth.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Nancy Scott, Cody Ferguson, Pascual Padilla, Jr., Kathy Barnett and Tom Rusch. There being no further comments either written or oral, the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to continue this item to the Council meeting of December 18, 2001. Motion passed by the following unanimous roll call vote:

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

Councilmembers unanimously agreed to hear agenda Item No. 11 after Item No. 1.

**11. Easement Abandonment 01-005**

R. Lata, Community Development Director

Consider a request to abandon a 10-foot portion of a 25-foot landscape easement along the 24<sup>th</sup> Street frontage of Lot 1 of Tract 2352, in accordance with the procedural framework established in State law. (Tract 2352 is a 9-lot residential subdivision located off of 24<sup>th</sup> Street, just west of Vine Street. The applicant is requesting the reduction of the landscape easement to correspond with the top of the slope.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to continue this item to February 5, 2002. 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 No. 2 to 7 and 9 to 10 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Picanco, with the exception of Item No. 8, which was pulled for discussion.

Those items unanimously approved were as follows:

2. Approve Warrant Register.  
M. Compton, Administrative Services Director
3. Receive and file Advisory Body Committee minutes as follows:  
Transit Advisory Committee meetings of June 19 and September 12, 2001
4. Confirm Thursday, December 13, 2001 at 7:30 p.m. as date for Planning Commission and Library Board of Trustees Interviews/Appointments  
J. App, City Manager
5. Close out ad hoc committee formed July 17, 2001, to participate with the investment policy committee to undertake annual review of City's investment policy. (Committee work is complete.)  
R. Lata, Community Development Director
6. Close out ad hoc committee formed July 17, 2001, to work on reviewing the contract and rates with the City's franchised water hauler and consign work of the committee to the ad hoc committee formed October 2, 2001 to oversee solid waste issues.  
J. Deakin, Public Works Director
7. Close out ad hoc committee formed May 1, 2001, to review sewer and water user and impact fees and report back to Council by November 20<sup>th</sup>. (Committee work is complete.)  
M. Compton, Administrative Services Director
9. Adopt Resolution No. 01-252 appropriating \$11,470 in matching funds to a Transportation Enhancement Act (TEA) grant. (The City applied for and received a \$100,000 TEA grant. This, coupled with a \$150,000 State Transportation Improvement Program (STIP) grant, provides for Phase V of the Transportation Center. This phase proposes to improve and enhance the pedestrian corridor between the Transportation Center and the Downtown Business District. The TEA grant requires an \$11,470 match from City funds.)  
J. Deakin, Public Works Director
10. Adopt Resolution No. 01-253 to allow reimbursing the wastewater capital improvement fund for specific project expenses (\$4,000,000 for Sludge System Upgrade and \$4,000,000 for Templeton Sewer- Reach 2 & 4- Replacement) from anticipated bond proceeds. (This resolution allows the bond proceeds to refund the Wastewater Capital Improvement fund for portions of the design and construction costs for projects cited.)

Pulled for discussion:

8. Confirm August 31, 2002, as date for Airport Master Plan ad hoc committee to report back to Council. (This committee was formed on June 5, 2001, to review Airport Master Plan draft documents and report back to Council periodically through August 2002. Previous communiqué listed August 2001. It was a clerical error.)  
J. Deakin, Public Works Director

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

The pulled item was approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty, by unanimous voice vote.

## PUBLIC DISCUSSION

### 12. **Request to Remove Oak Trees – Blackburn Street**

R. Lata, Community Development Director

Consider a request to remove three oak trees—a 12-inch diameter tree, a 8-inch diameter tree, and a 8-inch diameter double trunk tree. (Plans have been submitted to the City to construct Blackburn Street, east of Leland Street, in order to satisfy Municipal Code requirements of providing street improvements adjacent to property proposed for development. Staff is proposing realignment of the roadway because of potential impacts to one of the larger and healthier oak trees located in this area. Realignment would necessitate the removal of the three oak trees.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to continue this item to the Council meeting of December 4<sup>th</sup>. Motion passed by the following unanimous roll call vote:

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

### 13. **Traffic Control Device Options for the Intersection of Niblick Road and Country Club Drive**

R. Lata, Community Development Director

Consider options related to installation of a traffic control device at the intersection of Niblick Road and Country Club Drive.

Mayor Mecham opened the public hearing. Speaking from the public was Tom Baron (Vice President of the Paso Robles Golf Course Architectural Association). There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to install a 4-way stop sign at the intersection of Niblick Road and Country Club Drive for an interim period of six months; direct staff to prepare a more detailed analysis of the alternatives of installing a traffic signal at either the intersection of Niblick Road and Country Club Drive or the intersection of Niblick Road and Melody Drive; and return to Council with a timeline for traffic signals from order to installation. Motion passed by the following roll call vote:

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

*Council adjourned for a 10-minute recess at 9:35 PM*

**14. 2002 Community Development Block Grant (CDBG) Program**

R. Lata, Community Development Director

Determine which applications for 2002 Community Development Block Grant (CDBG) funds should be recommended for funding in the draft one-year action plan. (The City's 2002 allocation of CDBG funds is expected to total approximately \$354,210. The City has received 21 applications for funds, totaling over \$1,226,000. The Draft Consolidated Plan and final funding recommendations will be considered at a hearing in late February or early March 2002.)

