

**CITY COUNCIL MINUTES**  
**Tuesday, April 15, 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**

- Dale Gustin complimented City staff on activities in the Parks and Recreation Department and on efforts for the youth of the community.
- Del Velten gave an explanation of the origin of the Pledge of Allegiance.

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

City Manager Jim App informed Council that Agenda Items No. 2, No. 3 and No. 5 are being recommended for continuance.

## PRESENTATIONS

1. Recognition - *Ken Robinson* - for design and installation of new ornamental iron fence around the Downtown City Park fountain.  
F. Mecham, Mayor

Mayor Mecham recognized Ken Robinson and extended Council's appreciation for his generous donation of time and money to install new fencing around the Downtown City Park fountain.

## NOTICED HEARINGS

2. **Code Amendment 03-005 – Family Day Care Homes**  
R. Lata, Community Development Director

Consider continuing the public hearing for a proposed Municipal Code Amendment to the Council's next regular meeting on May 6, 2003. The proposal is to modify the City's day care facility regulations to bring them into conformance with state law by establishing performance standards and modifying the type of development application approval necessary from the City.

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 the open public hearing to Council's regular meeting of May 6, 2003.

Motion passed by the following unanimous roll call vote:

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

3. **Planning Fee Update**  
R. Lata, Community Development Director

Consider continuing this item to the next regular meeting of the Council on May 6, 2003, to allow for additional noticing in the newspaper. (The Planning Division is proposing revisions to the fee schedule for development applications, as well as other community development related fees.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue the open public hearing to Council's regular meeting of May 6, 2003.

Motion passed by the following unanimous roll call vote:

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

**4. Appeal of Planned Development 02-004 and Conditional Use Permit 02-007 (David Kudija)**

R. Lata, Community Development Director

Consider an appeal filed by David Kudija regarding Planning Commission's March 11, 2003, approval of Planned Development 02-004 and Conditional Use Permit 02-007. (Project site is a vacant lot on the northwest corner of Golden Hill Road and Highway 46 East, within Subarea E of the Borkey Area Specific Plan [BASP]. The proposed project is a service station with ancillary carwash and convenience store. These uses are consistent with the C-3 zoning of the subject property, the General Plan and the BASP.)

Mayor Mecham opened the public hearing. Speaking from the public were David Kudija, George Garcia (architect for the project), Mary Chambers, Kathy Barnett, and Newlin Hastings. There were no further comments from the public, either written or oral.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to adopt Resolution No. 03-52 denying the appeal, upholding the Planning Commission's approval of PD 02-004 and CUP 02-007, based on the Borkey Area Specific Plan's Project Design Standard SE-7, which states: "Notwithstanding any of the above requirements, any parcel or site located in this Subarea shall be subject to a required landscape setback of thirty (30) feet from the right-of-way of State Highway 46."

Motion passed by the following unanimous roll call vote:

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

**5. B03-0290 Demolition Permit**

R. Lata, Community Development Director

Consider a request by Nick Gilman on behalf of Richard Woodland to allow the demolition and reconstruction of two historically significant buildings. (Subject buildings are located at 1236 and 1238 Pine Street, where the Pine Street Saloon and the Old Paso Pub were previously located. City staff has determined that the buildings are historically significant. It appears that the demolition and reconstruction of the buildings in a manner that would preserve their historical design and character and bring them into compliance with Building Code standards, including seismic safety compliance, would be a benefit to both the City and public safety.)

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to continue this item to a future meeting.

Motion passed by the following unanimous roll call vote:

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

**6. Sewer Pipeline Abandonment (Hilltop Drive)**

J. Deakin, Public Works Director

Consider abandoning any interest the City might have in an existing sewer line. (Sewer line generally parallels Olive Street behind existing residences fronting on Olive. Council approved re-routing of the line along Hilltop Road in November 2002, to be followed by abandonment proceedings.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-53 abandoning any interest the City may have in the old Hilltop drive sewer line, which runs parallel to Olive Drive.

Motion passed by the following unanimous roll call vote:

AYES: Finigan, Heggarty, Nemeth, Picanco and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: 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. 7 to 15 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth.

- 7. Approve City Council minutes of April 1, 2003  
D. Fansler, City Clerk
- 8. Receive and file Advisory Body Committee minutes as follows:  
Housing Authority meeting of March 11, 2003
- 9. Approve Warrant Registers: Nos. 39550 – 39685 (3/28/03) to 39686 – 39836 (4/4/03)  
M. Compton, Administrative Services Director

