

# CITY COUNCIL MINUTES

Tuesday, June 4, 2002 7:30 PM

MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL  
CONFERENCE CENTER, 1000 SPRING STREET

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PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR  
TO THE MEETING WITH A COPY TO THE CITY CLERK

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

**PUBLIC COMMENTS**

- Dale Gustin expressed his concerns that a sign originally placed at the Spring Street entry to the City by the Chamber of Commerce has not been replaced.

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

City Manager Jim App announced that Agenda Item No. 22 was pulled by staff and will be deferred to a future date.

**PRESENTATIONS - None**

**NOTICED HEARINGS**

**1. Oak Tree Ordinance**

R. Lata, Community Development Director

Consider a proposed update to the City's Oak Tree Preservation Ordinance. (Commission is recommending that [1] 6-inch trunk diameter continue to be the threshold for Council review of oak tree removal requests; [2] a list of approved arborists be authorized to provide services to the City; [3] replace term "drip line" with Critical Root Zone; [4] the level of oak tree protection measure enforcement be increased; [5] the Public Works Department be responsible for approving tree trimming requests; [6] the Community Development Department be responsible for processing tree removal requests; and [7] the City recover costs for processing tree trimming and removal requests.) CONTINUED FROM 21 MAY 2002.

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett, Jack Brazeal, Gordon Arnold, Tom Flynn, Dale Gustin, Tom Rusch, Michael Kane, Mike Menath, Matt Masia and Steven Ela. 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 approve the approach recommended by the Planning Commission and introduce for first reading Ordinance No. XXX N.S. amending Section 10.01 et seq. of the Municipal Code (Oak Tree Preservation Ordinance); deleting Paragraph "Q" of Chapter 10.01.060 of the proposed amendment; revising wording in Paragraph "C" of Chapter 10.01.055 to read "*...such recommendation shall be as specified in Section 10.01.050*"; and setting June 18, 2002, for second reading of the ordinance. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-xx establishing processing fees to cover the cost of requests to prune or remove oak trees. Motion failed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to reconsider his prior motion on the first reading of Ordinance No. XXX N.S. 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 Finigan, moved to amend his motion on the first reading of Ordinance No. XXX N.S. to delete all references to specific fee amounts in the ordinance; add a new Paragraph "H" to Section 10.01.050 to include the wording *"any fees or deposits to be charged by the City under this Chapter 10.01 shall be established by a resolution of the City Council"*; and to bring back the issue of fees to Council for consideration at a later date. Motion passed by the following roll call vote:

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

***Council adjourned for a 10-minute recess at 8:57 PM.***

## **2. Annual Levy Report for the Landscape and Lighting District**

J. Deakin, Public Works Director

Consider adopting resolutions to order collection of fiscal year 2002-2003 assessments for the Landscape and Lighting District (L&L). (The L&L provides a means to attend to development tract common-area facility and landscape maintenance. A single landscape maintenance contractor provides most services; the contract is awarded biannually. Each sub-area's costs are determined based upon the costs to maintain and/or operate landscape, lighting, and architectural amenities associated with the development tract.)

Mayor Mecham opened the public hearing. Speaking from the public was Paul Whitelaw (Muni Financial) 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 Picanco, moved to hear and receive input from the public on the annual levy of the Landscape and Lighting District, tabulate the ballots for the new sub-areas, adopt Resolution No. 02-99 approving the Engineer's Annual Levy Report and Resolution No. 02-100 ordering the levy and collection of assessments. 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 Picanco to appoint ad hoc committee to work with staff to reconcile amount balances in the Landscape & Lighting District, and to develop a balloting strategy for fiscal year 2004 and report back to the full City Council by December 17, 2002. Motion passed by the following unanimous roll call vote:

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

The Council, by general consensus, appointed Councilmembers Nemeth and Picanco to the ad hoc committee.

**3. Authorization to Purchase Property (Danner)**

J. Deakin, Public Works Director

Consider authorizing the purchase of real estate, following procedural steps outlined in the staff report, and adopting a Negative Declaration of environmental impact. (Property is approximately 0.363 acres (15,813 square feet) of land located at 149 Creston Road. In accordance with Section 65402 of the California Government code, on May 14, 2002, the Planning Commission considered the purchase and concluded that purchasing the property would not conflict with the City's General Plan. The proposed acquisition would facilitate the widening of the 13<sup>th</sup> Street Bridge and adjacent roads.)

