

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

Tuesday, March 19, 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

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

PUBLIC COMMENTS

- Larry Bees (San Luis Obispo Cattlemen's Association and founder of the Cattlemen's Western Art Show) thanked the City for its warm reception and invited all Councilmembers to attend the Cattlemen's Western Art Show and Sale being held April 5, 6 and 7 at the Mid-State Fairgrounds.
- Barbara Smith expressed support for establishing a Food For Less market within walking distance of the Senior Citizen Center in Sherwood Park.
- Kathy Barnett expressed her appreciation of the good job done by retiring Fire Chief Doug Hamp.

AGENDA ITEMS TO BE DEFERRED - None

PRESENTATIONS - None

NOTICED HEARINGS

1. **Appeal of Planned Development 99014 Amendment – Public Safety Center Antenna Structure (City-initiated)**

R. Lata, Community Development Director

Consider an appeal filed by a member of the Council regarding the Planning Commission decision to approve Amendment to Planned Development 99014 on February 12, 2002. The application was to construct an 80-foot tall antenna structure for the communication antennas and equipment for the Public Safety Center. (The Planning Commission approved the antenna structure at a height of 80 feet tall with ship antennas that would extend up another 20 feet. Their action to approve was with a provision that the tower's use be limited to emergency service related facilities. The appeal was made to bring the item before the Council and public to discuss alternative sites that were considered prior to choosing the Public Safety Center as the final site.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to deny the appeal, upholding the Planning Commission's decision to approve Planned Development 99014 Amendment with a communications tower at a maximum height of 80 feet tall (with whip antennas extending up to 20 feet more in height) subject to the noted standard and site-specific conditions, including the limitation on the use of the tower. 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 were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items No. 2 to 9 were unanimously approved on a single motion by Councilmember Finigan, seconded by Councilmember Heggarty, with the exception of Item No. 6 being pulled for discussion.

Those items unanimously approved were as follows:

2. Approve City Council minutes of February 19, 2002.
D. Fansler, City Clerk
3. Approve Warrant Register.
M. Compton, Administrative Services Director
4. Receive and file Advisory Body Committee minutes as follows:
Transit Advisory Committee meeting of January 9, 2002
Youth Commission meeting of February 6, 2002
Housing Authority meeting of February 12, 2002
Pioneer Museum Board meeting of February 14, 2002

5. Extend the duration to June 4, 2002, of an ad hoc committee formed on August 21, 2001, to review indemnification clauses in City contracts. (The committee has another meeting scheduled for end of May.)
J. Seitz, Deputy City Attorney
7. Adopt Resolution No. 02-44 approving a budget appropriation in the amount of \$109,200 for the City's solid waste incentive payment to Pacific Waste Services (PWS). (The City has an agreement with PWS for an annual revenue incentive payment based upon total revenues exceeding 4% growth rate. The current operating budget does not contain a budget appropriation for the incentive payment, as the amount of the incentive payment was unknown.)
M. Compton, Administrative Services Director
8. Extend duration to June 30, 2002, of ad hoc committee formed December 19, 2001, to consider an unsolicited proposal to initiate a solar power generation facility at the City's landfill site.
J. Deakin, Public Works Director
9. Extend the duration to June 30, 2002, of an ad hoc committee formed January 15, 2002, to consider alternatives and work with the School District to resolve issues facing the City and the High School re furthering the Niblick Road Improvements Project design.
J. Deakin, Public Works Director

Item pulled for discussion:

6. Adopt Resolution No. 02-43 appropriating \$3,000 for fiscal year 2002 and \$36,000 for fiscal year 2003 to the Barney Schwartz Park Budget No. 100-310-5102-171 for night-time park security. (Due to remote location of the park and valuable assets located there, Council directed staff to recruit part-time staff at the MS1 level for security and maintenance at BSP.)
J. Deakin, Public Works Director

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

Consent Calendar Item No. 6 was unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Picanco.