10. Adopt Resolution No. 03-54 approving the subject Assignment and Amendment of Lease, approving the Consent to Security Interest in a Lease, and authorizing the City Manager to execute all aforementioned documents on behalf of the City, and direct staff to have the Memorandum of Assignment and Amendment of Lease recorded with the County Clerk Recorder. (The current lease with Harry and Helen Blythe covers 7.12 acres at the Paso Robles Municipal Airport. The requested Assignment and Amendment of Lease is consistent with the provisions of the approved Lease Agreement, and the intended use and occupancy of the premises are allowed in the existing lease.)  
J. Deakin, Public Works Director
11. Adopt Resolution No. 03-55 authorizing the Manager of the San Luis Obispo County Integrated Waste Management Authority (IWMA) to execute all necessary forms for the purpose of securing payment to implement and carry out the purposes of the California Beverage Container Recycling and Litter Reduction Act on behalf of the City of Paso Robles. (The California Department of Conservation has established and administers a block grant program available to cities and counties for beverage container recycling and litter cleanup activities. As the City of Paso Robles has not previously participated in this program, a resolution is required in order for the IWMA to apply for grant funding.)  
J. Deakin, Public Works Director
12. Adopt Resolution No. 03-56 outlining Landscape & Lighting District Ballot Proceedings and Procedures. (In December 2002, Council directed staff to initiate ballot proceedings for each sub-area in the Landscape & Lighting District that is operating in deficit. This resolution provides specific details on the ballot process that, upon approval by Council, will formally bind the process by which the ballots are issued, properly executed, returned to the City, counted, and resulting actions implemented.)  
J. Deakin, Public Works Director
13. Adopt Resolution of Intent No. 03-57 abandoning a portion of the unimproved Vine Street right-of-way (as shown in Exhibit A) and setting May 20, 2003, as the date for a public hearing. (Area proposed to be abandoned is right-of-way in excess of the 80-foot right-of-way alignment consistent with Vine Street to the north of 1<sup>st</sup> Street. The Planning Commission recommended approval of the abandonment request submitted by Dry Creek Partners.)  
R. Lata, Community Development Director
14. Adopt Resolution No. 03-58 accepting the recordation of Parcel Map PR 01-141; and adopt Resolution No. 03-59 annexing Parcel Map PR 01-141 into the Landscape & Lighting District. (This is a 2-lot residential subdivision located at the northwest terminus of Snead Street, west of Rambouillet Road. Applicant is Dennis Bradshaw. Parcel Map PR 01-141 was tentatively approved by the Planning Commission on May 22, 2001, and all conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
15. Adopt Resolution No. 03-60 (1) accepting the recordation of Tract 2296 and (2) approving the Subdivision Improvement Agreement, authorizing deferred construction of the subdivision improvements, with an established deadline of April 15, 2004, to complete these improvements, and authorize the Mayor to execute the Agreement; and adopt Resolution No. 03-61 annexing Tract 2296 into the Landscape and Lighting District. (This is an 11-lot subdivision of a 4.08-acre site, located on Signora Rosa Court, north of Mesa Road. As the required public improvements have not been completed, the applicants [Republic Properties] have signed a Subdivision Improvement Agreement guaranteeing the construction of the improvements within a one-year period.)  
R. Lata, Community Development Director

## **PUBLIC DISCUSSION**

### **16. Water and Wastewater Quality**

J. Deakin, Public Works Director

Review the *Water and Wastewater Quality Concerns – Water Quality Strategy* report and provide direction to staff for implementation. (The City hired Malcolm Pirnie, Inc. in October 2002 to analyze water quality and water uses in the City, link that to wastewater effluent quality and prioritize feasible alternatives for addressing wastewater effluent discharge compliance and source water quality needs. Their administrative draft report is ready for Council consideration.)

Representatives of Malcolm Pirnie (Stephen Davis, Vice President, and Todd Anderson, Project Engineer) presented an overview of the administrative draft *Water & Wastewater Quality Concerns – Water Quality Strategy* report.

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett, Stu Larsen and Dale Gustin. 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 receive and comment on the *Water and Wastewater Quality Concerns – Water Quality Strategy* administrative draft report and:

- (1) Accept as a Final Report after incorporating given comments.
- (2) Affirm staff's plan to:
  - (a) Investigate an industrial and commercial wastewater discharge program to evaluate and more clearly enforce City wastewater discharge limits, adopting Resolution No. 03-62 appropriating \$100,000 for the initial project (engineering expertise and equipment costs), and providing the City Manager authority to hire engineering expertise up to \$50,000 towards this end; and
  - (b) Further evaluate and define wastewater desalination alternatives; and
  - (c) Continue active and serious consideration of the Nacimiento Water Project.

Motion passed by the following unanimous roll call vote:

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

*At 8:55 the City Council took a 10-minute break.*

**17. 4<sup>th</sup> Street Underpass Alternative Alignments**

J. Deakin, Public Works Director

Consider a recommendation from the Streets and Utilities Committee for reconfiguration of the 4<sup>th</sup> Street Underpass. (The underpass is located at the southerly end of both Pine Street and Riverside Avenue, providing access to the southbound on and southbound off “hook ramps” at Highway 101. URS Corporation developed three alternative alignments to re-configure this underpass. The alternatives were presented to the Streets and Utilities Committee on February 28<sup>th</sup>, and the committee recommended that Alternative No. 2 be adopted as the official “plan line.”)

