

CITY COUNCIL MINUTES

Tuesday, February 4, 2003 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 Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham

PUBLIC COMMENTS

- Joe Prayer expressed his appreciation to the City Officials.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App noted a typographical error in Item No. 14. Bid amount listed on Option A (1) and Option B (1) agenda should be corrected to read \$332,000.

PRESENTATIONS – None

NOTICED HEARINGS - None

CONSENT CALENDAR

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

Consent Calendar Items No. 1 to 13 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty

1. Approve City Council minutes of November 19, 2002; December 3, 17, and 19, 2002; and January 7, 16, 21 and 23, 2003
D. Fansler, City Clerk
2. Receive and file Advisory Body Committee minutes as follows:
Youth Commission meeting of December 4, 2002
Library Board of Trustees meeting of December 9, 2002
Senior Citizen Advisory Committee meeting of December 9, 2002
Parks & Recreation Advisory Committee meeting of December 10, 2002
Housing Authority meeting of January 14, 2003
3. Approve Warrant Register – Warrant Nos. 38049 - 38221 (1/17/03) to 38222 – 38,323 (1/24/03).
M. Compton, Administrative Services Director
4. Adopt Resolution No. 03-18 amending the City's adopted Conflict of Interest Code. (The Conflict of Interest Code is being amended to add Capital Projects Engineer, Deputy Building Official and Utilities Manager, and to delete Economic Development Manager.)
D. Fansler, City Clerk
5. Proclamation designating February 25, 2003, as *Spay Day USA* in the City of Paso Robles.
F. Mecham, Mayor
6. Read, by title only, and adopt Ordinance No. 850 N.S. amending the Municipal Code to prohibit drive-through restaurants in a specified geographic area and provide for other drive-through uses Citywide - Code Amendment 02-015. (The Code Amendment would establish the following code changes: [a] add language that would prohibit drive-through restaurants in the area generally bounded by 1st Street on the south, 21st Street on the north, Vine Street on the west, and Highway 101 on the east; [b] clearly provide for other types of drive-through sales and service uses as an accessory to banks, coffee shops, pharmacies and other similar uses; and [c] add definitions for Drive-through Restaurants and Drive-through Sales/Services to the Municipal Code. Outside of the specified geographic area, drive-through restaurants would still be permitted.) FIRST READING JANUARY 21, 2003
R. Lata, Community Development Director
7. Read, by title only, and adopt Ordinance No. 851 N.S. amending the Municipal Code to revise the process and strengthen the findings for allowing buildings to exceed height restrictions when appropriate – Code Amendment 02-013. (The proposed Code Amendment implements the City's goals as expressed in its General Plan by providing the Planning Commission with the authority through the Planned Development process to modify certain

development standards, including allowable building heights. Reliance on a case-by-case review of the specific characteristics of the project site and the project design is an appropriate way for determining the allowable building height or height(s) for a development project. As revised per discussion on December 17, 2002, the ordinance would provide for City Council review and approval for buildings over three stories in height.) FIRST READING

JANUARY 21, 2003

R. Lata, Community Development Director

8. Read, by title only, and adopt Ordinance No. 852 N.S. amending the Municipal Code to modify the Fiscal Year 2002/2003 Budget for the Redevelopment Agency of the City of El Paso de Robles (Adoption of this ordinance amends the fiscal year 2002/2003 budget to appropriate Redevelopment Low and Moderate Income Housing [LMIH] funds for the Creekside Gardens Project and Oak Park Low Income Senior Housing Project. The appropriation of LMIH funds for both of these projects was approved by Council on December 17, 2002, and January 7, 2003.) FIRST READING JANUARY 21, 2003
R. Lata, Community Development Director
9. Award a construction contract to Lee Wilson Electric Co. in the amount of \$79,800 for the modification of a traffic signal at 24th and Spring Streets. (A left-turn phase will be added to the traffic signal at 24th and Spring Streets.)
J. Deakin, Public Works Director
10. Dissolve the Urban Water Management Plan ad hoc committee formed in January 2002.
J. Deakin, Public Works Director
11. Dissolve the Energy Conservation Proposal ad hoc committee formed in December 2001 to review a proposed energy conservation/alternative energy project. (The project proposal that prompted formation of this committee is not viable.)
J. Deakin, Public Works Director
12. Confirm the City's Investment Policy and dissolve the Investment Policy Review ad hoc committee formed December 3, 2002. (The City has an approved investment policy to guide the investment of surplus City funds. Legislation requires that the treasurer or chief fiscal officer annually render to the legislative body of the local agency a statement of investment policy, which the legislative body shall consider at a public meeting. Council appointed an ad hoc committee to serve as the Investment Policy Review Committee for the annual review. After reviewing the investment policy and investment portfolio, no changes to the current policy are recommended.)
M. Compton, Administrative Services Director
13. Receive and file the Annual Audit of Transportation Development Act Funds. (The City annually undertakes a Transportation Development Act [TDA] audit in accordance with TDA regulations. The City's regular auditor—Moss, Levy and Hartzheim, Certified Public Accountants—performs the audit under contract. The City has received a clean, unqualified opinion from the auditor.)
M. Compton, Administrative Services Director

