

CITY COUNCIL MINUTES
Tuesday, June 18, 2002 7:30 PM

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

**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

MOMENT OF SILENCE

ROLL CALL Councilmembers Jim Heggarty, George Finigan, and Mayor Pro Tem Gary Nemeth.
Absent: Councilmember Duane Picanco and Mayor Frank Mecham

PUBLIC COMMENTS - None

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App announced that the June 4th Council minutes were inadvertently excluded from Agenda Item No. 3 and will be presented to Council for approval in the July 2, 2002, agenda.

PRESENTATIONS – None

NOTICED HEARINGS

1. Code Amendment 02-005 (City-Initiated)

R. Lata, Community Development Director

Consider a code amendment to clarify and define the accessory uses allowed for social halls, clubs, and lodges. (Proposed amendment would allow for food service and/or the sale of alcohol to members and guests only, with a valid Type 51 or Type 52 Club Liquor License from the ABC, Alcoholic Beverage Control. Modifying the definition of social halls, clubs, etc. to include these common accessory uses would avoid a conflict with ABC regulations.)

Mayor Pro Tem Nemeth opened the public hearing. There being no comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Finigan, moved to introduce for first reading Ordinance No. XXX N.S. amending Section 21.16.200.C.10 of the Zoning Code to define allowable accessory uses for social halls, clubs, lodges and fraternal organization to include food and/or bar services for members, and set July 2, 2002, for second reading of the Ordinance, deleting Item "d" from the sixth "Whereas" paragraph. Motion passed by the following unanimous roll call vote:

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

2. General Plan Amendment 1-02, Borkey Area Specific Plan Amendment 02-001 and Rezones No. 01-006, 02-002, 02-003 and 02-006

R. Lata, Community Development Director

Consider opening and continuing the subject public hearing. The General Plan Amendment relates to four different locations and is accompanied by a specific plan amendment and three zone change applications. (As the Planning Commission's recommendation regarding the General Plan Amendment, Borkey Area Specific Plan Amendment and related Re-zone applications is scheduled for consideration on June 18th and because there will only be three Councilmembers present at the June 18th Council meeting, staff suggests that this hearing be opened and continued to the next regularly scheduled meeting of July 2, 2002.)

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue the opened public hearing to July 2, 2002. Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

Mayor Pro Tem Nemeth 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. 3 through 14 were unanimously approved on a single motion by Councilmember Finigan, seconded by Councilmember Heggarty, with the exception of Item No. 6 pulled for discussion by Councilmember Heggarty.

Those items approved were as follows:

3. Approve City Council minutes of May 21, May 29 and June 4, 2002.

D. Fansler, City Clerk

(June 4, 2002, minutes will be presented to Council for approval in the July 2, 2002 agenda.)

4. Receive and file Advisory Body Committee minutes as follows:
Housing Authority Board meeting of May 14, 2002
Transit Advisory Committee meeting of March 6, 2002
5. Approve Warrant Register.
M. Compton, Administrative Services Director
7. Adopt Resolution No. 02-109 approving an addendum to the Airport Farming Lease with Pierre Lahargou, extending the lease term. (The current lease was entered into in January 1986 to conduct dry-land farming operations on certain undeveloped airport areas. Farming in these areas provides revenue to the City, while the lessee pays all expenses. The Airport Lease ad hoc committee reviewed Mr. Lahargou's lease at its meeting on March 1st, indicating support for the lease renewal.)
J. Deakin, Public Works Director
8. Adopt Resolution No. 02-110 authorizing the director of Administrative Services to execute a Professional Services Agreement with Maximus, Inc. and authorize a one-time budget appropriating of \$5,000 for fiscal year 2002-2003 for said agreement. (The State legislature established the Incorrect Reduction Claim [IRC] as the method to challenge the State Controller's Office's reduction of any amount claimed by a local governmental agency. These claims must be filed with the Commission on State Mandates within three years and the statute of limitations will expire this fall. IRC claims are very complicated and require substantial amounts of time by staff. In addition to being the original preparer of the City's claims, Maximus, Inc., has the expertise and ability to represent the City throughout the claim process.)
M. Compton, Administrative Services Director
9. Adopt Resolution No. 02-111 declaring certain City property as surplus and authorize their sale by consignment. (This resolution declares certain City property as surplus and authorizes its sale by consignment. The adopted budget included the acquisition of three transit buses. The new buses have arrived and have been placed into active service, resulting in two surplus buses. Sale of surplus transit buses by consignment sale has proven to generate higher sale income to the City than the traditional sale by public auction.)
M. Compton, Administrative Services Director
10. Extend duration of the ad hoc committee formed in January 2002 to review design alternatives and options to re-stripe Niblick Road to four lanes from River Road to Creston Road. (In order to allow adequate time for City and School District staff to develop design alternatives and options, it is recommended that the Committee's duration be extended.)
J. Deakin, Public Works Director
11. Extend duration of the ad hoc committee formed in December 2001 to review energy conservation proposals, specifically for a solar generation project on the City landfill property. (Proposals are still being developed and reviewed as the Committee requested additional information. It is anticipated that the Committee's will be continuing on the current proposal for approximately 90 days. It is recommended that the duration be extended to September 17, 2002.)
J. Deakin, Public Works Director

