

CITY COUNCIL MINUTES
Tuesday, November 19, 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.

Mayor Mecham expressed Birthday wishes to City Manager Jim App and Councilmember Finigan.

PUBLIC COMMENTS

- Peal Munak presented information on services provided by the Homeless Housing Project and petitioned Council for any assistance that could be provided.
- Del Velten congratulated Mayor Mecham and Councilmembers Heggarty and Picanco on their re-election to the Council in the November 5th election.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App informed Council that Item No.1 is recommended for deferment to January 2003.

PRESENTATIONS - None

NOTICED HEARINGS

1. Continue Hearing – Code Amendment 02-007 (Signs)

R. Lata, Community Development Director

Consider continuing consideration of this item regarding an update of the City's sign ordinance. (In light of legal issues, complexity and other pending projects, additional time is needed to refine the text of the proposed Ordinance.)

Mayor Mecham opened the public hearing. There were no comments from the public.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue the open public hearing to the Council's regular meeting on January 21, 2003. Motion passed by the following roll call vote:

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

2. 13th Street Bridge

J. Deakin, Public Works Director

Consider adopting a Mitigated Negative Declaration for the 13th Street Bridge Widening and Roadway Improvement Project. (The City Council must review environmental impacts associated with a project before implementation. The proposed project could have a significant effect on the environment, although the effects will be mitigated. A Mitigated Negative Declaration has been prepared and circulated for public review.)

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.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to close the formal public comment period (the period during which the City will accept and respond in written form to comments filed with regards to the negative declaration) on this item and to continue the public hearing for the opportunity for public comment and adoption of the Mitigated Negative Declaration to the Council meeting of 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

**ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY,
REDEVELOPMENT AGENCY & CITY COUNCIL**

CONSENT CALENDAR

- 2.1 Adopt Public Financing Authority Resolution No. PFA-02-xx establishing a Local Agency Investment Fund (LAIF) account with the State Treasurer's Office. (Proceeds from the recent sale of lease installment sewer revenue bonds are held in trust by the bond trustee, Union Bank of California. As investment returns from LAIF are higher than Union Bank, it is desirable to invest the funds with them. Establishing a third City account via the Public Financing Authority avoids some of the more onerous requirements of a regular account.)
M. Compton, Administrative Services Director

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

Boardmember Nemeth, seconded by Boardmember Finigan, moved to adopt Resolution No. PFA 02-01 establishing a Local Agency Investment Fund (LAIF) account with the State Treasurer's Office. Motion passed by the following unanimous roll call vote:

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

ADJOURN TO CITY COUNCIL MEETING

CONSENT CALENDAR

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.

Consent Calendar Items No. 3, 4, 5, 7, 9, 10 and 12 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Picanco, with the exception of Items No. 6, 8, 11, 13 and 14 being pulled for discussion.

3. Receive and file City Council minutes for September 17, October 1, October 9, October 15, October 29, and November 5, 2002
4. Approve Warrant Register: Warrant Nos. 36510-36635 (11/01/02) to 36636-36874 (11/8/02)
M. Compton, Administrative Services Director
5. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meetings of September 26 and October 24, 2002
7. Adopt Resolution No. 02-230 renewing the Narcotics Task Force Interagency Agreement for the term of July 2002 to June 2005, and authorize the Chief of Police to execute the Agreement. (The revised agreement was prepared with input from all participating agencies and will ensure the continuation of an organized undercover narcotics enforcement effort within the City of Paso Robles.)
D. Cassidy, Chief of Police

9. Adopt Resolution No. 02-232 approving installation of two limited time parking signs on trash enclosure fencing located on Railroad Street between 10th and 12th Streets. (The Streets and Utilities Committee recommends installation of the limited time parking signs, “no parking” 7:00 a.m. to 3:00 p.m. Monday through Saturday, to improve trash collection access and maintaining parking for retail businesses.
J. Deakin, Public Works Director
10. Adopt Resolution No. 02-233 directing staff to submit a Bicycle Transportation Grant for FY 2003-2004. (The Bikeway Master Plan adopted by Council in February 2002 includes a list of “first priority” projects recommended for implementation. \$142,550 is included with this category. The BTA Grant application is due on December 1, 2002.)
J. Deakin, Public Works Director
12. Adopt Resolution No. 02-235 awarding a construction contract for the Hilltop Sewer Re-alignment to low bidder Raminha Construction of Paso Robles in the amount of \$45,853. (The existing 800-foot sewer line runs generally parallel to Olive Street behind five homes in the 900 block of Olive Street. It is proposed to re-align the sewer down Hilltop Road. When the work is completed, the City could then abandon whatever interest it could be considered to have in the old sewer line. Eighteen bids were received at the Bid Opening on November 7, 2002, ranging from a low bid of \$45,853 to a high bid of \$82,790.)
J. Deakin, Public Works Director

CONSENT ITEMS PULLED FOR DISCUSSION

6. Adopt Ordinance No. 843 N.S. amending Chapter 17.04 of the Municipal Code thereby adopting the 1997 Edition of the Uniform Building Code, 1999 National Electrical Code, 2000 Uniform Plumbing Code, 2000 Uniform Mechanical Code and specified support codes; and adopt Ordinance No. 844 N.S. amending Title 17 of the Municipal Code – Building and Construction. (The State of California amended and adopted the 1997 Edition of the Uniform Building Code and 2000 Edition of the Uniform Plumbing and Mechanical Codes, effective November of 2002. Should the Codes not be adopted, they will become effective by State mandate without the local amendments that meet the specific needs of the City. Adopting of Building Standards Valuation tables published by the International Conference of Building Officials would result in an adjustment of building permit fees of approximately nine percent. The adoption of the fee schedule is not included in the State mandate, but is needed to cover City processing costs.) FIRST READINGS WERE HELD ON NOVEMBER 5, 2002.
R. Lata, Community Development Director
8. Adopt Resolution No. 02-231 approving the annual claim for Transportation Development Act (TDA) funding for fiscal year 2003. (The City must file an annual claim with the San Luis Obispo Council of Governments in order to receive its allocation of TDA funds. TDA funds may be used for either transit services or streets and roads [if there is no “unmet transit need”]. Funds represent ¼ of 1% of the sale tax rate and are generally distributed back to local agencies based upon County situs and then agency population. Other than transit fares, TDA is the only source of funding for the City’s transit operations.)
M. Compton, Administrative Services Director

Mike Compton noted that “Bikeways” in Item No. 3 of handwritten page 8-6 should be corrected to read \$14,594 and “Local Public Transit System” should read \$558,261.

11. Adopt Resolution No. 02-234 awarding a construction contract to Maggiora Bros. Drilling, Inc. of Watsonville, CA, in the amount of \$243,900 to drill new Well No. 8 at the Municipal Airport; and transferring an additional \$45,000 to Budget Account No. 220.910.5452.321 from Budget Account No. 220.910.5452.322. (Council adopted a Negative Declaration for this project pursuant to requirements of the California Environmental Quality Act. Project proposes drilling two test wells at the Airport for the City's water system; the test well with the higher production rate will be developed as an operating well. The original budget for this project of \$200,000 was established in 1999. Construction costs have increased in the last three years, which accounts for the 22% increase over the low bid received.)
J. Deakin, Public Works Director
13. Adopt Resolution No. 02-236 authorizing the Mayor to execute an agreement with the Integrated Waste Management Authority (IWMA) to relocate the Household Hazardous Waste (HHW) Collection Facility to the City landfill. (In 1999 Council approved pursuing grant funding from the IWMA to establish a permanent HHW Collection Facility. A \$100,000 grant was later awarded to establish the facility. The HHW Collection Facility is a key solid waste program for City residents. Because the HHW Program is a waste disposal program, locating the HHW Collection Facility at the City's Landfill may be more consistent with land use and operation practicalities. All costs associated with moving the facility and operating at the new site will be borne by the IWMA. The City will realize a savings of approximately \$3,000 to close the existing site.)
J. Deakin, Public Works Director
14. Adopt Resolution No. 02-237 approving expenditures of up to \$18,000 of Senior Endowment Funs for Senior Center enhancements. (The Senior Citizens Advisory Committee created a Senior Endowment Fund to be used to operate, maintain, or enhance senior programs and/or facilities. At their September meeting, the Committee voted to allocate up to \$25,000 from the Endowment Fund to purchase items not included in Measure D funding or the approved City budget. The current total is \$16,510 plus \$1,490 for estimated taxes and shipping, for a total of approximately \$18,000.)
B. Partridge, Library & Recreation Services Director

Mayor Mecham opened the public hearing. Speaking from the public was Kathy Barnett on Item No. 13, Dale Gustin on Items No. 6 and 14 and Del Velten and Nettie O'Brien on Item No. 14. There were no further comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items No. 6, 8, 11, 13 and 14 were unanimously approved on a single motion by Councilmember Picanco, seconded by Councilmember Finigan. Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

15. Request to Remove Two Oak Trees – 2015 Oak Street (Branch)

R. Lata, Community Development Director

Consider a request to remove two Live Oak trees at 2015 Oak Street. (Applicants Matt and Michelle Branch are seeking approval to remove the trees. The trees have a diameter of 34 and 48 inches, respectively. There is another 48-inch Live Oak located on-site that will be preserved. If granted, the property-owners would be required to plant fourteen 1½ inch caliper Live Oak trees or any other combination totaling 20½ inches.)

Mayor Mecham opened the public hearing. Speaking from the public were the applicants Michelle and Matt Branch; Jack Brazeal, 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 Finigan, moved to adopt Resolution No. 02-238 approving the two (2) oak tree removal requests, based on the facts, findings, and conclusions of the Arborist, and approved waiving the 25% replacement policy in this instance. Motion passed by the following unanimous roll call vote:

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

16. Request to Remove an Oak Tree – 1792 Bella Vista Court (Bella Vista Estates, LLC)

R. Lata, Community Development Director

Consider a request to remove a Blue Oak tree at 1792 Bella Vista Court. (Applicant Ray Peloso, on behalf of Bella Vista Estates, is seeking approval to remove one 24-inch diameter Blue Oak. The Arborist is recommending removal of the tree as soon as possible, stating that the tree has declined to a point that restoration is not an alternative.

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 Heggarty, moved to adopt Resolution No. 02-239 approving the oak tree removal request, based on the facts, findings, and conclusions of the Arborist Report and subject to the 25% replacement requirement, wherein four 1½ inch caliper trees or any other combination totaling 6 inches would have to be planted within Open Space Lot 105 of Tract 2223-2. Motion passed by the following unanimous roll call vote:

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

17. Award Bid for Addition to Airport Terminal Restaurant – DPW Project No. 99-04

D. Monn, Building Official

Consider awarding a construction contract to Morrissey Construction Company in the amount of \$350,400.00 to expand the Airport Terminal Restaurant and re-allocate \$175,000.00 of unused Measure D Funds from the Senior Center/Veteran's Project.

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Del Velten, Nettie O'Brien, Kathy Barnett 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 Councilmember Picanco, moved to reject the bids for the Terminal Restaurant addition. Motion passed by the following roll call vote:

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

18. Council Appointments – Airport Advisory Committee

J. Deakin, Public Works Director

Ratify appointments to the Citizens Airport Advisory Committee. (On October 9th, Council interviewed applicants and made appointments to fill 7 vacancies on the Committee: Lee Agon, J. Mac Gleim, Stanley Levanduski, James McCall, Richard Morton, Ronald Rose and Suzanne Smith. Vacancies were for 5 regular 2-year terms, expiring October 31, 2004 and 2 "unexpired" alternate memberships, expiring on October 31, 2003.)

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 appoint Incumbents Lee Agon, J. Mac Gleim, Richard Morton, Ronald Rose and Suzanne Smith as regular members for 2-year regular terms expiring 10/31/04 and Stanley Levanduski and James McCall as alternate members for 1-year unexpired terms expiring 10/31/03. Motion passed by the following unanimous roll call vote:

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

19. Airport Master Plan and Airport Land Use Plan

J. Deakin, Public Works Director

Consider establishing a date for an adjourned meeting/workshop to review the Airport Master Plan and Airport Land Use Plan. (The Airport Land Use Plan is dependent on the Master Plan. The Land Use Plan looks at Master Plan activities, determines land use impacts associated with planned airport growth, and maps the impacts geographically. The Land Use

Plan becomes the decision-making guide for land uses near the airport and is the key reference document for the County Airport Land Use Commission.)

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.

Council, by general consensus, set Thursday, December 12, 2002, at 7:00 PM as the date and time of a joint adjourned meeting/workshop to review the Airport Master Plan and Airport Land Use Plan with the Planning Commission and Airport Advisory Committee.

CITY MANAGER

20. Schedule Date for Applicant Interviews & Appointments – Project Area Committee (PAC)

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Project Area Committee: 3 vacancies - 3-year terms ending December 31, 2005; 3 applicants

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

It was the consensus of Council to set Thursday, December 19, 2002, at 7:00 PM as date for conducting interviews and making appointments for vacancies on the Project Area Committee.

21. Schedule Date for Applicant Interviews & Appointments – Planning Commission

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Planning Commission: 2 vacancies - 3-year terms ending December 31, 2005; 5 applicants

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.

It was the consensus of Council to set Thursday, December 19, 2002, at 7:00 PM as date for conducting interviews and making appointments for vacancies on the Project Area Committee.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

22. Air Show Promotion Training

J. Heggarty, Councilmember

Presentation of information regarding upcoming International Council of Air Shows (ICAS) convention for agencies interested in promotion of air shows.

Mayor Mecham opened the public hearing. Speaking from the public were Chuck Miller, Dale Gustin and Del Velten. 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 authorize Councilmember Heggarty to attend the ICAS 2002 Convention, December 2-5, 2002, accompanied by Danna Stroud of the Chamber of Commerce, and become a member of ICAS to become a member of. Motion passed by the following unanimous roll call vote:

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

Council moved to adjourn from regular session at 9:15 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 10:43 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced that the acquisition agreement for the property at 1401 N. River Road was approved in Closed Session by a vote of 4-1, with Mayor Mecham abstaining.

By unanimous voice vote, Council moved to adjourn from regular session at 10:45 PM.

ADJOURNMENT: to THE REGULAR CITY COUNCIL MEETING 7:30 PM ON TUESDAY, DECEMBER 3, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: February 4, 2003