

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

Tuesday, April 2, 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

Mayor Mecham announced the hospitalization over the weekend of City employee Cy Bozner and asked that Cy be kept in everyone's thoughts and prayers.

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

PUBLIC COMMENTS

- Mary Chambers announced that the Highway 46 Committee will meet at 1:30 PM on May 9th at the Paso Robles Elks Lodge and invited interested parties to attend.
- Mike Menath expressed support for a 4-year mayoral term and encouraged Councilmembers Nemeth and Heggarty to again bring this question forward for discussion on a future agenda.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

Jim App announced that Agenda Item No. 2 would be continued.

PRESENTATIONS

1. **Introduction of New Fire Chief – Ken Johnson** (Mayor Frank Mecham)

Mayor Mecham, accompanied by Chief Doug Hamp, introduced the City's new Fire Chief, Ken Johnson, who will assume his new position on May 1st.

On behalf of the Board of Directors of the Main Association, president Steve Martin presented retiring Fire Chief Doug Hamp with a certificate of appreciation for his contribution and service as a Main Street supporter during his years with the Paso Robles Fire Department.

NOTICED HEARINGS

2. **Code Amendment Regarding Revisions to Oak Tree Preservation Ordinance**

R. Lata, Community Development Director

Open and continue public hearing on a revision to the City's Oak Tree Preservation Ordinance. CONTINUED FROM FEBRUARY 5, 2002.

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to continue the Public Hearing to consider a revision to the City's Oak Tree Preservation Ordinance to the Council meeting of April 16, 2002. Motion passed by unanimous voice vote.

3. **Specific Plan Amendment (GPA 01-005, SPA 01-002 - City-initiated in Conjunction with Estrella Associates)**

R. Lata, Community Development Director

Consider an amendment to the City's General Plan (Circulation Element) and three streets within the Borkey Area Specific Plan (BASP), consisting of:

- a. Revision of the improvement standards in the BASP for a portion of Buena Vista Drive between Experimental Station Road and the north boundary of the Cuesta College North County Campus (initiated by the City);
- b. Reclassification of Clubhouse Drive in the General Plan and BASP from an "urban collector" to a "local" street and corresponding modifications of required design standards (initiated by Estrella Associates/Dick Willhoit); and
- c. The addition of a new industrial street in the BASP located south of and parallel to Tractor Way, between Golden Hill Road and Oakwood Street (initiated by the City).

(This three-part General Plan and BASP amendment is exempt from further California Environmental Quality Act [CEQA] review. On March 12, 2002, the Planning Commission unanimously recommended approval of the below separate actions.) CONTINUED FROM MARCH 5, 2002.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-50 approving General Plan Amendment 01-005 (modification to the Circulation Element and Circulation Components of the Borkey Area Specific Plan). 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 introduce for first reading Ordinance No. XXX N.S. that would amend three Circulation Components of the Borkey Area Specific Plan and set April 16, 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

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. 4 to 11 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Picanco.

Those items unanimously approved were as follows:

4. Approve City Council minutes of March 5, 13 and 19, 2002.
D. Fansler, City Clerk

Two errors were noted in the March 5, 2002, minutes: The vote on Agenda Item No. 3 should be corrected to reflect the absence of Councilman Finigan; and Item No. 4 should reflect that Vice Chairman Picanco opened the public hearing for comment.

5. Approve Warrant Register.
M. Compton, Administrative Services Director

6. Receive and file Advisory Body Committee minutes as follows:

Parks and Recreation Advisory Committee meeting of January 8 and February 12, 2002
Library Board of Trustees meeting of February 14, 2002

Councilmember Nemeth noted that there was nothing in the Parks and Recreation Advisory Committee minutes relating to any discussion of proposed changes to the Sherwood Park Master Plan to make room for youth football. Public Works Director Joe Deakin responded that he and Parks and Recreation Director Barbara Partridge are currently working on a report for Council consideration regarding the use of Sherwood Park. He also noted that, under the present Maintenance Program, they are seeking a more immediate solution for providing space for youth football by making the existing soccer fields multi-use fields for football and soccer without needing to move any of the baseball fields.

