

CITY COUNCIL MINUTES
Tuesday, April 1, 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, Duane Picanco and Mayor Frank Mecham Absent: Councilmember Gary Nemeth

PUBLIC COMMENTS

- Clerk of the Council announced for the record that several letters were received this date in support of a gate installed on the private portion of Walnut Drive.
- Betty Miller (Estrella Warbird Museum) encouraged the public to visit the Museum and gave an update on Museum activities in the last year.
- Bill West (a resident of the Quail Run Senior Park) expressed concerns about construction noise in the Food 4 Less development area.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App advised Council that Agenda Item No. 12 is being recommended for continuance to a future date.

PRESENTATIONS – None

NOTICED HEARINGS

1. 2003 Community Development Block Grant Program

R. Lata, Community Development Director

The City will be receiving additional funds for activities in 2003 as the US Department of Housing and Urban Development [HUD] has amended its formula for distributing Community Development Block Grant (CDBG) funds to reflect 2000 US Census figures. Identify which activities are to be approved for the additional 2003 CDBG funds.

Mayor Mecham opened the public hearing. Speaking from the public were Lillian Judd (Economic Opportunity Commission Senior Health Program), Bill Saylor (Boys and Girls Club), Bernadette Bernardi (Literacy Council Program), Gail Gresham (Big Brothers/Big Sisters Mentoring), J. D. Main (Homeless Housing Project), and Del Velten . There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Picanco, moved to:

Adopt Resolution 03-45 allocating the City’s additional allotment of \$63,651 in 2003 CDBG funds as follows:

Muni Pool Changing Room Rehab (existing CDBG project)	\$41,401
EOC Senior Health Program	\$ 1,000
Boys & Girls Club operations.....	\$ 1,300
Literacy Council Program	\$ 500
Big Brothers/Big Sisters Mentoring.....	\$ 1,250
Lifestyles Recovery Center.....	\$ 1,300
Homeless Housing Project Motel Voucher Program	\$ 4,200
Administration (includes Capacity Building)	<u>\$12,700</u>
Total	<u>\$63,651</u>

Motion passed by the following roll call vote:

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

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. 2 - 11 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Picanco, with the exception of Item No. 12 being recommended for deferment.

2. Approve City Council minutes of March 4 and 18, 2003

D. Fansler, City Clerk

3. Receive and file Advisory Body Committee minutes as follows:
 Airport Advisory Committee meeting of January 23, 2003
 Parks & Recreation Advisory meeting of February 11, 2003
 Library Board of Trustees meeting of January 9 and February 13, 2003
 Senior Citizen Advisory Committee meeting of February 10, 2003
 Transit Advisory Committee meeting of January 8, 2003
4. Approve Warrant Registers: Nos. 39244 – 39391 (3/14/03) to 39392 – 39549 (3/21/03)
 M. Compton, Administrative Services Director
5. Proclamation – National Public Safety Telecommunicator's Week, April 13–19, 2003
6. Proclamation –Month of the Child – April 2003
7. Read, by title only, and adopt Ordinance No. 855 N.S. amending the Municipal Code to amend Title 21, Zoning, to permit employee housing as a conditional use in Residential, Commercial, Industrial, Agricultural, and Parks and Open Space Districts (Code Amendment 02–011). (At its meeting of March 18th, Council approved this ordinance except in Airport Zones 1 through 5, where this amendment will not apply, provided that employee housing shall be appurtenant to an approved commercial or industrial development; and subject to a provision that the ordinance shall sunset [expire] in 5 years.) FIRST READING MARCH 18, 2003
 R. Lata, Community Development Director
8. Extend duration of the ad hoc committee formed to review indemnification clauses in City contracts to June 17, 2003.
 J. Seitz, Deputy City Attorney
9. Extend duration of the ad hoc committee formed to evaluate design options for Niblick Road improvements to October 7, 2003. (Additional time is needed to develop the plan for Niblick Road, which includes meeting to discuss these improvements with the School District.)
 J. Deakin, Public Works Director
10. Adopt Resolution No. 03-46 awarding contract for construction of alley rehabilitation (CDBG–funded) to low bidder Ferravanti Grading and Paving of Paso Robles (DPW Project 02–21). (Alley is bounded by Spring, Park, 7th Street and 8th Street. In response to advertised Request for Proposals, 12 bids were received. Ferravanti Grading submitted the lowest responsive and responsible bid for \$31,550.)
 R. Lata, Community Development Director
11. Adopt Resolution No. 03-47 a Cooperative Agreement with the National Park Service (NPS) regarding designation of the de Anza Trail. (Designation of this trail would promote national and local historic preservation goals. Entering into a Cooperative Agreement does not commit the City to any financial obligations, but would authorize the City to work with the NPS.)
 R. Lata, Community Development Director

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Item pulled for separate vote:

12. Adopt Resolution No. 03-xx approving assignment of a long-term property lease of Parcel 38 and a portion of Parcel 39 (a.k.a., Second Wind) in the Airport Industrial Park. (This lease allows the lease assignment to John R. and Koene R. Graves, Trustees for the Living Trust of John R. Graves and Koene R. Graves. Lessees agree that uses on the leased premises shall be limited to those specified in the lease and any modifications to the site will comply with current City Development procedures.)
J. Deakin, Public Works Director

Councilmember Finigan, seconded by Councilmember Picanco, moved to continue this item to a future Council meeting. Motion passed by the following roll call vote:

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

PUBLIC DISCUSSION

13. **Airport Road Alignment Study**
R. Lata, Community Development Director

Consider distribution of a Request for Proposals (RFP) for a qualified engineer to prepare an alignment study for Airport Road in the vicinity of Highway 46 East. (The location and manner in which Airport Road will intersect with Highway 46 East is uncertain and has impacts on a number of projects, both north and south of Highway 46 East. With the distribution of an RFP, the long process of determining the future location of the intersection and seeking Caltrans approval for the necessary improvements can begin.)

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 authorize staff to distribute an RFP to hire a qualified engineer to prepare a preliminary design for the intersection of Airport Road and Highway 46 East, including a bridge over the Huer Huero Creek and obtaining Caltrans approval for a signalized intersection as an interim improvement at that location. The scope of work would include a methodology for allocating the costs of the study to benefiting property owners. Motion passed by the following roll call vote:

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

14. Initiate Proceedings for Annual Levy of Landscape & Lighting District Fiscal Year 2003–2004

J. Deakin, Public Works Director

Consider initiating proceedings for annual levy of the Landscape & Lighting District for fiscal year 2003–2004. (A Landscape and Lighting District was formed in 1989 for the maintenance of streetlights, hardscapes, detention basins, parkways, median islands, open space, slopes, and other appurtenant facilities and operations relating to the District. The annual levy is a two-step process. The first step is for Council to adopt resolutions to initiate the proceedings by scheduling a Public Hearing. Final step takes place at the Public Hearing, wherein the City Council would adopt a resolution to approve the final levy report.)

Paul Whitelaw of MuniFinancial provided an overview of the annual levy process.

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 Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 03-48 (1) initiating proceedings for the annual levy for the maintenance of District facilities; (2) Resolution No. 03-49 declaring the intent to levy and cause a Notice to be published for a Public Hearing to be scheduled on June 17, 2003; and (3) Resolution No. 03-50 adopting the Draft Preliminary Engineer’s Levy Report as presented and making it available to the public for review and comment. Motion passed by the following roll call vote:

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

15. City Banner Policy Review

B. Partridge, Library & Recreation Services Director

Review of ad hoc committee recommended changes to the City’s banner policy. (The ad hoc committee recommends changing the definition of “event” to eliminate the requirement for a City permit. This change would allow applicants for a banner, as long as the event was held on public property, not just City property.)

Mayor Mecham opened the public hearing. Speaking from the public was Chuck Mendelson. 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 approve the recommended change to the definition of “event” in the Banner Policy. Motion failed by the following roll call vote:

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

16. Award Contract to Rehabilitate Butterfield Well No. 12 and Tarr Well No. 19
J. Deakin, Public Works Director

Consider a one-time appropriation of \$53,000 and award a contract to rehabilitate two wells. (Butterfield Well No. 12 was last rehabilitated in 1989 and the pump at Tarr Well No. 19 needs to be lowered to 560 feet. These wells produce water in peak demand periods and are integral to the City's water resource network.)

Mayor Mecham opened the public hearing. Speaking from the public was Joyce Sprague. 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 adopt Resolution No. 03-51

- (1) Authorizing a one-time appropriation from Water Enterprise Fund Reserves to
 - (a) Budget Account No. 600-910-5452-351 in the amount of \$25,000 for rehabilitation of Butterfield Well No. 12; and
 - (b) Budget Account No. 600-910-5452-352 in the amount of \$28,000 for the rehabilitation of Tarr Well No. 19.
- (2) Authorizing award of contract to Maggiora Bros. Drilling, Inc. in the amount of \$48,600 for rehabilitation of Butterfield Well No. 12 and Tarr Well No. 19.

Motion passed by the following roll call vote:

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

CITY MANAGER

City Manager James App informed Council of a water intrusion problem with some homes within Tract 1771, Phases 2 and 3.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION – None

AD HOC COUNCIL BUSINESS – None

COUNCIL COMMENTS

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 item listed on the agenda.

Council moved to adjourn from regular session at 8:50 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 9:58 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Seitz announced that Council received an update from the City's negotiator on the Closed Session item and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 10:00 PM.

ADJOURNMENT: to THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, APRIL 15, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: April 15, 2003