

# MINUTES OF THE ADJOURNED REGULAR MEETING PASO ROBLES CITY COUNCIL

Thursday, January 3, 2002 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**

## **INVOCATION**

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

## **PUBLIC COMMENTS**

- Mayor Mike Arrambide of Atascadero expressed his “appreciation” to Council for allowing the members of the Atascadero City Council to sweep the streets of Paso Robles in the *Weep 'n Sweep* event held Saturday, December 29<sup>th</sup>, in consequence of the Atascadero Greyhounds being defeated by the Paso Robles Bearcats in a recent football game.
- Barbara Partridge, Library & Recreation Services Director, announced new hours for the Library. Beginning on Monday, January 7, 2002, the library will be open from 10:00 AM – 8:00 PM Monday-Friday and 10:00 AM – 5:00 PM on Saturdays.
- Dale Gustin expressed concerns regarding signage at the Spring Street entrance to the Veterans Memorial Bridge.
- Kathy Barnett spoke on the subject of increasing fire services staff and thanked Council for all their time and efforts expended in 2001 on behalf of the citizens of Paso Robles.

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

City Manager Jim App recommended that Items No.11 (Tract 2352) and 12 (Tract 1771-3) be deferred to a future meeting as public improvements have not been completed to the satisfaction of the City Engineer. He also stated that a request to continue Item No. 14 has been received from a representative of one or more property owners in the Blackburn area.

**PRESENTATIONS** - None

**NOTICED HEARINGS**

**1. Templeton Sewer Line – Reach 2 & 4, Calle Propano, and Lift Station No. 2**

J. Deakin, Public Works Director

Consider adopting a negative declaration for the Templeton Interceptor Reaches 2 & 4, Calle Propano Sewer Main, and Lift Station No. 2 construction projects.

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

City Attorney Iris Yang proposed some technical changes to the resolution to clarify the action of the Council and indicate where the documents are available for public review.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt an amended version of Resolution No. 02-01, with revised wording as recommended by counsel, approving a Negative Declaration for the Templeton Interceptor Upgrade and approving DPW Project No. 01-01. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to direct staff to advertise for competitive bids to construct the designed improvements to Lift Station No. 2 and the replacement of Reaches 2 and 4 of the Templeton Interceptor, and the sewerline at Calle Propano. Motion passed by the following unanimous roll call vote:

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

**ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY,  
REDEVELOPMENT AGENCY & CITY COUNCIL**

**2. Use of Redevelopment Low and Moderate Income Housing Funds to Support CalHome First-Time Homebuyers' Loans**

R. Lata, Community Development Director

Consider appropriating an additional \$2,600 in Redevelopment Low and Moderate Income Housing (LMIH) Funds to be used to supplement CalHome funds for loan administration fees for first-time homebuyer's deferred-payment second mortgage loans.

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

Agencymember Nemeth, seconded by Agencymember Mecham, moved to adopt Resolution No. RA 02-01 appropriating \$2,600 in LMIH funds to be used as grants to individual households that qualify for and obtain CalHome loans for the purpose of offsetting a portion of loan administration costs. Motion passed by the following unanimous roll call vote:

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to introduce for First Reading Ordinance No. XXX N.S. approving an amendment to the fiscal year 2001/2002 budget for the Redevelopment Low and Moderate Income Housing Fund, and set 15 January 2002 as the date for adoption of said Ordinance. Motion passed by the following unanimous roll call vote:

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

**3. Redevelopment Agency Annual Report**

M. Compton, Administrative Services Director

Consider adopting a resolution approving the Redevelopment Agency Annual Report for fiscal year 2001.

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

Agencymember Heggarty, seconded by Agencymember Nemeth, moved to adopt Resolution No. RA 02-02 approving the Redevelopment Agency Annual Report. Motion passed by the following unanimous roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 02-02 approving the Redevelopment Agency Annual Report. Motion passed by the following unanimous roll call vote:

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

## ADJOURN TO CITY COUNCIL MEETING

### 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.

Consent Calendar Items No. 4-10 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Finigan, with Councilmember Picanco abstaining on Warrant Register Items No. 124515, 124654, 124668, 124866, and 124879.