Mayor Mecham opened the public hearing. Speaking from the public was Walt Heer. 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. 02-101 approving a Negative Declaration for acquiring Assessor's Parcel No. 009-401-030 (property located at 149 Creston Road). 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 Finigan, moved to adopt Resolution No. 02-102 accepting the Planning Commission's report that the acquisition does not conflict with the City's General Plan, authorizing the City Manager or his representative to execute the Acquisition Agreement. 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. Speaking from the public were Kathy Barnett and Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

On a single motion by Councilmember Picanco, seconded by Councilmember Heggarty, Consent Items No. 4 through 9 were unanimously approved.

Those items approved were as follows:

**4. Receive and file Advisory Body Committee minutes as follows:**

Citizens Airport Advisory meeting of March 28 and April 25, 2002

5. Approve Warrant Register.  
M. Compton, Administrative Services Director
6. Recognition – Resident Katherine Christensen, 100<sup>th</sup> Birthday – June 24, 1902 - 2002  
F. Mecham, Mayor
7. Adopt Resolution No. 02-103 accepting the recordation of Tract 2369-1, approving the Subdivision Improvement Agreement, and annexing Tract into the Landscape and Lighting (L&L) District as Sub-area No. 69A. (Property is a 71-lot subdivision of a 28.8-acre site, located on the north end of Kleck Road. Applicant is Fallingstar Homes, Inc., represented by Frank Arciero. Applicant has signed a Subdivision Improvement Agreement guaranteeing the construction of improvements within a one-year period; Payment and Performance Bonds have been submitted and are on file in the office of the City Engineer. Applicant has signed petition and voted in favor of annexation into the L&L District. Several items are still required from applicant prior to acceptance of the final map. It is expected that these items will be submitted prior to the Council meeting; should this not occur, staff requests that this item be continued to a future meeting.)  
R. Lata, Community Development Director
8. Adopt Resolution No. 02-104 accepting recordation of Tract 2373, approving the Subdivision Improvement Agreement and annexing Tract 2373 into the Landscape and Lighting (L&L) District as Sub-area No. 67. (Property is a 22-lot subdivision located at the north end of Kleck Road, and the Offers of Dedication for Crown Way and Almendra Court. Applicant is Kelly Gearhart. Applicant has signed a Subdivision Improvement Agreement guaranteeing the construction of improvements within a one-year period. Payment and Performance Bonds have been submitted and are on file in the office of the City Engineer and applicant has signed a petition and voted in favor of annexation into the L&L District.)  
R. Lata, Community Development Director
9. Extend ad hoc committee formed to review indemnification clauses in City contracts to September 17, 2002. (Work of committee is not yet complete.)  
J. Seitz, Deputy City Attorney

#### **ROLL CALL VOTE**

*Council, by general consensus, approved moving Agenda Items No. 13 and 17 ahead of Item No. 10.*

#### **PUBLIC DISCUSSION**

13. **Homeless Housing Project's Proposed Spending Plan for 2002 Community Development Block Grant (CDBG) Funds**  
R. Lata, Community Development Director

Consider a request made by the Homeless Housing Project to allow certain expenses related to their 2002 CDBG-funded Motel Voucher Program to be considered "program" vs. administrative (overhead) expenses. (The Project indicates that the late disbursement date for CDBG funds [which are often not available until October] and the disbursement system, which considers all non-motel room rental expenses to be administrative, result in the Project operating with little or no reserve funds.)

Mayor Mecham opened the public hearing. Speaking from the public were Pearl Munack (President of the Homeless Housing Project) and J.D. Main. 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 direct staff to draft the grant agreement for 2002 CDBG funds to allow for the Homeless Housing Project to be reimbursed for gas and oil, cell phone, and a program operator's stipend for the Motel Voucher administrator as program expenses, up to a maximum of \$3,100 (13% of the grant amount), and reduce the amount of administrative expenses (e.g. office rent, insurance, electricity) from \$4,800 (20% of the grant amount) to \$2,400 (10% of the grant amount).. Motion passed by the following unanimous roll call vote:

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

#### **17. Centennial and Sherwood Tennis Court Repairs**

J. Deakin, Public Works Director

Consider appropriating funds from the City Facility Repair Fund to resurface and rehabilitate the tennis courts at Centennial and Sherwood Parks. (The City owns and operates four asphalt tennis courts at Sherwood Park. It has been over ten years since the courts were resurfaced and they are in severe disrepair. The four courts at Centennial Park are in better condition, but need patching, painting and general rehabilitation.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin and Coralie McMillan (President of the North County Women's Tennis Club). There were no further comments from the public, either written or oral, and the public discussion was closed. Mayor Mecham noted for the record that he had received a letter from Teresa Engelbach of the North County Women's Tennis Club encouraging the Council to allocate monies to repair the courts at Sherwood and Centennial Parks.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-106 approving a budget appropriation of \$150,000 for the repair and rehabilitation of the eight City tennis courts located at Centennial and Sherwood Parks. Motion passed by the following unanimous roll call vote:

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

#### **10. Chandler Ranch Area Specific Plan: Workshop and Meeting Schedule**

R. Lata, Community Development Director

Consider and confirm a hearing schedule for collection of public input, preparation, and consideration of a Chandler Ranch Area Specific Plan.

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to confirm Chandler Ranch Area Specific Plan program hearing schedule attached to the staff report. Motion passed by the unanimous voice vote.

**11. Request to Remove an Oak Tree – Downtown City Park**

R. Lata, Community Development Director

Consider request to remove one (1) 36-inch California Live Oak tree located within the Downtown City Park. (Arborist report, dated May 14, 2002, indicates that the tree has declined to a condition that cannot be remedied. The tree is subject to branch failure and dangerous to the public.)

Mayor Mecham opened the public hearing. Speaking from the public was 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 Heggarty, moved to adopt Resolution No. 02-105 approving the removal of the 36-inch California Live Oak tree based on the Arborist's determination that the tree is a hazard to the public. Motion passed by the following unanimous roll call vote:

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

**12. Airport Road Alignment Study**

R. Lata, Community Development Director

Consider distribution of a Request for Proposals (RFP) to prepare an alignment study for Airport Road in the vicinity of Highway 46 East. (The location and manner in which Airport Road will intersect with Highway 46 East is uncertain. If the City distributes an RFP at this time, the long process of determining the future location of the intersection and seeking Caltrans approval for the necessary improvements can begin.)

Mayor Mecham opened the public hearing. Speaking from the public was Dale Gustin. 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 authorize staff to prepare and distribute an RFP to prepare a project program and preliminary design for the intersection of Airport Road and Highway 46 East, including a bridge over the Huer Huero Creek and obtaining Caltrans approval for a signalized intersection as an interim improvement at that location. Also direct staff to work with the City Attorney to prepare options for allocating the study costs to property owners who will benefit from the study. Motion passed by the following unanimous roll call vote:

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

**14. Programming Use of Barney Schwartz Park Soccer Fields**

B. Partridge, Library and Recreation Services Director

Consider approving a one-time use request for Barney Schwartz Park soccer fields for dates prior to the approved opening day. (The California Youth Soccer Association [CYSA], Southern Region, has requested the use of Barney Schwartz Park soccer fields during the week of August 5-9, 2002, for the purpose of holding a soccer camp conducted by the former United States Men's National Team Coach Steve Sampson.)

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 Nemeth, moved to approve use of Barney Schwartz Park soccer fields for the week of August 5-9, 2002, for the CYSA soccer camp. Motion passed by the following unanimous roll call vote:

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

**15. Special Event Sponsorship Criteria**

B. Partridge, Library and Recreation Services Director

Consider establishing criteria by which the City may consider financial sponsorship of special events. (At their May 14<sup>th</sup> meeting, the Parks & Recreation Advisory Committee discussed and established suggested criteria.)

Mayor Mecham opened the public hearing. Speaking from the public were Michael Kane 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 Mayor Mecham, moved to approve the criteria recommended by the Parks & Recreation Advisory Committee by which the City may consider financial sponsorship of special events, amending the language in the second bullet of the criteria to make clear that requests from local groups or organizations may also apply for City financial sponsorship. Motion passed by the following roll call vote:

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

**16. Code Enforcement Program Report**

D. Cassidy, Chief of Police

Review Code Enforcement Program statistics for the period of January through March 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. Motion passed by the following unanimous roll call vote:

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

**18. South River Road Bike Path – Niblick to Creston**

J. Deakin, Public Works Director

Provide direction regarding the South River Road Bike Path from Veterans Memorial Bridge to Creston Road. (The City applied for and received a grant from San Luis Obispo Council of Governments to fund the costs of preparing Plans, Specifications and Estimates (PS&E) for a bike path beginning underneath Veterans Memorial Bridge and ending at the 13<sup>th</sup> Street Bridge. The Streets and Utilities Committee recommended an alternative design: beginning underneath the Veterans Memorial Bridge, along Woodland Plaza II and ending at the vacant property behind Woodland Plaza II. In lieu of continuing to the north, the committee proposed that the bike path proceed to the east across River Road and tie into an existing path at Navajo.)