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PUBLIC DISCUSSION

14. CDBG-funded Carnegie Library Rehabilitation: Award of Bid and Appropriation of Supplemental Funds

R. Lata, Community Development Director

Consider a contract to rehabilitate the Carnegie Library Building with the responsive low bid. If Council awards the contract, an appropriation of supplemental General Funds will be needed to complete the project. (In December 2002, bids for this project were opened. Two bids were received, with only the bid from Maino Construction considered responsive. RSH Construction filed a bid protest.)

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett, Steve Hendricks and Tom Maino. There were no further 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. 03-19 to award the work to the responsive bidder for this project, Maino Construction of San Luis Obispo, in the amount of \$332,000.00, with the inclusion of an additional paragraph in the resolution reading "*Whereas, based on the staff report, staff presentation, and public comment, the City Council finds that the lowest bid of a responsive and responsible bidder is the bid of Maino Construction*" and adding the words "*and responsible*" in Section 1. 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 allocate the necessary amount of General Funds to complete the project if, after the CDBG hearing on March 4, 2003, the Council does not allocate \$140,000 in 2003 CDBG funds to this project. This action may include an indication of a desire to allocate future CDBG funds to reimburse the City for the amount of General Funds allocated. Further, under this minute action, the Council acknowledges that, per federal regulations, future allocations of CDBG funds cannot be guaranteed in advance of conducting a public hearing on each future year's allocation of CDBG funds. Motion passed by the following unanimous roll call vote:

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

15. Storm Water Management

J. Deakin, Public Works Director

Consider authorizing circulation of the Draft Storm Water Management Plan to solicit comments from the public. (A public comment opportunity is not required by the National

Pollutant Discharge Elimination System, but Council may provide for community input, so long as comments are submitted by 5:00 PM on Tuesday, February 18th. The Final Draft SWMP will be presented to Council on March 4, 2003, and submitted to the Regional Water Quality Control Board on March 10th.)

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 establish a public review period and set February 18, 2003, as the deadline date for comments to the City's Draft Storm Water Management Plan. Motion passed by the following unanimous roll call vote:

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

16. Award Design Services for Centennial Park Upgrades

J. Deakin, Public Works Director

Consider awarding a design services contract to BFGC Architects for the upgrades/improvements to Centennial Park. (In July 2002, staff issued a letter to 37 architects requesting a Statement of Qualifications to prepare plans and specifications for upgrades to Centennial Park. Four responding firms were interviewed by a panel including representatives from City Council, Parks & Recreation and REC, Inc. BFGC Architects was recommended as the best candidate for the project.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to award a design services contract to BFGC Architecture in the amount of \$93,960 for upgrades at Centennial Park. Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

City Manager App informed Council that the City has been asked to endorse a conservation framework document between The American Land Conservancy and The Hearst Corporation. Council unanimously supported returning this item for action at the February 18, 2003, Council meeting.

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION

17. Youth Commission – Appointment to Fill Vacated Term

B. Partridge, Library & Recreation Services Director

Consider appointing a Youth Commission alternate to a vacated regular position, plus naming Youth Commission alternates for succession and voting purposes.

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 Christina Escobar as a regular member to the Youth Commission to complete the vacated regular term of Danielle Hollander expiring 7/1/03, and designate Sandra Smith as 1st Alternate and Jonathon Spencer as 2nd Alternate. Motion passed by the following unanimous roll call vote:

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

AD HOC COUNCIL BUSINESS - None

COUNCIL COMMENTS - None

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

Deputy City Attorney Jon Seitz announced Council’s authority to go into closed session to discuss the items listed on the agenda.

Council moved to adjourn from regular session at 8:51 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 10:18 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Seitz announced that Council received an update from the City's negotiator on Closed Session Item (a) and from the City's real property negotiator on Item (b). No reportable action was taken on either item.

By unanimous voice vote, Council moved to adjourn from regular session at 10:20 PM.

ADJOURNMENT: to REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, FEBRUARY 18, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Cindy Pilg, Deputy City Clerk
Approved: February 18, 2003