

**CITY COUNCIL MINUTES**  
**Tuesday, September 3, 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**

**7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

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

**PUBLIC COMMENTS** - None

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

City Manager Jim App announced that a Public Notice calling a hearing regarding a code amendment to allow churches in the PM zone will be re-noticed and heard at the Council meeting of September 17, 2002.

**PRESENTATIONS** – None

**NOTICED HEARINGS** – None

## CONSENT CALENDAR

The Consent items were approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan, with Items No. 2 to 3, 7 to 9 and 11 to 17 being passed unanimously, Councilmember Finigan abstaining on Item No. 4 and dissenting on Item No. 6, Councilmember Picanco abstaining on Items No. 1 and 10 and dissenting on Items No. 5 and 6, and Mayor Mecham abstaining on Item No. 1.

1. Approve City Council minutes of June 18, 2002.

D. Fansler, City Clerk

Due to lack of a majority vote, this item will be returned to Council on September 17, 2002.

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

Senior Citizen Advisory Committee meeting of July 8, 2002

Pioneer Museum Board meeting of August 8, 2002

3. Approve Warrant Register – Warrant Nos. 34927 (8/16/02) – 35276 (8/23/02)

M. Compton, Administrative Services Director

4. Adopt Ordinance No. 836 N.S. amending the Borkey Area Specific Plan to modify required setbacks from Highway 46 East and remove development height restriction (Applicant – City of Paso Robles) – Specific Plan Amendment 02-003. FIRST READING AUGUST 20, 2002.

R. Lata, Community Development Director

5. Adopt Ordinance No. 837 N.S. amending the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) – Rezone 02-005, northeast corner of Creston Road and Sherwood Road – Hastings/Food 4 Less. FIRST READING AUGUST 20, 2002.

R. Lata, Community Development Director

6. Adopt Ordinance No. XXX N.S. amending the Zoning and Building Titles of the Municipal Code regarding allowing drive through uses within the C-1 Zoning District with a Conditional Use Permit (Code Amendment 02-010) FIRST READING AUGUST 20, 2002.

R. Lata, Community Development Director

Due to lack of a majority vote, this item will be returned to Council on September 17, 2002.

7. Proclamation – Grapes of Wrath Month, October 2002

F. Mecham, Mayor

8. Proclamation – James Founders Day, September 14, 2002

F. Mecham, Mayor

9. Adopt Resolution No. 02-187 approving a salary adjustment for the City Manager in accordance with the City Manager Employment Contract. (Based on the annual review of the City Manager's performance recently conducted by the City Council, Council approved an adjustment to the base salary of the City Manager effective September 1, 2002. The annual base salary paid under contract shall be increased to \$117,656.)

