

MINUTES OF THE ADJOURNED REGULAR MEETING PASO ROBLES CITY COUNCIL

Tuesday, January 15, 2002 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, Duane Picanco and Mayor Frank Mecham. Absent: Councilmember Gary Nemeth.

PUBLIC COMMENTS

- Marilyn Stein, representative of Big Brothers and Big Sisters, asked Council to reconsider the final allocation of CDBG block grant monies and allot some funds to this worthwhile organization.
- Cody Ferguson expressed his displeasure of an article in a local magazine that failed to recognize that although citizens living outside the City limits did not support the City through payment of property taxes, they did provide income through sales taxes paid on items purchased within the City.
- J. D. Main, Homeless Housing Project, thanked the Council and the Police Department for their support of this project and their handling of the issues of the homeless living in the Salinas riverbed under local bridges.
- Fred Rogers spoke on the issue of a “water bank” and called attention to the need to clean up the Salinas riverbed north and south of the 46E bridge at the Hwy.101 connector.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. **Recognition - Main Street Association**

The Main Street Association was recognized through joint legislation between the California Senate and the State Assembly for garnering awards for revitalization and economic development achievement at the recent California Revitalization Conference in Sacramento. Norma Moyer was also recognized for being named as California's Main Street Director of the Year. Making the presentation of both resolutions was Sandy Agalos, District Director for Assemblyman Abel Maldonado's Office.

2. **Recognition - 2002 Winter Olympic Torch Relay**

Mayor Mechem presented awards of recognition to the Paso Robles Torch Runners Angela Britton, Roger Degnan, Steve Gregory, Russ Mezmarich, Dora Sloger and Sponsor Pete Johnston of Pete Johnston Chevrolet.

NOTICED HEARINGS

3. **Amendment to Section 10.01 (Oak Tree Preservation) of the Paso Robles Municipal Code**

R. Lata, Community Development Director

Open and continue a public hearing to consider amendments to Section 10.01 (Oak Tree Preservation) of the Paso Robles Municipal Code.

Mayor Mechem opened the public hearing. There were no comments from the public, either written or oral.

Councilmember Picanco, seconded by Councilmember Finigan, moved to open and continue the Public Hearing to consider amendments to Section 10.01 (Oak Tree Preservation) of the Paso Robles Municipal Code to the February 5, 2002, City Council meeting. Motion passed by the following roll call vote:

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

4. **Adoption of Updated Bikeway Master Plan**

J. Deakin, Public Works Director

Consider adopting a resolution to approve the Updated Bikeway Master Plan and adopt a Negative Declaration.

Marty Inoue of Omni-Means, Ltd. Engineers and Planners made a presentation on the Bikeway Master Plan.

Mayor Mechem opened the public hearing. There were no comments from the public, either written or oral.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue this item to the February 5, 2002, City Council meeting. Motion passed by the following roll call vote:

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

CONSENT CALENDAR

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

Consent Calendar Items No. 5-11 and 13-17.1 were approved by a 4-0 vote on a single motion by Councilmember Picanco, seconded by Councilmember Finigan, with the exception of Item No. 12 being pulled for discussion.

Those items approved were as follows:

5. Approve Warrant Register.
M. Compton, Administrative Services Director
6. Receive and file Advisory Body Committee minutes as follows:
Pioneer Museum Board meeting of December 13, 2001
7. Extend duration of ad hoc committee formed September 4, 2001, to participate in Air Services Analysis project to May 21, 2002.
J. Deakin, Public Works Director
8. Extend duration of ad hoc committee formed October 2, 2001, to oversee solid waste issues to April 30, 2002.
J. Deakin, Public Works Director
9. Close out ad hoc committee formed November 6, 2001, to review draft Council Policies and Procedures.
J. App, City Manager
10. Adopt Ordinance No. 822 N.S. amending Chapter 3.40 Revenue and Finance of the Municipal Code to modify the fiscal year 2001/2002 budget for the Redevelopment Low and Moderate Income Housing Fund. (First reading January 3, 2002.)
R. Lata, Community Development Director
11. Adopt Resolution No. 02-08 (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 24th 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.) CONTINUED FROM JANUARY 3, 2002.
R. Lata, Community Development Director

Director of Community Development Robert Lata briefed Council on the history of utility services to this tract and explained staff's support of acceptance of the improvements presented in the agenda.

13. Adopt Resolution No. 02-09 authorizing usage of a septic system for a proposed development at 4350 Cloud Way, contingent upon the applicant agreeing 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. (Applicant Mike Nunno is proposing development of a multi-use commercial industrial complex. City Municipal Code only permits use of septic tank if sewer is not available. Nearest sewer is approximately one mile away. If use of septic is approved, when a future source of sewer service is constructed, applicant will be required to pay applicable connection fees, abandon the septic system, and connect to the new sewer facilities.)
R. Lata, Community Development Director
14. Adopt Resolution No. 02-10 approving the execution of the Deferred Improvement Agreement for 943 Spring Street, and authorize the Mayor to execute the Agreement. (The Planning Commission adopted Resolution 01-071 on September 11, 2001, which allowed the applicant to defer installation of street improvements in conformance with the Spring Street Master Plan. Applicant desires to maintain the curb at current location, consistent with adjacent properties to the north and south.)
R. Lata, Community Development Director
15. Adopt Resolution No. 02-11 appropriating the total project cost not-to-exceed \$261,100, of which \$239,400 is reimbursable by grant funding, \$4,600 is budgeted and \$17,100 would be drawn from Airport Operation Reserves. (The Federal Aviation Administration and California Department of Transportation granted the City funds for certain improvement projects at the Airport, specifically, for the update of the Airport Master Plan, the Airport Land Use Plan and the Airport Layout Plan. Resolution 00-271 appropriated funds for the project, but precluded budgeting both the grant funds and the reserve appropriation approved by City Council in December 2000.)
J. Deakin, Public Works Director
16. Approve content and design of dedication plaques for the Senior Center and Veteran's Building and adopt Resolution No. 02-12.
D. Monn, Measure-D Projects Manager
17. Adopt Resolution No. 02-07 authorizing an application for Federal Transit Administration (FTA) Section 5311 Grant Funds for the acquisition of two fixed-route transit buses. (The regional transit planning agency approved the City's preliminary 5311 grant application to acquire two replacement fixed-route buses. However, it is the City's responsibility to complete and submit the final application to the State of California Department of Transportation. The application process requires that the local governing board, in our case the City Council, approve by resolution the grant application.)
M. Compton, Administrative Services Director
- 17.1 Direct staff to notify the owners in writing that the City will not exercise its option to purchase the property at 1126 Mona Way and adopt Resolution No. 02-13 delegating authority to the City Manager regarding decisions to exercise or waive the City's right to purchase homes financed with CBG-funded First-Time Homebuyers Loans.
R. Lata, Community Development Director