Mayor Mecham opened the public hearing. Speaking from the public were Susan Harvey, Dale Gustin 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 Picanco, moved to direct staff to return to the San Luis Obispo Council of Governments (SLOCOG) to investigate their willingness to allow a change to the grant application , and to return to Council for further discussion at a future date. . Motion passed by the following unanimous roll call vote:

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

**19. Solid Waste Annual Report and Time Extension Request**

J. Deakin, Public Works Director

Review the schedule for the California Integrated Waste Management Board's (CIWMB) hearings regarding the City request for a time extension for compliance with the source reduction requirements of AB 939. (Council took action in April 2002 to provide support for a time extension request by improving City programs and developing investment funding for needed improvements. A time extension is needed to meet the year 2000 50% diversion mandate and would exempt the City from enforcement and fines for two years, providing needed time to implement solutions to meet the diversion mandate. This two-year extension would require the City to meet the 50% mandate in calendar year 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 Nemeth, seconded by Councilmember Picanco, moved to direct staff to attend the CIWMB Committee meeting on June 11, 2002, and determine the need for City support before the full CIWMB Board of Directors on June 18-19, 2002. Motion passed by the following unanimous roll call vote:

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

**20. Adoption of Uniform Public Cost Accounting Act**

J. Deakin, Public Works Director

Consider adopting the Uniform Public Construction Cost Accounting Act, Section 22000 et seq., of the Public Contract Code. (The Cost Accounting Act provides for a higher threshold for force account projects, providing more flexibility to City crews in accomplishing routine minor projects.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 02-107 adopting the Uniform Public Cost Accounting Act and direct staff to notify the State Controller of this adoption. Motion passed by the following unanimous roll call vote:

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

**21. Upgrade of Lift Station No. 7**

J. Deakin, Public Works Director

Award design contract to North Coast Engineering (NCE) to repair and upgrade Lift Station No. 7. (Lift Station No. 7 is located north of First Street, between Oak and Spring Streets. Council adopted the Capital Improvement Program for fiscal year 2004 in anticipation of the need to upgrade the station to accommodate future development.)

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.

Councilmember, Picanco seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-108 directing the City Manager to enter a Consultant Services Agreement with North Coast Engineering to design the upgrade of Lift Station No., 7 in the amount of \$27,040. Motion passed by the following unanimous roll call vote:

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

**22. Off-Highway Vehicles and Equipment**  
D. Cassidy, Chief of Police

Consider authorizing the purchase of two (2) Police Department all-terrain vehicles (ATV's), complete with emergency response equipment and a trailer to transport the ATV's for off-road enforcement activities.

This item was pulled by staff and is deferred to a future meeting

**CITY MANAGER** - None

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION** – None

**AD HOC COUNCIL BUSINESS** – None

**COUNCIL COMMENTS** – None

**PUBLIC COMMENT ON CLOSED SESSION** - None

*Council moved to adjourn from regular session at 11:15 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 items listed on the agenda.

*The City Council thereupon adjourned to Closed Session in the 2<sup>nd</sup> floor Large Conference Room at 11:18 PM.*

**CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor

*The City Council returned to Regular Session at 1:00 AM on Wednesday, June 5, 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 1:05 AM on Wednesday, June 5, 2002.*

**ADJOURNMENT:** to THE GENERAL PLAN PUBLIC WORKSHOP ON THURSDAY, JUNE 6, 2002, AT 7:00 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE BARNEY SCHWARTZ PARK OPENING ON SATURDAY, JUNE 8, 2002, AT BARNEY SCHWARTZ PARK (HIGHWAY 46 AND UNION ROAD; AND TO THE REGULAR CITY COUNCIL MEETING ON TUESDAY, JUNE 18, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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