I. Yang, City Attorney

10. Approve a request by Heritage Oaks Bank to place a temporary mobile billboard at the intersection of 12<sup>th</sup> and Spring Streets from 7:00 a.m. to 10:00 a.m. on Sunday, September 29, 2002, during the Heritage Oaks "Family Fun Run" 5<sup>th</sup> annual event. (Streets surrounding downtown City Park, including most of Spring Street, will be closed off during this event. In addition to giving recognition to sponsors of the event, the billboard will serve as a large marker leading to the finish line of the Run.)  
R. Lata, Community Development Director
11. Adopt Resolution No. 02-188 accepting the recordation of Parcel Map 01-273, a two-lot subdivision located on Walnut Drive, north of Shannon Hill Drive. (Recordation of the Parcel Map is a step toward finalizing development plans for a residential development and subdivision at this location. The Parcel Map was tentatively approved by the Planning Commission on February 12, 2001, and all conditions imposed have been satisfied. Applicants: Frank and Victoria Teague).  
R. Lata, Community Development Director
12. Adopt Resolution No. 02-189 accepting and approving the execution and recordation of the Final Map and Subdivision Agreement for Tract 1632-9 (Pioneer Land Development Company and North County Partners, LLC); and adopt Resolution No. 02-xx annexing Tract 1632-9 as part of Subareas 70A and 70B to the Paso Robles Landscape & Lighting District No. 1. (Tract 1632-9 is the ninth phase of a proposed 391-lot subdivision of a 100-acre site, located north of Meadowlark Road and east of Creston Road. This tract was tentatively approved by the Planning Commission in January 1989. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied. Applicants have signed a Subdivision Improvement Agreement guaranteeing construction of these improvements within a one-year period.)  
R. Lata, Community Development Director
13. Adopt Resolution No. 02-203 awarding a bid for bus stop map display units to low bidder Transit Information Products. (The installation map displays is the last improvement identified by the adopted Short Range Transit Plan. The displays will be installed at all fixed-route bus locations. Bids were public noticed and set to all known potential interested parties. Two bids were received, with Transit Information Products being the low bidder at \$8,610.50.)  
M. Compton, Administrative Services Director
14. Adopt Resolution No. 02-191 approving a budget appropriation for the City's solid waste incentive payment to Pacific Waste Services (PWS) in accordance with the current contractual agreement. (Council previously approved a landfill operations agreement with PWS, which included provision for an annual revenue incentive payment based upon total revenues exceeding 4% growth rate. Based on the growth of revenue collections during the period August 1, 2001, through July 31, 2002, a payment of \$188,726 is now due to PWS. As the Solid Waste Operations Fund was de-commissioned as an enterprise fund beginning with the fiscal year 2002, and franchise fee payments are now deposited into the General Fund, it is necessary to appropriate funds from the General Fund for the incentive payment.)  
M. Compton, Administrative Services Director
15. Adopt Resolution No. 02-202 approving an appropriation limit for the fiscal year 2002-03; operating and maintenance budget. (Article XIII B of the State Constitution requires state and local governments to annually adopt an appropriations limit. The limit may be adjusted annually by a factor comprised of the change in population combined with either the change in California per capita personal income or the change in the local assessment roll due to local non-residential construction.)  
M. Compton, Administrative Services Director

16. Adopt Resolution No. 02-193 rejecting all bids for Salinas riverbed clearing using goats. (Bids were opened on June 20, 2002, for using goats to clear the Salinas riverbed. The apparent low bid was submitted by Bob Blanchard/Mitch Roth of Paso Robles. Upon further study and review, Council directed that the funds originally approved for riverbed clearing using goats be instead used to retain the services of the California Conservation Corps to do vegetative clearing.)  
J. Deakin, Public Works Director
17. Adopt Resolution No. 02-194 awarding the contract for the annual sidewalk replacement project (DPW Project No. 02-15) to Brinar Construction of San Luis Obispo and allocating \$7,500 to Budget Account No. 205-310-5452-162 for \$36,369.50. (At the bid opening on August 22, 2002, two bids were received, with the low bid submitted by Brinar Construction.)  
J. Deakin, Public Works Director

### ROLL CALL VOTE

### PUBLIC DISCUSSION

18. **Acceptance of Methodology for Reimbursement for Installation of a Traffic Signal at the Intersection of Niblick Road and Nicklaus Drive (Oak Creed Commons, Tract 2404 and PD 00-016)**  
R. Lata, Community Development Director

Consider authorizing a reimbursement to the developer of Tract 2404 and PD 00-016 for the installation of a traffic signal at the intersection of Niblick Road and Nicklaus Drive in accordance with Methodology No. 2 as outlined in the Traffic Engineer's report of June 2002. (In November 2000, the Planning Commission adopted resolutions approving Tract 2404 and PD 00-016. As a condition of that approval, the developer is required to install a traffic signal at the intersection of Niblick Road and Nicklaus Drive and may request the City Council to authorize reimbursement for a portion of the installation costs. The developer has provided a report recommending that the developer's share of the costs of installation be 9.13 percent.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-195 authorizing a reimbursement to the developer of Tract 2404 and PD 00-016 of 90.87 percent of the cost of design and installation of a traffic signal at the intersection of Niblick Road and Nicklaus Drive, with a change to Section 1 of the resolution to articulate a "9.13 percent" share of the design and construction cost. Motion passed by the following roll call vote:

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

**19. Update Citywide Speed Zone Survey**

J. Deakin, Public Works Director

Consider awarding a contract to Omni-Means of Roseville, California, to update the Citywide Speed Zone Survey. (The City is required to update its Speed Zone Survey every five years as mandated by State law. The Survey is used to establish and post speed limit signs in City streets. The last Survey was completed and adopted in 1998. A Request for Proposal was issued to three consultants. Two firms responded to the City’s request, with Omni-Means being the low bidder at \$12,960.)

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 Finigan, seconded by Councilmember Nemeth, moved to adopt Resolution No. 02-196 appropriating \$15,000 to Budget Account No. 100-310-5235-162 and awarding a professional services contract to Omni-Means of Roseville for a not-to-exceed fee of \$12,960. Motion passed by the following roll call vote:

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

**CITY MANAGER**

**20. Advisory Body Appointments – Youth Commission**

B. Partridge, Library & Recreation Services Director

Accept recommendations from Mayor Mecham and Councilmember Finigan for making appointments to fill current Youth Commission vacancies. (Interviews of applicants to the Youth Commission were conducted at the Council meeting of August 22, 2002, by Mayor Mecham and Councilmember Finigan. As there was not a quorum of the Council present, appointments could not be made at the meeting.)

- 5 vacancies (2-year terms expiring 7/1/04)
- 5 applicants (1 of which is an incumbent)

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 appoint the following applicants to the Youth Commission, each to a 2-year term expiring 7/1/04:

Tianna Minter	Christina Escobar
Mary Joynt (incumbent)	Jonathan Spencer
Sandra Smith	

Motion passed by the following roll call vote:

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

ABSENT: Heggarty

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS** - None

**COUNCIL COMMENTS** - None

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

**PUBLIC COMMENT ON CLOSED SESSION**

- Dale Gustin expressed support for a full-service Superior Court government center in Paso Robles. (Mr. Gustin also announced the opening of the new Senior Center on Friday, September 6<sup>th</sup> and invited the public to attend)

*Council moved to adjourn from regular session at 8:04 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.*

**CLOSED SESSION**

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

*The City Council returned to Regular Session at 9:13 PM.*

**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 9:15 PM.*

**ADJOURNMENT:** TO THE SENIOR CITIZEN AND HOUSING AUTHORITY ADVISORY INTERVIEWS/APPOINTMENTS 7:00 PM ON **THURSDAY, SEPTEMBER 5, 2002**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE OPENING OF THE SENIOR CENTER AT 5:30 PM ON **FRIDAY, SEPTEMBER 6, 2002**, AT THE SENIOR CENTER, 270 SCOTT STREET; AND TO THE CHAMBER OF COMMERCE EVENT *WAKE-UP PASO ROBLES* 7:30 AM ON **TUESDAY, SEPTEMBER 10, 2002**, AT THE PASO ROBLES INN BALLROOM, 1103 SPRING STREET.

**FUTURE MEETINGS**

- SEPTEMBER 11<sup>TH</sup> MEMORIAL 7:00 PM ON **WEDNESDAY, SEPTEMBER 11, 2002**, AT DOWNTOWN CITY PARK.
- JOINT COUNTYWIDE COUNCIL MEETING 6:00 PM ON **THURSDAY, SEPTEMBER 12, 2002**, AT THE EMBASSY SUITES, 333 MADONNA ROAD, SAN LUIS OBISPO
- REGULAR CITY COUNCIL MEETING 7:30 PM ON **TUESDAY, SEPTEMBER 17, 2002**, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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