12. Adopt Resolution No. 02-112 appropriating \$237,000 to Budget Account No. 216-910-5452-426 to upgrade the playground structure at Sherwood Park. (In July 2001, Council authorized staff to file for the Per Capita Grant Program under the Safe Neighborhood Parks, Clean Water and Coastal Protection Bond Act of 2000. City succeeded in receiving this grant for \$207,000. In May, REC, Inc. presented a check to the City for \$15,000 and the Council agreed to provide a matching amount from the Park Development Fund.)
B. Partridge, Library & Recreation Services Director
13. Adopt Resolution No. 02-113 authorizing acceptance of \$500,000 from Roberti-Z'Berg-Harris Urban Open Space and Recreation Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 for the enhancement of Centennial Park, and establish budget appropriation. (In October 2001, Council authorized staff to file for the Roberti Z-Berg Harris competitive program. City succeeded in receiving this grant in the amount of \$500,000, for a total project cost of \$714,000. The match requirement is \$214,000; the contract for acceptance must be signed and returned to the State by June 23, 2002.)
B. Partridge, Library & Recreation Services Director
14. Adopt Resolution No. 02-114 approving group insurance plan renewal for health insurance. (The City's group employee health insurance provider is Lifeguard Health Care; they have underwritten the policy for the last 7 years. The current contract expires June 30, 2002. The City Health Committee has recommended a modified Lifeguard plan contract, with an approximate 13% cost increase. All represented worker associations [POA, SEIU and Fire] have endorsed the Health Committee's recommendation.)
M. Williamson, Assistant to the City Manager

The following item was pulled for discussion:

6. Adopt Ordinance No. XXX N.S. amending Section 10.01 et seq. and related provisions of the Municipal Code (Municipal Code Amendment 2001-001 – Oak Trees). (The proposed ordinance amends the Code as follows: [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.) First reading held June 4, 2002.)
R. Lata, Community Development Director

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue Consent Item No. 6 to July 2, 2002. Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

15. Main Street Association Service Agreement

J. App, City Manager

Consider authorizing a July 2002 release of the first quarter payment for services to be rendered under a forthcoming fiscal year 2002/2003 agreement between the City and Main Street Association. (The City has contracted for downtown business promotion services from the Main Street Association for over ten years and the current multi-year agreement expires on June 30, 2002. A new agreement, structured like earlier contracts, is currently under consideration and is anticipated for Council consideration in July or August.)

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to authorize payment of fiscal year 2002/2002 first quarter payment of \$18,750 in July 2002. Motion passed by the following unanimous roll call vote:

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

16. Engineering Inspection: Temporary Contract Services

R. Lata, Community Development Director

Consider funding for temporary engineering and public works inspections during absence of City's Senior Engineering Inspector. (The City Engineering/Public Works Inspector absence may extend as late as June 2003. The City advertised for a contract position to provide inspection coverage during this interim period. Two companies agreed to provide the City with candidates; however, only Penfield & Smith successfully provided a candidate who completed the interview process.)