7. Proclamation recognizing outstanding dedication of Reverend Ruben Tate, pastor to the Second Baptist Church for 17 years.
Mayor F. Mecham
8. Adopt Resolution No. 02-51 awarding the Manhole Rehabilitation Project to low bidder Hi-Tech Pipeline Services, Inc., in the amount of \$20,985.22. (In 1993, the Sewer Master Plan identified the need to repair the lining of certain manholes in the Templeton Interceptor Line, and the Sewer Capital Improvement Program has set aside funding to rehabilitate manholes annually.)
J. Deakin, Public Works Director
9. Confirm by formal action the appointments of Robert Gibson, Danna Stroud and Mike Ojeda to the Parks and Recreation Advisory Committee. (Council interviewed five applicants for three vacancies at the adjourned regular meeting of March 13, 2002.)
B. Partridge, Library & Recreation Services Director
10. Approve an agreement with Chemron Corporation, Lubrizol Acquisition Co. and Lubrizol Corporation that permits the assignment by Chemron of its leasehold interest at the Municipal Airport to Lubrizol Acquisition Co. and amend certain terms of the lease. (Approval of the agreement will allow the continued operations on the premises and provide lease revenues. The amendments will enhance the protections for the City that the chemical manufacturing operations will be conducted in a safe manner.)
Yang, City Attorney
11. Adopt Resolution No. 02-52 transferring \$65,000 from the General Plan update appropriation for the Downtown Parking and Circulation Analysis and Action Plan. (The funding will consist of the \$20,000 that was budgeted for this specific purpose, plus \$65,000 in savings from the General Plan update program.)
R. Lata, Community Development Director

PUBLIC DISCUSSION

12. **Tract 2350 (Weyrich Development): Appeal of Staff Determination that the Tentative Map has Expired**

R. Lata, Community Development Director

Consider an appeal filed by Weyrich Development (Subdivider) of a staff determination that the tentative map for Tract 2350 has expired. (This proposed subdivision is approximately 90 acres located between Golden Hill and Rolling Hills Roads. The Planning Commission approved a tentative map on November 23, 1999. As of November 23, 2001, the applicants had not filed a complete application for a final map, nor had the applicants filed a written request for a time extension for the tentative map. State Law provides that a tentative map shall expire 24 months after its approval, unless a complete application for a Final Map, or a written request for a time extension, have been filed with the City.)

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

Deputy City Attorney Jon Seitz asked that the record reflect that a transmittal was received this date from North Coast Engineering, which further identifies deficiencies in the final plan check that is reflected in the agenda packet.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to deny the appeal and uphold City staff's determination that the tentative map for Tract 2350 has expired and determine that in order to obtain approval of a Final Map for the proposed subdivision, the applicants need to first obtain re-approval of the tentative map following a public hearing before the Planning Commission. Motion passed by the following unanimous roll call vote:

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

13. Request to Remove Oak Tree – 1405 Chestnut Street (Permit No. 02-03, June Ziegenbein)

R. Lata, Community Development Director

Consider a request to remove one 10-inch diameter oak tree and trim two other oak trees in order to protect the future health of the trees and minimize potential hazards to existing structures. (Arborist report recommends the trimming of two trees in order to reduce pressure on the trees and reduce potential limb failure in future, and the removal of one tree growing under canopy of two larger trees and close to foundation of an existing structure.)

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. 02-53 authorizing the removal of one 10-inch diameter oak tree (Tree B) and trimming two limbs on Tree C and one limb on Tree A on parcel located at 1405 Chestnut Avenue owned by June Ziegenbein, and requiring replacement oak trees conforming to Section 10.01.040 (E) of the Paso Robles Municipal Code. Motion passed by the following unanimous roll call vote:

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

14. Request to Remove Oak Trees – 70 Fresno Street (Permit No. 02-04, Don Vaughn)

R. Lata, Community Development Director

Consider a request to remove seven oak trees on a parcel located at 70 Fresno Street. (City policies strongly encourage oak tree preservation and states five factors to be considered when oak trees are proposed for removal. Sizes and conditions of trees proposed for removal are fully described in the staff report, along with facts regarding factors to be considered.)

Mayor Mecham opened the public hearing. Speaking from the public was Frank Henderson (project architect). There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-xx authorizing the removal of seven (7) oak trees and the pruning of others, as recommended in the Arborist Report on the parcel owned by Don Vaughn and located at 70 Fresno Street, and requiring replacement oak trees for those trees six inches or greater in size conforming to Section 10.01.040 (E) of the Paso Robles Municipal Code; and directed that applicant's request for an additional set-back be referred back to the Planning Commission for review and evaluation. Motion passed by the following unanimous roll call vote:

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

15. North County Air Market Study

J. Deakin, Public Works Director

Receive the final draft of the San Luis Obispo Council of Governments (SLOCOG) North County Air Market Study. SLOCOG will present the findings of Study.