George Aguilar, Project Manager of U.R.S. Greiner, was present and available to answer questions regarding the various alternatives to re-configure the underpass.

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. 03-63:

- (1) Accepting the Streets and Utilities Committee's recommendation that Alternative No. 2 be adopted as the favored “plan line” for the reconfiguration of the 4th Street Underpass; and
- (2) Appropriating a budget of \$154,000 under Budget Account No. 120-910-5452-676 by combining a \$30,000 San Luis Obispo Council of Governments grant and \$124,000 from Measure D.

Motion passed by the following roll call vote:

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

**18. Sherwood Park Master Plan Implementation**

J. Deakin, Public Works Director

Consider assembling a Task Force to assist in developing a Master Plan for Sherwood and Oak Creek Parks. (In December 2002, Council approved engaging Community Design Group to assist the City in revising and updating the Sherwood Park Master Plan. Part of this process will be public participation and discussion, evaluating land use/recreation options in the context of the Parks and Recreation Element of the General Plan. Based on input received from the public, alternate designs will be developed. The Task Force will then review these alternatives and provide feedback to the designer and City representatives.)

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 Nemeth, seconded by Councilmember Heggarty, moved to approve a Task Force, direct staff to solicit community representatives to participate, and appoint a two-member ad hoc committee to represent Council on the Task Force, reporting back to Council by May 1, 2004.

Motion passed by the following unanimous roll call vote:

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

Council, by general consensus, agreed to appoint Councilmembers Heggarty and Nemeth to an ad hoc committee to represent Council on the Sherwood Park Master Plan Implementation Task Force.

**19. 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. 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 approve the recommended change to the definition of "event" in the Banner Policy.

Motion failed by the following roll call vote:

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

**20. North County Transit Memorandum of Understanding**

M. Compton, Administrative Services Director

Consider approving a Memorandum of Understanding with the regional transit planning agency, San Luis Obispo Council of Governments (SLOCOG). (This action represents the first step towards submission of an application for Federal Transit Administration [FTA] 5307 funding.)

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 adopt Resolution No. 03-64 approving a Memorandum of Understanding with all North County Public Transportation Providers (City of Atascadero, City of Paso Robles, San Luis Obispo Regional Transit Authority and County of San Luis Obispo) and the San Luis Obispo Council of Governments.



Motion passed by the following unanimous roll call vote:

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

**21. Public Liability Program**

M. Compton, Administrative Services Director

Presentation of several liability insurance program options being considered by the Coast Cities Self Insurance Fund (CCCSIF). (CCCSIF is a group purchase banking program, which offers programs for both workers' compensation and public liability insurance.)

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 authorize staff to vote in favor of joining the California Joint Powers Insurance Authority (CJPIA) for public liability insurance coverage.

Motion passed by the following unanimous roll call vote:

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

**22. Award Contract to Install a Ferric Chloride Tank at Lift Station No. 12**

J. Deakin, Public Works Director

Consider awarding a construction contract to install a ferric chloride tank at Lift Station No. 12. (Lift Station No. 12 is located adjacent to west of the California Youth Authority at Airport and Dry Creek Roads. There are complaints from nearby developments of odors from the sewers. Bids for this project were solicited in February and March 2003; 11 bids were received, ranging from a low bid of \$75,859 to a high bid of \$111,130. Specialty Construction submitted the low bid.)

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 adopt Resolution No. 03-65:

- (1) Appropriating an additional total amount of \$53,000 from the Sewer Enterprise Fund as follows:
  - (a) Budget Account No. 601-910-5452-572 in the amount of \$15,900; and
  - (b) Budget Account No. 221-910-5452-572 in the amount of \$37,100

- (2) Authorizing award of a construction contract to Specialty Construction in the amount of \$75,859 for installation of a ferric chloride tank at Lift Station No. 12.

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** – None

**COUNCIL COMMENTS** - None

**PUBLIC COMMENT ON CLOSED SESSION** - None

City Attorney Iris Yang 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 9:45 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 10:58PM.*

## RETURN TO OPEN SESSION

### CLOSED SESSION REPORT

*City Attorney Yang announced that Council received an update from the City's negotiator on the Closed Session items. Council provided direction to the City negotiator on the Heer property acquisition. There was no reportable action on Item (a).*

*By unanimous voice vote, Council moved to adjourn from regular session at 11:00 PM.*

**ADJOURNMENT:** to THE GENERAL PLAN WORKSHOP AT 7:00 PM ON TUESDAY, APRIL 29, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, MAY 6, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

---

Sharilyn M. Ryan, Deputy City Clerk  
Approved: May 6, 2003