PUBLIC DISCUSSION

10. Elected Mayor's Term of Office

J. App, City Manager

Consider placing a ballot question concerning the elected Mayor's term of office. (Council may place a measure on the ballot asking voters if they wish to have the Mayor serve a two or four year term. Establishment of a term of office for directly elected Mayor requires a majority vote of the electorate. Currently, the office of Mayor is elective for a two-year term.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to place a question on the November 5, 2002, ballot to determine whether the elected Mayor's term of office should be for two or four years. Motion failed by the following roll call vote:

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

11. Approval of Elevations Associated with Airport Terminal Restaurant Addition

D. Monn, Projects Manager

Review elevations associated with the construction of the Airport Terminal addition. (On February 19, 2002, the Development Review Committee reviewed two sets of roofline elevations associated with the approved restaurant addition. The DRC recommended an arching roofline emulating the existing roofline at the entry of the Terminal.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to approve the arched roof elevations recommended by the Development Review Committee. Motion passed by the following unanimous roll call vote:

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

12. Barney Schwartz Park Concession Stands Request for Proposals

G. Perruzzi, Recreation Services Manager

Consider whether Requests for Proposals (RFP) for the operation of concession stands at Barney Schwartz Park should be offered to any organization regardless of profit status. (Barney Schwartz Park is scheduled to open June 8, 2002. Because there is no concessionaire currently under contract, time is of the essence to allow time to send out RFP, receive back, and award a concession contract.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to direct staff to issue Requests for Proposals to any organization regardless of profit status. Motion passed by the following unanimous roll call vote:

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

13. Budget Appropriation – Salinas River Clearing

J. Deakin, Public Works Director

Consider appropriating funds to help clear vegetative growth in the Salinas River using livestock grazing (goats). (Vegetative growth in the Salinas River is plentiful and clearing of such growth is becoming increasingly constrained due to regulatory restrictions. A test using 200 grazing goats was conducted in autumn 2001, which proved that goats could be effective in clearing vegetation in the river, perhaps even more efficient during the spring and summer. Staff could evaluate the true effectiveness during an extended trial period from April 1 – October 31, 2002, using a larger herd.)

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to direct staff to author a Request for Proposals, including given options, for Council’s future review. Motion passed by the following unanimous roll call vote:

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

City Council adjourned for a 10-minute break at 9:30 PM, reconvening at 9:40 PM.

14. Replace/Upgrade Waterlines on Palm Court, Shannon Hill Road, and Tanner Drive

J. Deakin, Public Works Director

Consider awarding the construction project contract to replace the Palm Court, Shannon Hill, and Tanner Drive waterlines to the low bidder, D-Kal Engineering of Nipomo.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-45 awarding the Palm Court, Shannon Hill, and Tanner waterlines project to D-Kal Engineering in the amount of \$153,121. 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 adopt Resolution No. 02-45 appropriating \$85,000 from the Water Capital Fund to the Capital Improvement Project, DPW Project No. 01-12. Motion passed by the following unanimous roll call vote:

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

15. 4th Street Underpass Project Study Report

J. Deakin, Public Works Director

Consider awarding a professional services contract to URS Consultants to prepare a Project Study Report (PSR) on the 4th Street Underpass. (URS Consultants is currently preparing a PSR at Highway 101 and 46 West. As they are already working in the City, staff asked them to submit a Scope of Work and Fee Proposal to prepare a PSR for the 4th Street Underpass.)

Mayor Mecham opened the public hearing. Speaking from the public was Dale Gustin. 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. 02-46 to authorize the City Manager to enter a Consultant Services Agreement with URS Corporation to prepare a Project Study Report for the 4th Street Underpass based on the attached Scope of Work and a not-to-exceed fee of \$153,542. Motion passed by the following unanimous roll call vote:

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

16. Fiscal Policy Revisions

M. Compton, Administrative Services Director

Consider adoption of a resolution approving a revised Fiscal Policy. (The current Fiscal Policy was adopted in 1992. On January 3, 2002, Councilmembers Gary Nemeth and Duane Picanco were appointed to an ad hoc committee to review the Fiscal Policy and make its recommendation for any changes, such as those related to policies, budget format, budgeting practices, and reasonable expectations. The review is complete and is being submitted to Council for consideration.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-47 approving a revised Fiscal Policy. Motion passed by the following unanimous roll call vote:

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

17. Sale of General Obligation Bonds – Series C

M. Compton, Administrative Services Director

Consider approval of a resolution authorizing the sale of \$8 million par value general obligation bonds. (The City received voter approval, via the passage of Measure D on the June 1998 ballot, to sell \$38 million in general obligation bonds. \$30 million in general obligation capital appreciation bonds were previously sold. The proceeds from this current bond sale will be needed to complete the expansion of the 13th Street Bridge from two to four lanes.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin and Mike Menath. It was noted that the wording in the Analysis and Conclusions section of the staff report should correctly read “two to six lanes” rather than “two to four lanes.” Director Compton also noted that any reference in the Preliminary Official Statement to *appointed Mayor* will be corrected prior to finalization to read *elected Mayor*. 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. 02-48 authorizing the sale of \$8 million in general obligation bonds. Motion passed by the following unanimous roll call vote:

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

18. GASB 34 Software Licensing Agreement

M. Compton, Administrative Services Director

Consider adoption of a resolution approving a licensing agreement for GASB 34 software. (The Governmental Accounting Standards Board [GASB] has issued Pronouncement No. 34 that requires major changes in the way governmental agencies report the results of financial transactions. One of the major changes is the conversion from fund-segregated statements to governmental-wise statements and related “testing” to determine which funds are reportable. Maximum has developed a software package that performs all the necessary testing to determine which funds are reportable and then automatically prepares GASB 34-compliant financial statements.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-49 authorizing the Director of Administrative Services to execute a software licensing agreement for the purchase of MAXRPM financial reporting software. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

19. Housing Authority and Project Area Advisory Committees

J. App, City Manager

Consider re-advertising to fill committee member vacancies for the Housing Authority and Project Area Committee. The application deadline for both committees was February 28th. Advertisements have run in the Tribune News since January, with the following results:

2 applications [1 incumbent] for 1 vacancy – Housing Authority; and

5 applications [2 incumbents] for 6 vacancies – Project Area Committee

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue advertising for 30 days to obtain more applications. Motion passed by unanimous voice vote.

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

20. Airport Restaurant – Ad Hoc Committee

J. Deakin, Public Works Director

Receive an oral report from the ad hoc committee on the Airport Terminal Restaurant Project progress to date and extend the duration of the committee to May 31, 2002.

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to receive and file the Airport Restaurant ad hoc committee report and to extend the duration of the committee to May 31, 2002. Motion passed by unanimous voice vote.

21. Bid Process – Ad Hoc Committee

J. Deakin, Public Works Director

Appoint an ad hoc committee to review the City's bidding process for purchasing fleet vehicles and motorized equipment.

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

By unanimous voice vote, Councilmembers Heggarty and Picanco were appointed to a two-member ad hoc committee to review the City's bidding process for purchasing fleet vehicles and motorized equipment, and make recommendations for improvements, reporting back to the full Council by June 30, 2002.

COUNCIL COMMENTS

- Councilmember Nemeth asked when the personnel policy update would be available for Council review. City Manager App said that the second review of the draft is currently in progress and due to be completed by the end of the month. It will then be brought to Council for consideration and refinement.
- Councilmember Nemeth asked about the timing for Council to receive additional City Manager evaluation samples. City Manager App stated that the assembled materials have been submitted to the City Attorney and will be provided to Council shortly.
- Councilmember Finigan asked that the road design of Buena Vista at Experimental Station be reviewed, with attention to traffic flow through the new storm drain. He also cautioned that as you are leaving Experimental Station and crossing Buena Vista going in a westerly direction looking northward, it is not possible to see approaching vehicles, creating the potential for future collisions. Public Works Director Deakin said that this would be taken to the Streets and Utilities Committee for review and recommendations.
- Councilmember Nemeth suggested moving one of the baseball diamonds at Sherwood Park to the location of the first baseball field, opening up the second half of the field to be used for football. Public Works Director Deakin said this might be a good time to review the adopted Master Plan for the Park. After discussion, it was agreed to bring this to Council for future review.
- Mayor Mecham asked that Airport liaison Councilmembers (Heggarty and Nemeth) meet with Chuck Miller (Estrella Warbirds Museum) to review the Estrella Warbirds lease.

PUBLIC COMMENTS ON CLOSED SESSION

Dale Gustin (Chairman of the Senior Citizen Advisory Committee) extended the Committee's gratitude to Project Manager Doug Monn and Parks and Recreation Director Barbara Partridge for arranging a walk-through of the new Senior Citizens Building.

Council moved to adjourn from regular session at 10:15 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 five items listed on the agenda.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 10:17 PM.

CLOSED SESSION

The City Council returned to Regular Session at 12:30 AM on Wednesday, March 20.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Jon Seitz announced no reportable action was taken on any of the items under discussion.

By unanimous voice vote, Council moved to adjourn from regular session at 12:32 AM on Wednesday, March 20.

ADJOURNMENT: to THE LEAGUE OF CALIFORNIA CITIES 2002 PLANNERS INSTITUTE, MONTEREY, CA, MARCH 20-22, 2002; AND TO THE REGULAR MEETING ON TUESDAY, APRIL 2, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: April 2, 2002