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

Councilmember Finigan, seconded by Mayor Pro Tem Nemeth, moved to adopt Resolution No. 02-115 appropriating \$150,000 to retain engineering inspections service from Penfield & Smith through June 2003. Motion passed by the following unanimous roll call vote:

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

17. Design Contract for 21st Street Reservoir Rehabilitation

J. Deakin, Public Works Director

Consider awarding a design contract to Boyle Engineering to design a roof replacement for the 21st Street Reservoir. (This reservoir is a fundamental element in the City's water distribution system. To maintain its reliability, structural improvements need to be designed. Boyle Engineering prepared the City's Water Master Plan and has technical expertise in water reservoir siting, construction and rehabilitation.)

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-116 authorizing award of design services to replace the roof of the 21st Street Reservoir to Boyle Engineering for a not-to-exceed fee of \$75,000 and direct the City Manager to enter a Professional Services Agreement. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

18. Schedule Date for Applicant Interviews & Appointments – Housing Authority

J. App, City Manager

Select an August 2002 date for conducting interviews and making appointments for vacancies on the Housing Authority advisory committee.

2 vacancies / 6 applicants

1 appointment to complete Frank Schuh's term expiring 2/28/03

1 regular appointment for term expiring 2/28/06

Applicants:

- Don Durfee Lawrence Foelker
- Joe Dutra (incumbent) Steven Meixner
- Leo Fisher David Rouff

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to continue Item No 18 to July 2, 2002. Motion passed by the following unanimous roll call vote:

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

19. Schedule Date for Applicant Interviews & Appointments – Parks & Recreation Advisory Committee

J. App, City Manager

Schedule date for conducting interviews and making appointments for vacancies on the Parks and Recreation Advisory Committee.

4 vacancies / 8 applicants

4 vacancies for terms ending 6/30/04

Applicants:

Donna Berg (incumbent)	Scott Graefen (incumbent)
Darwin Curry (incumbent)	Stephen Gregory
Don Durfee	Paul Manni
Robin Fairbairn (incumbent)	Randy Stinchfield

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

Councilmember Finigan, seconded by Councilmember Heggarty, moved to continue Item No 19 to July 2, 2002. Motion passed by the following unanimous roll call vote:

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

20. Schedule Date for Applicant Interviews & Appointments – Senior Citizen Advisory Committee

J. App, City Manager

Schedule date for conducting interviews and making appointments for vacancies on the Senior Citizen Advisory Committee.

5 vacancies / 7 applicants

5 vacancies for terms ending 6/30/04

Applicants:

Olive Renee Clark	Judy Rupp
Dale Gustin (incumbent)	Dell Velten (incumbent)
Virginia Harris (incumbent)	Velta Williamson (incumbent)
Nettie O'Brien	

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

Councilmember Finigan, seconded by Mayor Pro Tem Nemeth, moved to continue Item No 20 to July 2, 2002. Motion passed by the following unanimous roll call vote:

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

21. Schedule Date for Applicant Interviews & Appointments – Library Board of Trustees

J. App, City Manager

Consider re-appointing incumbent applicant, Betsy Watson, to fill one committee vacancy on the Library Board of Trustees.

1 vacancy for term ending 6/30/05

Applicant (1): Betsy Watson

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to re-appointed incumbent applicant Betsy Watson to fill a vacancy on the Library Board of Trustees, term ending June 30, 2005. Motion passed by the following unanimous roll call vote:

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

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS

- Mayor Pro Tem Nemeth requested a budget update regarding acceleration of Emergency Services staffing.

PUBLIC COMMENT ON CLOSED SESSION - None

CLOSED SESSION

Council moved to adjourn from regular session at 8:08 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 items listed on the agenda.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 8:13 PM.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 8:45 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Seitz announced that no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at **8:50 PM**.

ADJOURNMENT: to THE PASO ROBLES ECONOMIC FORECAST MEETING AT 8:00 AM ON WEDNESDAY, JUNE 26, 2002, IN THE GRAND BALLROOM OF THE PASO ROBLES INN, 1103 SPRING STREET, PASO ROBLES; TO THE MIDSUMMER MAGIC 2002 EVENT AT 7:00 PM ON SATURDAY, JUNE 29, 2002, AT THE PUBLIC LIBRARY, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JULY 2, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Cindy Pilg, Deputy City Clerk
Approved: September 17, 2002