Sonja Murray (lead consultant for Simat, Hellisen & Eicher, Inc., International Air Transport Consultancy) presented a power point presentation to Council on the SLOCOG North County Air Service Market Analysis. SLOCOG representative Pete Rogers was available to answer Council questions.

Mayor Mecham opened the public hearing. Speaking from the public were Betty Miller, Mary Chambers, and Steve Martin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to receive and file the final draft of the San Luis Obispo Council of Governments' North County Air Market Study Motion passed by unanimous voice vote.

City Council adjourned for a 10-minute break at 8:55 PM, reconvening at 9:05 PM.

Making a declaration of conflict, Councilmember Picanco stepped down from the dais and refrained from voting on Item No. 16.

16. Solid Waste Program Improvements

J. Deakin, Public Works Director

Approve a plan to implement State-mandated solid waste diversion programs and associated cost increases. (In 1989, the State mandated a reduction of the amount of solid waste deposited in landfills by 50%. Agencies were directed to accomplish this diversion mandate by 2000. The City's diversion has not reached 50%, therefore action is required to expand residential, business & construction recycling. Rate increases are required to pay for the implementation of the State mandated programs. Approval of a plan to implement State mandated solid waste diversion [recycling] programs and associated landfill and curbside collection rate increases is indicated.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gomer (General Manager of Paso Robles Waste Disposal), Bill Worrell (San Luis Obispo Regional Integrated Waste Management Authority), Paul Viborg, David Hix, Mike Menath, Mark Perry (Paso Robles Waste) and Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to authorize staff to negotiate and the Mayor to sign a Joint Powers Agreement of the San Luis Obispo Integrated Waste Management Authority. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to direct staff to develop and execute a modification to the Pacific Waste Services agreement to provide for and implement a woodwaste recycling pilot program at the Paso Robles landfill. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to direct staff to develop and execute a modification to the Paso Robles Waste Disposal solid waste collection franchise agreement to authorize the rate increase to provide for and implement weekly pick-up of residential curbside recyclable and greenwaste items. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-55 increasing disposal rates. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-56 increasing authorized collection fees (charged by Paso Robles Waste Disposal), amending the fifth "whereas" of the resolution to read: *Whereas, the City supports a Lifeline Assistance Program and will provide qualifying residents a 15% discount on collection rates*; and amending the rate schedule by inserting an asterisk next to the first six itemized rates and adding a footnote to read: *A 15% reduction will be provided when qualified for a Lifeline rate*. Motion passed by the following roll call vote:

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

Councilmember Picanco returned to deliberations.

17. Wastewater Treatment Plant Solids Handling Facilities Expansion and Upgrades Project

J. Deakin, Public Works Director

Consider amending the agreement with Carollo Engineers to add digester/control building and pump mixing design tasks to the Wastewater Treatment Plant Solids Handling Facilities Expansion and Upgrades Project. (On March 20, 2001, Council authorized a contract with Carollo Engineers to design specified solids handling facilities. On February 20, 2002, the City received a proposal from Carollo Engineers to add a new digester/control building and pump mixing to the project. The December 2000 Wastewater Treatment Plant Capacity Evaluation Study identified drying facilities as the highest priority. Next in priority is solids digestion – a new digester, as well as modernizing the mixing systems in the two existing digesters. The added digester will both increase the digestion process capacity and provide a facility to provide capacity during downtime for maintenance. These improvements will produce sludge [1] meeting disposal standards and [2] chemically stabilized to reduce plant odors.)

