

CITY COUNCIL MINUTES

Tuesday, August 20, 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

INVOCATION

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

PUBLIC COMMENTS

- Pastor Pat Sheehan announced that a Memorial service would be held on September 11th at 7:00 p.m. in the City Park.
- Betty Miller announced the Estrella Warbirds dinner and dance event Tales from the South Pacific, to be held at 6:00 p.m. on Friday, September 20th and Saturday, September 21st.
- Mike Compton, Director of Administrative Services, announced that all fixed route bus services throughout the County will be provided free of charge during the month of September.
- Dan Miroballi, Vice President of the Nacimiento Regional Water Management Advisory Committee, asked for Council support of a law suit filed against Monterey County's Salinas Water Project, which would take water from Lake Nacimiento and greatly reduce the water level of the lake.
- Dale Gustin asked for Council's support of the same issue.

ITEMS TO BE DEFERRED

City Manager Jim App stated that Item No. 1 has been recommended for continuance.

Mayor Mecham announced that the Department of Emergency Services has recently added four new firefighters to the Department: Josh Cazier, Ross Porter, Chris Reneau and Robert Smith. This brings the number of full-time staff to fifteen.

Birthday wishes were expressed to Meg Williamson, Assistant to the City Manager.

Councilmember Gary Nemeth, recently returned a trip to the Los Angeles area, encouraged all residents to be thankful for the way of life we enjoy in Paso Robles and the things our community affords us.

PRESENTATIONS – None

NOTICED HEARINGS

1. Code Amendment 02-007 - Signs

R. Lata, Community Development Director

Open and continue the noticed public hearing for Code Amendment 02-007. (This Code Amendment is designed to update the City's sign ordinance to reflect current legal parameters for all types of signs, including, but not limited to, those of a non-commercial nature.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to continue the open public hearing to November 19, 2002. Motion passed by the unanimous voice vote.

2. Downtown Design Guidelines – Final Components

R. Lata, Community Development Director

Consider approving an expanded set of development design guidelines for areas of the downtown. (Design guidelines divide the Downtown District into four sub-components: Historic Districts "A" and "B", the Riverside Avenue District, and the Spring Street District. Council adopted guidelines for the first two districts in 1994 and 1999 respectively and drafts of the final two components were reviewed by the Development Review Committee and Planning Commission in July 2002.)

Mayor Mecham opened the public hearing. Speaking from the public were Normal Duncan (PAC and Main Street Association), Randy Sulkie, Hazel Moore and Dale Gustin. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to adopt Resolution No. 02-186 approving the Spring Street and Riverside Avenue Design Guidelines and the appendix common to all districts (with amendments as recommended by the Planning Commission) to complete the final components of the downtown Design Guidelines, with the exception that the language regarding mansard roofs, instead of being stricken, would be changed to "mansard roofs are discouraged." Motion passed by the following unanimous roll call vote:

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

3. Petition for Partial Cancellation of California Land Conservation Act Contract (Williamson Act) – Kiessig Family Trust

R. Lata, Community Development Director

Consider a request by Steve Gregory, acting on behalf of the Kiessig Family Trust, for a partial cancellation of an agricultural contract (Williamson Act) and its associated environmental impact negative declaration. (Property currently held under land conservation contracts is a 117-acre site located east of North River Road, west of Buena Vista Road and immediately south of the City's northern boundary. Applicants have filed a Planned Development Conceptual Master Plan application, which is a phased resort development designed to be completed over an approximate 10-year period. To facilitate the early phases of the Master Plan, a partial cancellation of two portions of the contract land is necessary. The first portion is approximately 4.97 acres, proposed for development of 20 cottage units during Phase 1; the second portion is approximately 2.47 acres and is proposed to be developed with a portion of a convention center and parking during Phase 3 of the proposed Master Plan.)

Mayor Mecham opened the public hearing. 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 hearing was closed. City Attorney Yang provided an overview of the Williamson Act.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-171 approving Negative Declaration status for the proposed cancellation request. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-172 certifying the Cancellation Fee to the County Auditor and granting Tentative Cancellation Status for 7.44 acres under Land Conservation Contract. Motion passed by the following unanimous roll call vote:

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

4. Rezone 02-005 and Code Amendment 02-010 – Hastings/Food 4 Less

R. Lata, Community Development Director

Consider a series of options regarding appropriateness of drive-through uses for property at the northeast corner of Sherwood Drive and Creston Roads. (In July 2002, Council approved General Plan Amendment 02-001(2), which changed the designation of the property from NC [Neighborhood Commercial] to CC [Community Commercial]. In conjunction with GPA 02-001 (2), Rezone 02-002 was before the Council to change the zoning of the property from CP [Neighborhood Commercial] to C2 [Highway Commercial] in order to provide for drive-through uses. Council denied the rezone request and asked staff to return with additional options.)

Mayor Mecham opened the public hearing. Speaking from the public were Nick Gilman, Dale Gustin, Tom Rusch and Newlin Hastings. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 02-xx adopting a Negative Declaration for Rezone 02-005 and Code Amendment 02-010 applications. Councilmember Picanco withdrew his second. Motion failed for lack of a second.

Councilmember Finigan, seconded by Councilmember Picanco, moved to (1) adopt Resolution No. 02-xx adopting a Negative Declaration for Rezone 02-005 applications; and (2) introduce Ordinance No. XXX N.S. approving Rezone 02-005 changing the zoning designation from CP-PD (Neighborhood Commercial – Planned Development) to C1-PD (General Commercial – Planned Development); and set September 3, 2002, as the date for adoption of said Ordinance. Councilmember Picanco withdrew his second. Motion failed for lack of a second.

Councilmember Picanco, seconded by Councilmember Finigan, moved to 1) adopt Resolution No. 02-xx adopting a Negative Declaration for Rezone 02-005 and Code Amendment 02-010 applications; (2) introduce Ordinance No. XXX N.S. approving Rezone 02-005 changing the zoning designation from CP-PD (Neighborhood Commercial – Planned Development) to C1-PD (General Commercial – Planned Development); and set September 3, 2002, as the date for adoption of said Ordinance; and (3) introduce Ordinance No. XXX N.S. approving Code Amendment 02-010 changing Section 21.16.200 of the Zoning Code to allow drive-through uses in the C1 zone with the approval of a Conditional Use Permit, with a change in wording to the Amendment restricting fast food drive-through uses, and set September 3, 2002, as the date for adoption of said Ordinance. Councilmember Finigan withdrew his section. Motion failed for lack of a second.

At 9:05 PM the City Council took a 5-minute break, reconvening at 9:10 PM.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-173 adopting a Negative Declaration for Rezone 02-005 and Code Amendment 02-010 applications. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to introduce Ordinance No. XXX N.S. approving Rezone 02-005 changing the zoning designation from CP-PD (Neighborhood Commercial – Planned Development) to C1-PD (General Commercial – Planned Development); and set September 3, 2002, as the date for adoption of said Ordinance. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to introduce Ordinance No. XXX N.S. approving Code Amendment 02-010 changing Section 21.16.200 of the Zoning Code to allow drive through uses in the C1 zone with the approval of a Conditional Use Permit; and set September 3, 2002, as the date for adoption of said Ordinance. Motion passed by the following unanimous roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to direct staff to bring back to Council overlays to protect the other C1 zones and limit the uses of the drive-through fast food requirements of the C1 zone. Motion passed on the following unanimous roll call vote:

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

5. Specific Plan Amendment (SP 02-003) – City-initiated

R. Lata, Community Development Director

Consider an amendment to the Borkey Area Specific Plan and its associated Negative Declaration. (This 2-part amendment relates to (1) modification of the 75-foot landscaped setback from Highway 476 East, within Subarea E of the BASP and (2) amendment of development height restrictions, including the 825-foot elevation restriction within Subarea D of the BASP. The proposed changes are consistent with the provisions of the City's General Plan and Zoning Code.)

Councilmember Finigan stepped down from the dais and refrained from voting on Item No. 5 making a declaration of conflict.

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 hearing was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-174 approving Negative Declaration status for Specific Plan Amendment 02-003. Motion passed by the following roll call vote:

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to introduce for first reading Ordinance No. XXX N.S. amending the Borkey Area Specific Plan, with a change in wording to restrict the setback modification to Subarea E only; and set September 3, 2002, as the date for adoption of said Ordinance. Motion passed by the following roll call vote:

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

Councilmember Finigan returned to deliberations.

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. 6 to 9, 11 to 12 and 14 to 18 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty, with the exception of Items No. 10 and 13, which were pulled for discussion.

Those items approved were:

6. Approve City Council minutes of July 2 and July 16, 2002.
D. Fansler, City Clerk
7. Receive and file Advisory Body Committee minutes as follows:
Library Board of Trustees meetings of June 13 and July 11, 2002
8. Approve Warrant Register – Warrant Nos. 34673 (8/2/02) – 34926 (8/9/02)
M. Compton, Administrative Services Director
9. Adopt Ordinance No. 834 N.S. amending the zoning titles of the Municipal Code regarding front yard setbacks (Code Amendment 02-008). FIRST READING AUGUST 6, 2002.
R. Lata, Community Development Director
11. Extend duration of ad hoc committee formed May 7, 2002, to review service contracts of Visitor/Conference Bureau and Main Street Association to October 22, 2002.
J. App, City Manager
12. Adopt Resolution No. 02-175 approving an amendment to the Compensation and Benefit Plan for Confidential, Professional and Management employees effective April 1, 2002, through March 31, 2006. (Confidential, professional and management employees have ratified a tentative agreement amending the compensation and benefit plan over 4 years.)
J. App, City Manager

14. Award a professional services contract to Cannon Associates of San Luis Obispo to design a ferric chloride storage tank at Lift Station No. 12 for a not-to-exceed fee of \$23,000. (Sewer odors from the Airport interceptor are associated with gaseous sulfur compounds, a typical wastewater issue. Adding ferric chloride to the collection system will reduce odors and help in the treatment process. A Request for Proposal for design services for this project was issued; two consultants responded and submitted a proposal. Staff determined that Cannon Associates had the broader technical expertise for this type of work, employing both civil engineers and mechanical engineers on full-time staff.)
J. Deakin, Public Works Director
15. Adopt Resolution No. 02-177 appropriating \$10,000 to Budget Account No. 114-710-5226-217 to cover the cost of education of Building/Engineering Personnel for fiscal year 2002/03. (The Building Division collects development fees to cover the cost of this state-mandated program. The collected fees are accrued until they are appropriated by Council to the Building Division Budget, where they are used to offset the cost of education in a specific fiscal year.) R. Lata, Community Development Director
16. Adopt Resolution No. 02-178 accepting the public improvements of Tract 2281-5 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$56,257. (This subdivision is located on Grand Canyon Drive, east of Creston Road. The developer has completed all required public improvements to the satisfaction of City staff, with the exception of the submittal of final landscape plans. Further, the City will retain a Maintenance Bond for a period of one year as warranty for the improvements installed.)
R. Lata, Community Development Director
17. Adopt Resolution No. 02-179 accepting the public improvements of Tract 2223-2 (Sub-phase 3) into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$133,571.70. (This subdivision is located west of Prospect Avenue and south of Highway 46. The developer [Bella Vista Estates, LLC] has completed all required public improvements to the satisfaction of City staff. Further, the City will retain a Maintenance Bond for a period of one year as warranty for the improvements installed.) R. Lata, Community Development Director
18. Adopt Resolution No. 02-180 approving a budget appropriation in the amount of \$66,500 from General Fund reserves for the incentive payment to the Chamber of Commerce/Visitor & Conference Bureau. (In May 1999, the City and Chamber of Commerce entered into a 4-year agreement that became effective 7/1/98. The agreement calls for a base annual payment, plus an incentive payment, based upon transient occupancy tax collections. Based on TOT collections for FY 2002, the VCB is eligible to receive \$66,423.)
M. Compton, Administrative Services Director

Items pulled for discussion:

10. 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). FIRST READING
AUGUST 6, 2002.
R. Lata, Community Development Director

Mayor Mecham opened the public hearing. Speaking from the public was Tom Rusch. 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 Ordinance No. 835 N.S, amending Section 10.01 et seq. and related provisions of the Municipal Code (Municipal Code Amendment 2001-001 – oak trees). . Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

19. Second Baptist Church's Homeless Ministry: Proposed Change of Use for 2001 Community Development Block Grant (CDBG) Funds

R. Lata, Community Development Director

Consider a request made by the Second Baptist Church to allow the full amount of the \$36,150 in CDBG funds to support their homeless ministry programs to be used for purchasing equipment, supplies and food. (In March 2001, Council approved an allocation of CDBG funds for the Church to expand their kitchen and dining room facilities [where meals would be provided to the homeless] and to purchase a new range/oven and refrigerator. Federal CDBG regulations place very strict limitations on the use of funds by churches, even when the CDBG funds are used for a secular purpose. These regulations would present difficult administrative and financial consequences for the Church. Additionally the City's Streets and Sidewalks Code requires that any addition valued at more than \$10,000 would trigger installation of curbs, gutters and sidewalks along the 19th Street frontage of the property. It was determined that the cost of compliance with federal regulations and City Code requirements to construct improvements make the proposed kitchen and dining room expansion project infeasible.)

Mayor Mecham opened the public hearing. Speaking from the public was Lillian Judd, Planning Director of the Economic Opportunity Commission. 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 approve Second Baptist Church's request to use the \$36,150 in 2001 CDBG funds for the purchase of equipment, supplies and food for their homeless ministry. Motion passed by the following unanimous roll call vote:

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

20. Contract Concessionaire Award for Barney Schwartz Park

B. Partridge, Library and Recreation Services Director

Consider awarding concessionaire contract for operation of concession stands at Barney Schwartz Park. (Requests for Proposals for operation of concession stands at BSP were solicited. Three were returned. A committee reviewed and ranked the proposals in order of preference. On August 6th, Council directed staff to return to Council with their concession selection recommendation. Staff rates Brett Butterfield as best overall proposer, based on food service experience, understanding of the City's request for service, and past experience working with City staff.)

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 Heggarty, seconded by Councilmember Nemeth, moved to direct staff to negotiate and execute a contract agreement with Brett Butterfield for the operation of concession stands at Barney Schwartz Park. Motion passed by the following unanimous roll call vote:

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

21. Street Names for New Union Road and North River Road Configuration

R. Lata, Community Development Director

Review two options for naming the streets in conjunction with the new configuration of North River Road and Union Road. (With the 13th Street bridge-widening project, the intersection of Union Road and North River Road will be reconfigured and Council direction is needed in naming the streets.)

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to keep the street names of Union Road and North River Road as shown on Exhibit "B," and direct staff to take no further action on the matter. Motion passed by the following roll call vote:

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

22. Request to Remove Oak Tree – 2501 Beechwood (City-initiated)

R. Lata, Community Development Director

Consider removal of one 28-inch Native Blue Oak tree located at 2501 Beechwood (Virginia Peterson School). (Arborist report dated June 2002 indicates that the tree has irreversibly declined to a point of non-viability. The tree is on the line between the street right-of-way and the school property. City and School District plan to share the cost of tree removal.)

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 adopt Resolution No. 02-181 approving the oak tree removal request (based on the arborist's determination that the tree's health is in decline) to remove the 28-inch diameter Native Blue Oak tree located at 2501 Beechwood Drive, and install seven 1.5-inch diameter Blue Oak Trees (or equivalent, based on no tree less than 1.5-inch caliper) on School District property and City property as determined by the Parks Supervisor and representatives from the School District. . Motion passed by the following unanimous roll call vote:

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

23. Request to Remove Oak Tree – Lot 121 of Tract 2281 – 517 Grand Canyon Drive (Ron Gentry)

R. Lata, Community Development Director

Consider a request from Ron Gentry to remove one double-stem 16-inch Native Blue Oak tree. (Applicant requests removal of the tree to accommodate the construction of a new house on the parcel. Arborist report rates the tree as a 1 on a scale of 1-10. The tree is reported to be in very poor condition.)

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, based on applicant's request to construct a single story home of greater than 1500 square feet and the fact that there are eight other trees on the lot that will be preserved, moved to adopt Resolution No. 02-182 approving the request to remove the 16-inch Native Blue Oak and install "like species" at a replacement ratio of 4 inches, e.g. 25 percent of the diameter of the tree proposed for removal. Motion passed by the following unanimous roll call vote:

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

24. Request to Remove Oak Tree – Lot 122 of Tract 2281 – 519 Grand Canyon Drive (Gary Mulholland)

R. Lata, Community Development Director

Consider a request from Gary Mulholland to remove one 14-inch Native Blue Oak tree to accommodate the construction of a new house on the parcel located on Lot 122 of Tract 2281. (Subject property is approximately 21,150 square feet and has approximately 21 oak trees that are greater than 6 inches in diameter. Arborist report identifies the tree as being 64 percent, or in good condition.)

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett, Gary Mulholland (applicant) and Mike Menath. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Mayor Mecham, based on applicant's request to construct a single story home of greater than 1500 square feet and the fact that there are eight other trees on the lot that will be preserved, moved to adopt Resolution No. 02-183 approving the request to remove the 16-inch Native Blue Oak and install "like species" at a replacement ratio of 4 inches, e.g. 25 percent of the diameter of the tree proposed for removal. Motion passed by the following roll call vote:

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

25. Templeton Sewer Re-bid

J. Deakin, Public Works Director

Consider awarding a contract for the Templeton Interceptor Sewer Upgrades, Reaches 2 & 4 and Calle Propano – Project No. 01-01. (In January 2001, Council hired Cannon Associates to design improvements to the Templeton Interceptor. Using Cannon's completed design package, the City advertised for bids and all bids received were opened on March 7, 2002. The City subsequently received bid protests related to the apparent low bidder's compliance with the experience requirement. On April 30, 2002, Council approved the rejection of all bids and directed staff to re-advertise, directing staff to modify the contract documents to clarify the requirements for utilizing third parties to help satisfy the experience requirement. On June 20, 2002, bids were opened on the re-advertised project. Bid protests were again filed. The City Attorney's office reviewed the bid protests and bid materials and has made recommendations as reflected in the Option A below.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-184 granting the protests of the bid submitted by John Madonna Construction, rejecting the bid submitted by John Madonna Construction, rejecting all other bid protests and awarding the Templeton Interceptor Sewer Project to Specialty Construction in the amount of \$2,062,475. Motion passed by the following unanimous roll call vote:

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

26. Award Contract for Improvements to Sludge Beds

J. Deakin, Public Works Director

Consider awarding a contract for constructing improvements to the Wastewater Treatment Facility sludge drying area. (The December 2000 Capacity Evaluation Study determined the need to provide additional and improved sludge treatment and handling facilities. The City advertised for bids and all bids received were opened on July 25, 2002. The apparent low bidder was Papich Construction. Viborg Sand & Gravel, Inc., the second low bidder, filed a protest of the Papich bid. The City Attorney's office reviewed the issues of the bid protest and has made recommendations as reflected in the Option A below.)

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 Finigan, moved to adopt Resolution No. 02-185 granting the protest filed by Viborg Sand & Gravel, Inc., rejecting the bid submitted by Papich Construction, and awarding a contract to upgrade the sludge beds to Viborg Sand and Gravel, Inc. of Paso Robles in the amount of \$251,302.50. Motion passed by the following unanimous roll call vote:

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

CONSENT ITEMS PULLED FOR DISCUSSION

13. Adopt Resolution No. 02-xx adopting a Disadvantaged Business Enterprise (DBE) Program. (In order to satisfy the Federal requirement to have a DBE Program, a DBE program has been drafted after the model Caltrans program. Upon adoption, staff will solicit public comments through advertising in the local newspaper.)
J. Deakin, Public Works Director

Mayor Mecham opened the public hearing. Speaking from the public was Paul Viborg. 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. 02-176 adopting a Disadvantaged Business Enterprise (DBE) Program. Motion passed by the following roll call vote:

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

CITY MANAGER

27. **Highway 46 West / 101 Interchange – Ad Hoc Committee**

R. Lata, Community Development Director

Consider forming an ad hoc committee to work with Community Development and Public Works Department staff on traffic capacity and design issues relating to the Highway 46 West / Hwy. 101 Interchange. The scope would include potential modifications to the current multi-agency Cooperative Agreement relating to the Interchange.

It was the general consensus of the Council to appoint an ad hoc committee consisting of Mayor Mecham and Councilmember Finigan committee to work with Community Development and Public Works Department staff on traffic capacity and design issues relating to the Highway 46 West / Hwy. 101 Interchange, including possible modifications to the current Cooperative Agreement; and report back to the full City Council by February 18, 2003.

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 11:55 PM and thereupon adjourned 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.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 1:00 AM on Wednesday, August 21, 2002.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced that no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 1:05 AM on Wednesday, August 21, 2002.

ADJOURNMENT: TO THE YOUTH COMMISSION & PARKS AND RECREATION ADVISORY INTERVIEWS AT 7:00 PM ON **THURSDAY, AUGUST 22, 2002**, LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO A CLOSED SESSION RE CITY MANAGER PERFORMANCE EVALUATION 3:00-6:00 PM ON **FRIDAY, AUGUST 23, 2002**, IN THE 2ND FLOOR CONFERENCE ROOM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

FUTURE MEETINGS

- GENERAL PLAN ALTERNATIVES WORKSHOP AT 7:30 PM ON **TUESDAY, AUGUST 27, 2002**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- CHANDLER RANCH HEARING AT THE PLANNING COMMISSION MEETING AT 7:30 PM ON **THURSDAY, AUGUST 29, 2002**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.
- REGULAR CITY COUNCIL MEETING AT 7:30 PM ON **TUESDAY, SEPTEMBER 3, 2002**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: September 17, 2002