Those items approved were as follows:

4. Approve City Council minutes of October 30, November 6, November 8, November 14, December 4, December 6, December 13, and December 18, 2001.  
D. Fansler, City Clerk
5. Approve Warrant Register.  
M. Compton, Administrative Services Director
6. Adopt Ordinance No. 820 N.S. amending Sections 14.04.020 and 14.16.020 of the City of El Paso de Robles Municipal Code to adjust sewer and water user fees. (First reading held at December 18, 2001, Council meeting.)  
M. Compton, Administrative Services Director
7. Adopt Ordinance No. 821 N.S. amending the zoning title of the Municipal Code regarding the regulation of commercial storage facilities, vehicle storage and outdoor storage throughout the City (Code Amendment 01-005). (First reading held at December 18, 2001, Council meeting.)  
R. Lata, Community Development Director
8. Adopt Resolution No. 02-03 amending the City's adopted Conflict of Interest Code. (The Conflict of Interest Code is being amended to include Fire Inspector, Assistant to the City Manager and Maintenance Services Superintendent, and to delete Streets Superintendent.)  
D. Fansler, City Clerk
9. Adopt Resolution No. 02-04 declaring the intention to reimburse any expenditure advanced for various sewer facility improvements from the proceeds of long-term debt financing. (Resolution No. 01-253 was adopted at the City Council meeting of November 20, 2001, declaring the intention to reimburse expenditures advanced for various sewer facility improvements from the proceeds of long-term debt financing. The resolution stated that Council had already approved the sale of sewer revenue bonds. As Council has not yet authorized the sale of sewer revenue bonds or any other specific long-term financing tool,

bond counsel has recommended that this statement be corrected in order to protect the City's ability to reimburse expenditures advanced from the proceeds of any long-term debt financing.)

M. Compton, Administrative Services Manager

10. Adopt Resolution No. 02-05 authorizing the City Manager to enter Consultant Services Agreements with Cannon Associates for \$89,000 and Morro Group for \$8,660 for final design services for the Thunderbird Waterline. In May 2001 the City Council hired Cannon Associates to perform a Feasibility/Alignment Study and identify environmental issues to construct the proposed pipeline. Their work is now complete and the next phase of the project is to prepare construction documents and obtain environmental clearance from regulatory agencies [Army Corp of Engineers, Fish & Game, and Water Quality Control Board]. The Morro Group contract is to perform the biology assessments and prepare environmental documents for approval. The work of these two firms is necessary to progress on the project.)

J. Deakin, Public Works Director

Items pulled for separate action:

11. Adopt Resolution No. 02-xxx (1) accepting the public improvements of Tract 2352 into the City's maintenance system, and to authorize the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$19,000; and (2) authorizing issuance of Certificates of Occupancy upon submittal of the as-built improvement drawings. (This is a 9-lot residential subdivision located on the north side of 24<sup>th</sup> Street, approximately ¼ mile west of Vine Street. It is expected that the public improvements, which the developer was required to install, will have been constructed to the satisfaction of the City prior to the Council meeting. At the time the staff report was prepared, as-built drawings for the public improvements and the parkway landscape improvements had not been submitted. If they are not submitted prior to the Council meeting, it is recommended that acceptance of improvements be allowed to proceed, but that release of the Certificates of Occupancy be withheld until the as-built mylars have been received.)

R. Lata, Community Development Director

12. Adopt Resolution No. 01-xxx accepting the public improvements of Tract 1771-3 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$127,900. (This subdivision is located north of Charolais Road, approximately ¼ mile east of South River Road. Subdivider has constructed all streets and roads in accordance with the Subdivision Improvement Agreement and in compliance with the improvement plans and all applicable City Standards, with the exception of the parkway irrigation system. It is expected that the system will be installed to the satisfaction of City staff prior to the Council meeting. Should this not occur, it is suggested that this item be continued to a future meeting.)

R. Lata, Community Development Director

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to defer Items No. 11 and 12 to a future meeting. Motion passed by the following unanimous roll call vote.

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

## PUBLIC DISCUSSION

### 13. **Roadway Design Exception in order to Preserve an Oak Tree along the North Side of Creston Road**

R. Lata, Community Development Manager

Consider modification of a City Engineering Standard allowing for a reduction in the curb-to-curb width of Creston Road, between Ivy Lane and Orchard Drive, in order to preserve a 34-inch diameter oak tree located within the City right-of-way. (An arborist report indicates that subject tree has an 80% condition rating. In order to preserve this tree, according to the recommendations of the arborist, the roadway width will need to be narrowed by approximately 67 feet. Given its two-lane configuration, this does not impact Creston Road at the present time. At such time as Creston Road is expanded to four travel lanes, it will still be possible to preserve the tree and have a four-lane roadway, but with reduced lane widths.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-06 authorizing a design exception to reduce the width of the pavement section along the north side of Creston Road adjacent 921 Creston Road in order to preserve a 34-inch diameter oak tree; and direct the developer of PD 01-005 to implement and finance all reasonable steps to provide for a safe roadway adjacent this proposed development, with the caveat to consider a change in the design of the sidewalk to place it behind the tree rather than towards the street. Motion passed by the following unanimous roll call vote:

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

### 14. **Evaluation of Development Issues – Blackburn Area**

R. Lata, Community Development Director

Consider directing staff to circulate a Request for Proposals to prepare an evaluation of traffic circulation, oak tree preservation, and related development issues in the area of Blackburn Street. (Because of the number and scope of pending development projects and the spectrum of long-range planning studies, a thorough evaluation of traffic circulation and oak tree preservation options for the Blackburn area is beyond what can be handled by current staff without impacting other pending matters. As a first step, it is suggested that the City circulate an RFP and determine the cost of preparing a plan. At the same time, staff could explore the range of options for recovering the cost of the study and report back to Council with both the proposals received and funding options.)

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to continue this item to the City Council meeting of January 15, 2002. Motion passed by the following unanimous roll call vote:

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

**15. Comprehensive Annual Financial Report**

M. Compton, Administrative Services Director

Presentation of the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2001, for City Council consideration.

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to receive and file the Comprehensive Annual Financial Report for the fiscal year ending June 30, 2001. Motion passed by the following unanimous roll call vote:

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

*Council recessed for a 10-minute break at 8:45 PM.*

**16. City Manager Employment Contract**

I. Yang, City Attorney

Consider approving new City Manager employment contract (This contract replaces the original contract, dated August 19, 1997.) CONTINUED FROM THE CITY COUNCIL MEETING OF DECEMBER 18, 2001

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to approve City Manager Employment Contract and authorize the Mayor to execute the agreement. Motion passed by the following roll call vote:

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

**CITY MANAGER**

**17. Schedule Citizens Airport Advisory Committee Applicant Interviews/  
Appointments Date**

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Citizens Airport Advisory Committee.

It was the consensus of Council to set Wednesday, February 13, 2002, at 6:30 PM as date for conducting interviews and making appointments for vacancies on the Citizens Airport Advisory Committee. Motion passed by the unanimous following unanimous roll call vote:

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

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION**

**18. Receive and File Advisory Body Committee Minutes**

Senior Citizen Advisory Committee meeting of October 8, 2001  
Library Board of Trustees meeting of October 11 and November 8, 2001  
Housing Authority meeting of December 12, 2001

Councilmember Nemeth, seconded by Councilmember Picanco, moved to receive and file the above advisory body committee minutes. Motion passed by unanimous voice vote

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

**AD HOC COUNCIL BUSINESS**

**19. Appointment of Ad Hoc Committee –Urban Water Management**

J. Deakin, Public Works Director

Appoint an ad hoc committee for implementing the 2000 Urban Water Management Plan. (The Urban Water Master Plan is a water management document that provides the City many recommendations regarding such issues as water shortage contingency management and water conservation measures. There are a number of actions to implement, some policy and some project related.)

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



Councilmember Nemeth, seconded by Councilmember Picanco, moved to appoint Mayor Mecham and Councilmember Heggarty to a two-member ad hoc committee to assist in the implementation of the 2000 Urban Water Management Plan, and to report back to the full City Council by April 30, 2002.

**20. Appointment of Ad Hoc Committee –Fiscal Policy Update**

M. Compton, Administrative Services Director

Appoint an ad hoc committee to undertake review of the City's fiscal policy.

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to appoint Councilmembers Nemeth and Picanco to a two-member ad hoc committee to meet with the City Manager and Director of Administrative Services to review the City's fiscal policy, and to report back to the full City Council by April 30, 2002.

**PUBLIC COMMENT ON CLOSED SESSION**

Speaking from the public on Agenda Item No. B was Dale Gustin.

*Council moved to adjourn from regular session at 9:08 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 six items listed on the agenda:

*The City Council thereupon adjourned to Closed Session in the 2<sup>nd</sup> floor Large Conference Room at 9:10 PM.*

**CLOSED SESSION**

*The City Council returned to Regular Session at 11:00 PM.*

**RETURN TO OPEN SESSION**

**CLOSED SESSION REPORT**

City Attorney Iris Yang announced that there was no reportable action taken on the items under discussion.

*By unanimous voice vote, Council moved to adjourn from regular session at 11:05 PM.*

**ADJOURNMENT:** to THE LEAGUE OF CALIFORNIA CITIES MAYORS & COUNCIL INSTITUTE WEDNESDAY-FRIDAY, JANUARY 9-11, 2002, AT THE HYATT REGENCY, SACRAMENTO; TO THE REGULAR MEETING ON TUESDAY, JANUARY 15, 2002, 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: February 5, 2002