Mayor Mecham opened the public hearing. Speaking from the public were Dori Iunker (EOC Senior Healthy Screening Program, Forty Wonderful Program and Teen Academic Parenting Program), Jim McNamara (EOC Home Repair Program), Karolyn London (Lifestyles Recovery Center Alcohol/Substance Abuse Counseling), William Saylor (Boys and Girls Club), Mark Shaffer (UCP--United Cerebral Palsy--of SLO County), Bernadette Bernardi (The Literacy Council), Gail Gresham (Big Brothers and Big Sisters), J. D. Main (Homeless Housing Project), Pearl Munack (Homeless Housing Project), Charlie Johnson (Homeless Housing Project) and Michael Kane. There being no further comments either written or oral, the public discussion was closed.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to identify the following applications to be listed in the Draft One Year Action Plan as being recommended for funding:

Municipal Pool Changing Room Building Rehabilitation		\$ 66,050
Carnegie Library Disabled Access Improvements		38,850
28th Street Improvements (design phase)		20,610
Downtown Street Lights (complete current project)		14,600
Alley Improvements		46,400
New Boys & Girls Club Facility	\$	50,000
Public Services		46,900
EOC's 40 Wonderful Program	\$	2,000
Lifestyles' Alcohol & Substance Abuse Counseling	\$	6,800
UCP's Supporting Childcare Program	\$	4,000
Literacy Council's Program	\$	2,500
Senior Health Screening Program	\$	4,000
Emergency Shelter Program	\$	24,000
Teen Academic Parenting Program	\$	3,600
Administration		<u>\$ 70,800</u>
		<u>\$354,210</u>

Motion passed by the following roll call vote:

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

**15. Encroachment Permit Bonding Process**

J. Deakin, Public Works Director

Consider changing the bonding process for Encroachment Bonds to match other City permit bonding requirements. (The permitting and bonding process is meant to provide the City adequate funds to complete a project if needed, encourage contractors to finish their work in a timely manner and allow for accurate tracking and release of bond funds. The current system in place does not fully assure this.)

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to require Encroachment Permits to be paid individually, and bonded individually, at \$25 per permit, and \$300 to \$1000 bond per project based upon the engineer's estimate of City exposure. Motion passed by the following roll call vote:

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

**16. Solid Waste Recycling**

J. Deakin, Public Works Director

Engage outside engineering expertise to prepare a solid waste recycling and diversion programming report/application to the State. Proposals were requested from two engineering firms that have provided solid waste services to the City in recent years. Staff evaluates Brown, Vence and Associates as the most qualified for this effort. Proposed fee for the engineering services to attain an approved recalculated solid waste diversion baseline is \$34,000.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 01-254 to (1) authorize the City Manager to execute an Agreement with Brown, Vence and Associates for the not-to-exceed sum of \$34,000; (2) allocate \$34,000 from General Fund Reserve to Account No. 100-310-5224-167; and (3) direct staff to explore option to implement additional solid waste recycling and diversion programs and report back to City Council. 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**

**17. Planning Commission Review of Planning Commission Applicants**

R. Lata, Community Development Director

Consider an offer from the Planning Commission for the Commission to assist with review of Planning Commission candidates.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to direct staff to advise the Planning Commission that the Council would appreciate and accept the Commission's offer to participate in the application review process. Motion passed by the following unanimous voice vote.

**AD HOC COUNCIL BUSINESS** - None

**PUBLIC COMMENTS 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 11:22 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:

*The City Council thereupon adjourned to Closed Session in the 2<sup>nd</sup> floor Large Conference Room at 11:25 PM.*

**CLOSED SESSION**

*The City Council returned to Regular Session at 12:20 AM, Wednesday, November 21, 2001.*

**RETURN TO OPEN SESSION**

## **CLOSED SESSION REPORT**

Deputy City Attorney Jon Seitz announced that Council heard an update from legal counsel regarding Item a. Conference with Legal Counsel – Existing Litigation, but there was no reportable action taken. Regarding Item b. Conference with Legal Counsel – Anticipated Litigation, 2 cases: Council heard a report from legal counsel, but there was no reportable action taken. Regarding Item c. Conference with Real Property Negotiator: Council heard an update from the real property negotiator and gave further instructions to the negotiator. Otherwise, there was no reportable action.

*By unanimous voice vote, Council moved to adjourn from regular session at 12:25 AM, Wednesday, November 21, 2001.*

**ADJOURNMENT:** to THE REGULAR MEETING ON TUESDAY, DECEMBER 4, 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: December 4, 2001