

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL

Tuesday, May 7, 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, Gary Nemeth, Duane Picanco and Mayor Frank Mecham. Absent: Jim Heggarty (arriving after Presentations at 8:05 PM).

PUBLIC COMMENTS

- J. D. Main gave an update on the Homeless Housing Project activities since December 2001 and asked Council to review the operation of the Motel Voucher Program.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

Mayor Mecham announced the “winning” results of a bowling challenge, which Council participated in with the Atascadero City Council last weekend.

PRESENTATIONS

1. **Recognition of Retiring Fire Chief Doug Hamp**

On the occasion of his retirement, Chief Hamp received accolades, recognitions, and gifts from the following persons: Greg Haas (SLO County District Representative for the 22nd Congressional District), representing Congresswoman Lois Capps; Assemblyman Abel Maldonado of the Thirty-third District and State Senator Jack O'Connell; Supervisor Harry Ovitt, County Board of Supervisors, District 1; Mayor Frank Mecham, Deputy City Attorney Jon Seitz, and City Manager Jim App.

Councilmember Heggarty was seated at the dais at 8:05 PM.

NOTICED HEARINGS

2. **Rezone 02-001 (4th and Pine Property)**

R. Lata, Community Development Director

Table the rezone request as the property was rezoned on September 18, 2001 (Ordinance No. 818 N.S., Rezone 01-0005)

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 Finigan, moved to table Rezone 02-001 as the property has already been rezoned via Ordinance No. 818 N.S. on September 18, 2001. Motion passed by the following unanimous roll call vote:

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

3. **Easement Abandonment 02-001 (Applicant: Randy Stinchfield)**

R. Lata, Community Development Director

Conduct a public hearing and consider a request filed by Randy Stinchfield to abandon a utility easement. (Proposed abandonment is approximately 100 feet in length and 40 feet wide lying within 17th Street, between the east line of Pine Street and the west boundary of the southern Pacific Railroad right of way. There do not appear to be any public utilities lying in the abandonment area. As a cautionary measure, a recommended condition of approval for the vacation would be that applicant be responsible for relocating any utilities, if found, at his own expense. As street was previously vacated and there is no evidence that the easement is being used for its intended purpose, it appears that this request would be consistent with the General Plan, its elements and the Zoning Code.)

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 Finigan, in accordance with the conditions of approval, moved to adopt Resolution No. 02-72 approving Easement Abandonment 02-001. Motion passed by the following unanimous roll call vote:

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

4. Non-conformity Status – Code Amendment 2002-003

R. Lata, Community Development Director

Conduct a public hearing to consider the Planning Commission’s recommendation to approve a code amendment that relates to the non-conforming status of private property. (The amendment would have the effect of protecting private property from becoming non-conforming or more non-conforming when the City acquires part of the property for public purposes. Purpose of proposed code amendment would be to avoid adverse impacts on the status of private property as a result of public acquisitions. It is a “hold harmless” type of provision.)

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-73 approving a Negative Declaration and introduce for first reading Ordinance No. xxx N.S. approving the proposed Code Amendment 2002-003, setting May 21, 2002, as the date for second reading of the 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. 5 to 17 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Picanco.

Those items approved were as follows:

- 5. Approve City Council minutes of August 7, 2001*, April 2, April 6 and April 16, 2002.**
(*Being submitted to correct clerical oversight in 2001.)
D. Fansler, City Clerk