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. 02-57 authorizing the City Manager to amend the agreement with Carollo Engineers for final design of the Wastewater Treatment Plant new digester/control building and pump mixing for a not-to-exceed fee of \$163,300. Motion passed by the following unanimous roll call vote:

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

18. Appropriation for Traffic Analysis, Highway 46 West / Highway 101 Interchange

R. Lata, Community Development Director

Consider funding a portion of the costs of preparing a traffic analysis for the Highway 46 West/Highway 101 Interchange. (The Planning Commission recently considered a proposal for a McDonald's Restaurant and a car wash on Ramada Drive in this interchange area. The Commission called for additional traffic analysis before consideration of a Negative Declaration and project approval. Funding the subject study would address Commission, applicant and public questions regarding the traffic handling capacity of the subject interchange. The scope of work also calls for identification of mitigation measures that could be considered in order to accommodate further development in the subject area.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-58 appropriating \$15,200 to prepare a traffic analysis of the Highway 46 West / Highway 101 Interchange completing the scope of work contained in the attached Exhibit "A" and authorize the City Manager to enter into an agreement with ATE (Associated Transportation Engineers). Motion passed by the following unanimous roll call vote:

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

19. Exemption of Southwest Reservoir from County Building and Zoning Ordinances

M. Seitz, Deputy City Attorney

Conduct a public hearing and make a determination that the Southwest Reservoir project is exempt from San Luis Obispo County building and zoning ordinances pursuant to Government Code § 53091. (Previous Council action determined that Site 13, located west of Highway 101 and the Salinas River, is the best location for the purchase, construction and erection of Southwest Reservoir because the site has fewer uncertainties regarding project design and would not require additional permitting and design requirements for the river crossing. The purchase of Site 13 and the construction of the Reservoir are exempt from County zoning and building ordinances pursuant to the cited Government Code.)

Mayor Mecham opened the public hearing. Speaking from the public was Anne Nash. There were no further 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. 02-59 declaring that the purchase of property for, and the construction of, the Southwest Reservoir at Site 13, located west of U.S. Highway 101 and the Salinas River, is exempt from County building and zoning ordinances pursuant to Government Code § 53091; and direct staff to give notice to the County of San Luis Obispo of this action by the 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 – None

AD HOC COUNCIL BUSINESS

20. Processing Fees – Ad Hoc Committee

R. Lata, Community Development Director

Consider formation of an ad hoc committee to work with the Community Development Department staff on updating fees for services in Building, Engineering, and Planning Divisions.

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

It was the general consensus of the Council to appoint a two-member ad hoc committee consisting of Councilmembers Finigan and Nemeth to work with the Community Development Department staff on updating fees for services in Building, Engineering, and Planning Divisions, and report back to the full Council by August 2, 2002.

COUNCIL COMMENTS

- Mayor Mecham proposed a joint session with the Planning Commission at the end of the month. He also questioned when Council would be receiving information regarding City Manager evaluations. City Manager App indicated that City Attorney Iris Yang was reviewing the materials and would be providing them to Council in the near future.
- Councilmember Finigan asked that Council get clarification on results of website survey on Voice of Paso of those persons in favor of a 4-year mayoral term.

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

Council moved to adjourn from regular session at 11:15 PM and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

Deputy City Attorney Jon Seitz announced Council's authority to go into closed session to discuss the six items listed on the agenda. He also announced that Item No. D "Initiation of Litigation" on the Closed Session agenda has turned into "Existing Litigation" and will be discussed pursuant to Government Code Section 54956.9(b), City of Paso Robles v. USA Waste, San Luis Obispo Superior Court Case No. CV 010864.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:17 PM.

CLOSED SESSION

The City Council returned to Regular Session at 1:15 AM on Wednesday, April 3, 2002.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Jon Seitz made the following announcements:

Regarding:

- a. Council heard an update from the City negotiator, but no reportable action was taken.
- b. Council unanimously agreed to give the City Manager the authority to hire a right-of-way agent to further negotiate this acquisition.
- c. Council heard an update from the City negotiator, but no reportable action was taken.
- d. Council heard an update from the City Attorney, but no reportable action was taken.
- e. Council heard an update from the City negotiator, but no reportable action was taken.
- f. Council heard an update and gave further instruction to the City negotiator and there was no other reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 1:20AM on Wednesday, April 3, 2002.

ADJOURNMENT: to THE PLANNING COMMISSION FIELD TRIP, SATURDAY, APRIL 6, 2002, DEPARTURE FROM THE CITY HALL AT 8:00 AM, 1000 SPRING STREET; TO THE PLANNING FESTIVAL AT 10:00 AM ON APRIL 13, 2002, LIBRARY/CITY HALL CONFERENCE CENTER AND CITY HALL 2ND FLOOR, 1000 SPRING STREET; AND TO REGULAR MEETING ON TUESDAY, APRIL 16, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

**THESE MINUTES ARE NOT OFFICIAL, NOR A PERMANENT PART OF THE RECORDS,
UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING**