

CITY COUNCIL MINUTES
Tuesday, October 15, 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**

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

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

PUBLIC COMMENTS

- Virginia Harris announced the beginning of the 2002 Toy Bank drive starting November 1st.
- Susan Harvey, President of Paso Watch, invited the public to a Candidates Forum to be held on October 16th from 7:00 – 9:00 PM at the Castoro Cellars.
- Greg Kudlick, representing a local neighborhood association, requested Council to consider changing the zoning of one lot in their neighborhood to prohibit a mortuary being built in the Mountain Springs neighborhood.
- Del Velten commented on the function and duties of government.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App announced that Agenda Item No. 3 (Chandler Ranch Specific Plan) is being recommended for continuation to November 14th.

PRESENTATIONS

1. Disability Achievement Day – Camp Hope Celebration Proclamation October 15th

Mayor Mecham presented a proclamation to Marty Mimmack in honor of *Disability Achievement Day*. Debra McNulty, President of the United Cerebral Palsy Board, provided background on the founding of Camp Hope and their goals for the future.

Council took a 5-minute break to allow for presentation set-up.

2. Paso Robles School Facilities: School District Measures M & N

J. App, City Manager

Jeannie Dugger, President of School Board of Trustees, introduced Patrick Sayne, Superintendent of the Paso Robles School District. Dr. Sayne conducted a presentation on the November 2002 Paso Robles School District school facilities bond measures, and asked for Council’s support of the measures.

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Gordon Arnold, Del Velten and Joy Sprague. 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 presentation by Dr. Sayne. Motion passed by the following roll call vote:

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

NOTICED HEARINGS

3. Chandler Ranch Area Specific Plan – Workshop & Meeting Schedule

R. Lata, Community Development Director

Consider a continuance of discussion regarding the Chandler Ranch Area Specific Plan to an adjourned regular/special workshop meeting.

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 discussion of the Chandler Ranch Area specific Plan to an adjourned regular/special workshop on Thursday, November 14, 2002, at 7:00 p.m. in the Library/City Hall Conference Center. Motion passed by the following unanimous roll call vote:

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

Council took a 5-minute break to allow for presentation set-up.

4. General Plan Alternatives: Planning Commission Recommendation of an Alternative for Further Study and Analysis

R. Lata, Community Development Director

Consider the Planning Commission's recommendation regarding a General Plan alternative for further study and analysis. The selected alternative would be the subject of an Environmental Impact Report and be the basis for draft General Plan elements for future discussion and formal consideration. (The City's consultant, Rincon Associates, has presented four General Plan alternatives. One alternative would maintain the current 35,000 build-out projection and extend that projection to the "Planning Horizon" of 2025. The three other alternatives project varying degrees of growth in terms of both population and geographic expansion of the City. Identification of a selected or "preferred" alternative is one step in a multi-phase process leading to a comprehensive update of the General Plan. No final decision regarding the appropriate land use alternative will be made without consideration of the Environmental Impact Report, Fiscal Impact Analysis and the detailed evaluation of the selected or "preferred alternative," as well as a comparative consideration of the other alternatives.)

John Rickenbach, Rincon Consultants, made a short presentation providing further information on the General Plan Update Program and the land use alternatives under discussion. The public was invited to pose questions and provide comments on the alternatives presented.

Mayor Mecham opened the public hearing. Speaking from the public were Peter Pommer, Susan Harvey, Dale Gustin, Del Velten, Edith Spencer, Mike Menath, Cody Ferguson, Greg Kudlick, Neil Olsen and Joy Sprague, Daniel Simpson, Larry Werner, Rick Reynolds, Tom Rusch, and Kathy Barnett. Vickie Cromwell provided written comments in support of including a Historic Preservation Overlay in the General Plan. There were no further comments from the public, either written or oral, and the public hearing was closed.

Council took a break at 9:50 p.m., reconvening at 10:00 p.m.

After considering all available information and public testimony, plus the Planning Commission's recommendation, Councilmember Nemeth, seconded by Councilmember Finigan, moved to select Alternative 1 for further study and analysis in an Environmental Impact Report, Fiscal Impact Analysis, and in draft General Plan Elements, in order to secure the most in-depth technical information for use in determining the appropriate level of growth; and further directed that the selected alternative is to be compared to the remaining alternatives. Motion passed by the following roll call vote:

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

CONSENT CALENDAR

Consent Items No. 5 to 10 were approved unanimously on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty.

5. Approve City Council minutes of September 23, 2002.
D. Fansler, City Clerk
6. Approve Warrant Register - Warrant Nos. 35770-35936 (9/27/02) to 35937-36044 (10/4/02)
M. Compton, Administrative Services Director
7. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meeting of August 12, 2002
Youth Commission meeting of September 4, 2002
8. Proclamation – November 2002 Toy Bank Month
F. Mecham, Mayor
9. Adopt Resolution No. 02-214 accepting a negotiated exchange of property tax revenue and annual tax increment between the County of San Luis Obispo and the City (Durand Annexation No. 83). (Subject property is approximately 16 acres located on the west side of Theater Drive, south of Boatman Furniture. When a property is annexed into the City, the responsibility and costs for provision of property based services shifts to the City. City and County officials discussed the exchange rate for the Durand Annexation. Consistent with established County policy for commercial property, there will be no shift of property tax revenues.)
J. App, City Manager
10. Adopt Resolution No. 02-215 accepting the recordation of Tract 2350 (Phases 1 and 2), a 91-lot subdivision located on Rolling Hills Road and Golden Hill Road, north of Creston Road, and accept the offers of dedication for Solida Del Sol, Vista Colina and portions of Rolling Hills Road and Golden Hill Road; and approving the Subdivision Improvement Agreement for Tract 2350 (Phases 1 and 2), authorizing deferred construction of the subdivision improvements, with an established deadline of October 15, 2003 to complete these improvements; authorize the Mayor to execute the Agreement; and adopt Resolution No. 02-216 annexing Tract 2350 into the Landscape and Lighting District. (The Planning Commission originally approved this tract in November 1999. The original tentative tract map approval expired. The tentative tract map was approved a second time in April 2002. With

the exception of the construction of the public improvements, all conditions imposed by the Planning commission have been satisfied.)