6. Receive and file Advisory Body Committee minutes as follows:
Senior Citizen Advisory Committee meetings of February 11 and March 11, 2002
Paso Robles Youth Commission meeting of March 6, 2002
Parks & Recreation Advisory Committee meeting of March 12, 2002
Library Board of Trustees meeting of March 14, 2002
Citizens Airport Advisory Committee meeting of March 28, 2002
Housing Authority Board meeting of April 9, 2002
7. Approve Warrant Register.
M. Compton, Administrative Services Director
8. Proclamation – Fibromyalgia Awareness Day, May 12, 2002
Mayor F. Mecham
9. Proclamation – National Police Week, May 12-18, 2002
Mayor F. Mecham
10. Adopt Resolution No. 02-74 approving budget appropriations in the total aggregate amount of \$66,400 for fiscal year 2002 and \$33,400 for fiscal year 2003. (These appropriations represent the annual amounts being paid for the commercial lease of computers and related equipment.)
M. Compton, Administrative Services Director
11. Adopt Resolution No. 02-75 approving a sublease assignment to David and Cathy Paine on the Wentworth master lease - Airport Parcel No. 36. (In December 2000, Council approved a sublease between Charles Wentworth and John and Linda Schwamm for Hangar Pad No. 4 on the lease site. In March 2002, John and Linda Schwamm sold their hangar and assigned their interest in the subleased parcel to David and Cathy Paine.)
J. Deakin, Public Works Director
12. Adopt Resolution No. 02-76 amending an airport real estate lease to change lessee name at lessee's request. (In November 1994, the City entered into a 50-year property lease of Parcel 36 of the airport Industrial Park with Charles Wentworth. Lessee requests an amendment to the lease to reflect a name change of lessee to Charles G. Wentworth 1999 Revocable Trust.)
J. Deakin, Public Works Director
13. Adopt Resolution No. 02-77 awarding the construction contract to perform the City's annual street striping work to the low bidder, Safety Striping of Goshen, California. (Street striping is typically performed by an outside contractor selected through the bid process. The City advertised for this project and all bids received by the specified deadline were publicly opened on April 25, 2002. Safety Striping submitted the low bid.)
J. Deakin, Public Works Director
14. Adopt Resolution No. 02-78 directing staff to submit an application for the Bicycle Transportation Account (BTA) Grant for fiscal year 2002-2003 in the amount of \$140,000. (The City's Bikeway Master Plan was adopted in February 2002. The Plan was prepared to meet requirements established by Caltrans in order for the City to qualify for a BTA grant. Notice was received from the State soliciting applications for FY 2002-2003 and applications are due on June 1, 2002.)
J. Deakin, Public Works Director

15. Adopt Resolution No. 02-79 accepting the public improvements of Tract 2223-2 (Sub-phase 1) into the City's maintenance system, and authorizing the partial release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$75,285. The value of the reduction of Payment and Performance bonds is to be based upon the project engineer's cost estimate for Sub-phase 1 construction. (This subdivision is located west of Prospect Avenue and south of Highway 46. The public improvements, which the developer was required to install for this sub-phase, have been completed. City will retain a Maintenance Bond for a period of one year as warranty for the improvements installed.)
R. Lata, Community Development Director
16. Adopt Resolution No. 02-80 accepting the public improvements of Tract 2376 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 \$39,100. (This subdivision is located north of Highway 46 East and west of Buena Vista Road. The public improvements, which the developer was required to install, were completed with the exception of several minor items expected to be corrected to the satisfaction of City staff prior to the Council meeting. Should this not occur, it will be requested that this item be continued to a future meeting.)
R. Lata, Community Development Director
17. Adopt Resolution No. 02-81 superceding Resolution No. 02-55 providing a corrected landfill disposal fee schedule. (On April 2, 2002, Council authorized revised landfill disposal [or tipping] fees commencing July 1, 2002. Subsequently, staff discovered an unintended redundancy in the fee table and the new resolution has been prepared to clarify the intended revised fees.)
J. Deakin, Public Works Director

PUBLIC DISCUSSION

18. **Presentation on Oak Tree Disease**

R. Lata, Community Development Director

Presentation by County of San Luis Obispo Agricultural Commissioners' Office on oak tree disease.

Agricultural Inspector Cerae Speidel from the San Luis Obispo County Agriculture Department and Bill Tietje, a natural resources specialist in the Integrated Hardwood Range Management Program at the University of California Cooperative Extension, conducted a presentation to Council on Sudden Oak Death disease.

Mayor Mecham opened the public hearing. Speaking from the public was Mike Menath. 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 receive and file the Sudden Oak Death disease report. Motion passed by unanimous voice vote.

City Council adjourned for a 10-minute break at 8:45 PM, reconvening at 8:55 PM.

19. Initiate Proceedings for Annual Levy of Landscape and Lighting District FY 2002-2003

J. Deakin, Public Works Director

Initiate proceedings for the Landscape and Lighting Levy for fiscal year 2002/2003. (A Landscape and Lighting District was formed in 1989 for the maintenance of streetlights, hardscapes, detention basins, parkways, median islands, open space, slopes, and other appurtenant facilities and operations relating to the District. The annual levy is a two-step process. The first step is for Council to adopt resolutions to initiate the proceedings by scheduling a Public Hearing. Final step takes place at the Public Hearing wherein the City Council would adopt a resolution to approve the final levy report.)

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. 02-82, Resolution No. 02-83, and Resolution No. 02-84 initiating proceedings for the annual levy; declaring intent to levy and setting the date for a public hearing; and approve the preliminary Engineer's Report. Motion passed by the following unanimous roll call vote:

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

20. Letter from Ken Munde Regarding Wine Country RV Resort

R. Lata, Community Development Director

Consider letter from Ken Munde, facts and analysis relevant to Mr. Munde's concerns. (Subject property is located northeast of the intersection of Airport Road and Highway 46 East. Applicant is requesting relief from project impact fees.)

Mayor Mecham opened the public hearing. Speaking from the public were Ken Munde (applicant), and Kathy Barnett. 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 continue this item to the May 21, 2002, City Council meeting to allow time for legal counsel to research the options available/impacts to the City if fees are decreased, and to direct staff to provide Council all documentation relating to this project. Motion passed by the following unanimous roll call vote:

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

21. Utility Discount Policy

M. Compton, Administrative Services Director

Clarify the application of the City’s utility discount (water and sewer) policy in cases of multi-family residential situations. (Council adopted the low-income discount program at their December 18, 2001, meeting. Implementation/application of the policy in single-meter multi-family residential situations has prompted some questions and Council review and consideration is requested.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to modify policy to limit eligibility to a single-meter/single-unit. Motion passed by the following unanimous roll call vote:

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

22. Special Event Ad Hoc Committee Report

Gary Perruzzi, Recreation Services Manager

Consider options for funding City staff support for community special events.

Mayor Mecham opened the public hearing. Speaking from the public was 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 continue subsidizing special events, but adjust budgets to identify and allocate direct costs. Motion passed by the following roll call vote:

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

23. Real Estate Broker Services

M. Compton, Administrative Services Director

Consider extending real estate broker services with Country Real Estate. (The current contract with Country Real Estate expires June 30, 2002. Staff is seeking direction from Council whether to extend the current relationship for another year, distribute Request for Proposals or cease all official ties with any real estate broker for the present time.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to extend the relationship with Country Real Estate for one year. Motion passed by the following unanimous roll call vote:

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

24. Transit Operations Contract – Laidlaw Transit Services

M. Compton, Administrative Services Director

Consider approval of a new contract with Laidlaw Transit Services for the operations of the City's transit system. (The current contract with Laidlaw Transit Services expires June 30, 2002. In February 2002 Council directed staff to negotiate a new contract. Laidlaw has submitted a cost proposal for Council consideration.)

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett and Michael Kane. 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 adopt Resolution No. 02-85 approving budget appropriations in the total aggregate amount of \$96,000 for fiscal year 2003. Motion passed by the following unanimous roll call vote:

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

25. Annual Audit Contract Extension

M. Compton, Administrative Services Director

Consider extending the expired audit contract with Moss, Levy & Harzheim for one year. (Council previously awarded a five-year contract to ML&H for annual auditing services and preparation of various annual State Controller reports. The contract expired with the completion of the audit and reports for the fiscal year ended June 30, 2001. Reporting components of the Governmental Accounting Standards Board Pronouncement No. 34 (GASB 34) will be implemented starting with the current fiscal year ending June 30, 2002, and staff believes that the transition to the new reporting format will be easier if the relationship with the current auditor is extended for one year.)

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 adopt Resolution No. 02-86 approving a one-year contract extension with Moss, Levy & Hartzheim per their engagement letter, dated 19 April 2002. Motion passed by the following unanimous roll call vote:

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

26. Pool Disinfection System Upgrades

J. Deakin, Public Works Director

Consider appropriating funds to purchase and install replacement pool disinfection systems for three pools - Municipal Pool, Therapy Pool and Centennial Pool. (The County Health Department requires pool operators to maintain a constant chemical residual at all times to assure effective disinfection and the disinfection systems currently used in all three City pool locations need either repairs or replacement. The two-year (fiscal years 2001-2002 and 2002-2003) approved budget goes not currently provide for replacing or repairing these critical disinfection systems.)

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 adopt Resolution No. 02-87 approving a budget appropriation for the purchase and installation of three "Pulsar" disinfection systems. Motion passed by the following unanimous roll call vote:

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

27. Budget Appropriation for Additional Monitoring

J. Deakin, Public Works Director

Consider appropriating funds from Water Reserve Fund to Water Operations Budget for required laboratory testing. (The United States Environmental Protection Agency [EPA] implemented the Unregulated Contaminant Monitoring Regulation [UCMR]. The UCMR requires water systems serving more than 10,000 people to monitor for 11 specified contaminants. The State of California Department of Health Services [CA-DOHS] implemented their own version of the UCMR rule, adding contaminants to monitor. In addition, the EPA randomly selected 120 large water systems from the U.S. requiring them to monitor for 13 additional contaminants. Paso Robles was one randomly selected water system. Testing results will help insure that future decisions on drinking water are based upon data, helping provide a scientific approach to additional regulations aimed at drinking water.)

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 authorize the sampling program required by both the EPA and CA-DOHS and adopt Resolution No. 02-88 approving a one-time appropriation of funds for required laboratory testing with revised wording in the resolution correcting budget appropriation from \$43,036 to \$50,000. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

27.1 Formation of Ad Hoc Committee – Visitors & Conference Bureau and Main Street Association

J. App, City Manager

It was the general consensus of the Council to appoint an ad hoc committee consisting of Mayor Mecham and Councilmember Nemeth to review the Visitors and Conference Bureau (VCB) and Main Street Association service contracts and report back to the full City Council by June 18, 2002.

28. Schedule Date for Applicant Interviews/Appointments – Housing Authority

J. App, City Manager

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

It was the consensus of Council to return this item for further consideration at the Council meeting of May 21, 2002.

29. Schedule Date for Applicant Interviews/Appointments – Project Area Committee

J. App, City Manager

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 consensus of Council to set Wednesday, March 29, 2002, at 7:30 PM as the date for conducting interviews and making appointments for vacancies on the Project Area Committee.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

COUNCIL COMMENTS

- Councilmember Nemeth questioned whether Council would be reviewing a memo receive from Gary Perruzzi regarding Parks & Recreation re financial participation in events.

PUBLIC COMMENT ON CLOSED SESSION - None

Council moved to adjourn from regular session at 11:30 PM and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

City Attorney Iris Yang announced Council's authority to go into closed session to discuss the two items listed on the agenda.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:32 PM.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 12:35 AM on Wednesday, May 8, 2002.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 12:38 AM on Wednesday, May 8, 2002.

ADJOURNMENT: to THE PLANNING COMMISSION MEETING AT 7:30 PM ON TUESDAY, MAY 14, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING ON TUESDAY, MAY 21, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: May 21, 2002