PUBLIC DISCUSSION

18. **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. CONTINUED FROM JANUARY 3, 2002.

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to direct staff to prepare and circulate a Request for Proposals to provide a comprehensive traffic circulation, development and oak tree preservation plan for the undeveloped portions of the Blackburn Street area, and at the same time to evaluate the options for recovering the City's' cost of preparing the plan. Motion passed by the following roll call vote:

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

19. **Barney Schwartz Park Operations Policies**

B. Partridge, Library & Recreation Services Director

Consider and establish program/operations policies for Barney Schwartz Park in the areas of (1) overnight security, (2) lake use restrictions, (3) fees, (4) concessions, and (5) future budget considerations.

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to (1) authorize part-time City maintenance staff for year-round overnight security of the park from 10:00 PM to 6:00 AM daily; (2) move forward with an ordinance prohibiting swimming at Barney Schwartz Park Lake, and approve posting of no-swimming signs referencing the ordinance and City Parks and Recreation Facilities Rules and Regulations adopted in 1994; (3) defer a decision on league and tournament fees until local youth sports groups have the opportunity to comment on the prospective fee options; (4) solicit a proposal from the Youth Sports Council (PRYSC) for administering the concession operations at the park; (5) authorize a budget authorization from Measure-D funds to retrofit the park concession stands to County and State environment health standards allowing for the preparation of hot food; and (6) address sports field light replacement costs in the next City budget. Motion passed by the following roll call vote:

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

Council recessed at 9:48 PM, reconvening at 9:55 PM.

PULLED CONSENT ITEMS

It was moved by Councilmember Finigan, seconded by Councilmember Picanco, and passed unanimously by voice vote to move Item No. 12 to follow Item No. 19.

12. Adopt Resolution No. 02-xx 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.) CONTINUED FROM JANUARY 3, 2002.
R. Lata, Community Development Director

Mayor Mecham opened the public hearing. Speaking from the public was Charles Nunnely. 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 continue this item to the Council meeting of February 5, 2002. Motion passed by the following roll call vote:

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

CITY MANAGER - None

Councilmember Picanco stepped down from the dais and abstained from voting on Item No. 20 due to a possible conflict of interest.

CORRESPONDENCE

20. **Heritage Oaks Bank Family Fun Day and Fun Run**

F. Mecham, Mayor

Request from Heritage Oaks Bank to consider becoming a yearly financial sponsor of the Family Fun Day and Fun Run held the last Sunday of each September.

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

It was the consensus of the Council to send this item to the Parks and Recreation Advisory Committee.

Councilmember Picanco returned to deliberations.

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

21. Appointment of Ad Hoc Committee –Niblick Road Improvements Project

J. Deakin, Public Works Director

Appoint an ad hoc committee to evaluate options for furthering the Niblick Road Improvements Project design. (City developed plans and specifications for Niblick Road overlay and improvements. City and School District staff have met and developed primary concepts.)

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

It was the consensus of the Council to appoint an ad hoc committee consisting of Mayor Mecham and Councilmember Finigan to evaluate options for furthering the Niblick Road Improvements Project design and report back to the full City Council by March 19, 2002.

22. Request to Designate Council Representative at Union Asphalt Appeal Hearing

R. Lata, Community Development Director

Consider whether or not to appoint a City Council representative to attend the January 22, 2002, appeal hearing regarding the Union Asphalt Sand Mine. (The County Planning Commission approved an application for Union Asphalt to conduct a sand mining operation in the County Unincorporated Area in the Huer Huero Creek near the intersection of Creston Road and Highway 41. The City appealed the Commission's decision.)

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

It was the general consensus of Council to designate Councilmember Heggarty to represent the City of Paso Robles at the January 22, 2002, appeal hearing with the San Luis Obispo Board of Supervisors regarding the Union Asphalt Sand Mine.

PUBLIC COMMENT ON CLOSED SESSION

There were no comments from the public.

CLOSED SESSION

Council moved to adjourn from regular session at 10:20 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 item listed on the agenda:

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 10:25 PM.

CLOSED SESSION

The City Council returned to Regular Session at 11:20 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney announced that there was no reportable action taken on the item under discussion.

By unanimous voice vote, Council moved to adjourn from regular session at 11:25 PM.

ADJOURNMENT: to THE REGULAR MEETING ON TUESDAY, FEBRUARY 5, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted by:

Sharilyn M. Ryan, Deputy City Clerk
Approved: February 5, 2002