R. Lata, Community Development Director

PUBLIC DISCUSSION

11. Water/Wastewater Quality

J. Deakin, Public Works Director

Consider engaging the services of Malcolm Pirnie (an engineering/hydrogeological firm in Emeryville, California) to develop a water quality strategy for the City to address several interdependent issues concerning water supply, wastewater effluent treatment, and water and wastewater quality. (Malcom Pirnie is one of four companies who responded to the City's Request for Statement of Qualifications sent to over 25 firms. The firms were asked to submit a fee proposal based on a Scope of Work to prepare a comprehensive water supply and quality plan much like the City's Sewer & Water Master Plan or the City's General Plan. The City requires the assistance of engineers and groundwater and wastewater experts who have extensive experience in groundwater, water supply planning, surface water quality and wastewater quality, treatment, and reuse.)

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 Picanco, moved to (1) adopt Resolution No. 02-217 appropriating a one-time allocation of \$40,000 to Budget Account No. 600-310-5224-350 and \$40,000 to Budget Account No. 601-310-5224-350 coming from the Water Enterprise Fund and Sewer Enterprise Fund, respectively; and. (2) direct staff to enter a Service Agreement with Malcolm Pirnie to prepare a Water/Wastewater Quality Study for a not-to-exceed fee of \$79,160. Motion passed by the following unanimous roll call vote:

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

12. Vehicle Replacement – Sports Utility Vehicles (SUVs)

J. Deakin, Public Works Director

Review the remaining unbid vehicles—two Sports Utility Vehicles—on the vehicle replacement list and direct staff on a course of action. (During the City vehicle purchase planning, City departments were asked to review the list of vehicles slated for replacement and provide specific input on vehicle use and alternatives. Community Development Department staff expressed the need for large-size SUVs versus the mid-size SUV models they currently operate. Staff research indicates that if the large SUV category vehicle is bid and purchased, the Department is more likely to receive a vehicle that will meet the City's needs.)

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 direct staff to proceed to bid with the replacement vehicles originally included on the replacement list (two mid-size Sports Utility Vehicles), including the Chevrolet Trail Blazer and the Ford Explorer. Motion passed by the following roll call vote:

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

13. Microsoft Office and Server Licenses – Plan Change & Budget Appropriation

D. McCue, Information Systems Manager

Consider authorization of expenditures for Microsoft licensing upgrades required for the City's computer operations. (Changes to Microsoft's Open License program initiated in October 2001 prohibit volume-licensing customers from purchasing upgrade licenses. Under Microsoft's current licensing plan, customers purchase software on maintenance plans called Software Assurance and Upgrade Advantage. Because of a July 31, 2002, deadline, the City Manager authorized spending the necessary funds to provide the latest Microsoft Office and Server software for the next 24 months and to obtain the licenses at the best value for the City, resulting in a \$10,000 savings.)

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 Mayor Mecham, moved to adopt Resolution No. 02-218 appropriating an additional \$13,500 from General Fund reserves to Budget No. 100-130-5212-120 to fund remaining balance on purchase of Microsoft software licenses. Motion passed by the following unanimous roll call vote:

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

13.1 Request to Remove an Oak Tree – Within Playground Located Behind 1401 Stoney Creek Road (Yinger/Mark IV)

R. Lata, Community Development Director

Consider a request from Dr. Joanne Yinger/Mark IV Property Management Systems to remove one 58-inch White Oak. (A request to consider removal of this tree went before Council in December 2001. Council denied request at that time, and the tree was subsequently trimmed. Since the trimming, multiple branches have fallen from the tree and damaged private property improvements.)

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

Councilmember Heggarty, seconded by Mayor Nemeth, moved to adopt Resolution No. 02-219 approving the oak tree removal request based on the arborist report identifying that the tree's health is beyond trimming and should be removed before the tree causes injury to the public or damage structures, and requiring replacement White Oak trees at a replacement ratio of 14.5 inches conforming to Section 10.01.040 of the Paso Robles Municipal Code. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

14. Orchard Bungalow Assessment District – Ad Hoc Committee

J. Deakin, Public Works Director

Consider extending an ad hoc committee formed in March 2001 to review Orchard Bungalow Assessment District street issues.

Councilmember Heggarty stepped down from the dais making a declaration of conflict

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 extend the duration of the ad hoc committee for reviewing Orchard Bungalow Assessment District street issues to April 15, 2003. Motion passed by the following roll call vote:

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

Councilmember Heggarty was reseated at the dais.

Deputy City Attorney Jon Seitz announced Council's authority to go into closed session to discuss Item (b) on the agenda and announced that Item (a) has been removed, as the matter was resolved prior to the meeting.

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.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 11:57 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 1:00 AM on Wednesday, October 16, 2002.

ADJOURNMENT: to THE WORKSHOP ON DOWNTOWN PARKING & CIRCULATION AT 6:00 PM ON TUESDAY, OCTOBER 29, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 5, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: November 19, 2002