

**CITY COUNCIL MINUTES**  
**Tuesday, June 17, 2003 7:30 PM**

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL  
CONFERENCE CENTER, 1000 SPRING STREET**

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**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

*Mayor Mecham asked the audience to join him in a moment of silent prayer in remembrance of Police Officer Tony Zeppetella, who lost his life this week in the line of duty.*

**PUBLIC COMMENTS** - None

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

City Manager Jim App informed Council that Agenda Item No. 4 has been recommended for continuance.

**PRESENTATIONS** - None

## **PUBLIC HEARINGS**

### **1. Annual Levy Report for the Landscape and Lighting District**

J. Deakin, Public Works Director

Conduct a public hearing and consider adopting resolutions to order collection of assessments for the Landscape and Lighting District (L&L District) for fiscal year 2003-2004.

The L&L District provides a means to attend to development tract common-area facility and landscape maintenance. A single landscape maintenance contractor provides most services; the contract is awarded biannually. Each sub-area's costs are determined based upon the costs to maintain and/or operate landscape, lighting, and architectural amenities associated with a development tract. Costs are apportioned to the parcels within each Subarea on an equity-based formula.

In April 2003, the City Council directed staff to issue ballots to seek approval of a new assessment in fiscal year 2004 in those subareas where the amount assessed is less than and the cost of providing services. If, after the City tabulates assessment ballots, a majority protest exists, the existing levy remains in place, the proposed increase may not be levied.

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Karen Belk, Christie Withers, David Orr, Tom Schell. There were no further comments from the public, either written or oral, and the public hearing was closed.

The Mayor closed the public hearing and continued this item to later in the agenda to allow time for the ballots to be tabulated.

Assisting with the ballot tabulation process were City Clerk Dennis Fansler, Deputy City Attorney Michael Seitz and Brian Jewitt, Senior Project Manager for MuniFinancial. Invited to witness the tabulation of the ballots were reporters Adam Jarmin of The Tribune newspaper and Ann Quinn from the Paso Robles Press; Ann Quinn attended.

### **2. Heer Property Acquisition – 13<sup>th</sup> Street Bridge Widening**

J. Deakin, Public Works Director

Consider declaring the public necessity for taking of certain property for the widening of the 13th Street Bridge and improvements to adjacent streets. (Property is located at the northeasterly corner of Creston Road and North River Road, owned by Walt Heer and Donna Heer.)

Jorge Aguilar, Project Manager for transportation engineers U.R.S. Greiner, provided an overview of the proposed design concept for the 13<sup>th</sup> Street Bridge widening and the project's impact on the subject property.

Mayor Mecham opened the public hearing. Speaking from the public were Walter Heer and Donna Heer. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Finigan, seconded by Councilmember Nemeth, moved to adopt Resolution No. 03-100 declaring the public necessity for taking of a portion of certain property owned by Walt Heer and Donna Heer for construction of improvement to the 13<sup>th</sup> Street Bridge (Hearing Record, Exhibit 9).

Motion passed by the following unanimous roll call vote:

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

**3. Rezone 03-003 and Request to Construct Four-Story Building  
(South Valley Developers)**

R. Lata, Community Development Director

Consider request from applicant Scott Schilling to construct a four-story building, adopt a Negative Declaration and establish a Resort/Lodging Overlay for the Palazzo Hotel project. (Project site is the southern half of property located at 102 South Vine Street, south of 1<sup>st</sup> Street, west of the southbound on-ramp to Highway 101 and east of South Vine Street. Development proposes construction of an 86,337-square foot, four-story, 130-room hotel. In January 2003, Council adopted an Ordinance, which allows property owners to apply for a zone change to establish Resort/Lodging Overlay on a site-by-site basis. The Planning Commission has recommended approval of the project.)

Mayor Mecham opened the public hearing. Speaking from the public were Scott Schilling (South Valley Developers, Inc.), Carolyn Kelso and Craig Kelso. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-98 adopting a Negative Declaration for Rezone 03-003 and four-story height applicants.

Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-99 allowing the Palazzo building to be constructed four-stories in height based on the topography difference between the site and South Vine Street and the overall size of the site.

Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to introduce for First Reading Ordinance No. XXX N.S. establishing Resort/Lodging Overlay zoning over the existing Office Professional zoned site, in relation to the Palazzo Hotel project, and set July 1, 2003, as the date for adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

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

**4. Street Abandonment 03-001 (Estrella Associates, Waterford Court)**

R. Lata, Community Development Director

Consider abandonment of Waterford Court. (Waterford Court is a 50-foot wide street, ending in a cul-de-sac, with no public through traffic. Because the street will be gated, posted and maintained as a private street, Waterford Court will be unnecessary for present or prospective public use. The Planning Commission has recommended approval of the abandonment request from applicant Estrella Associates.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue this hearing to the City Council meeting of July 1, 2003.

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 called for public comments on Consent Calendar items. There being no comments from the public, either written or oral, the public discussion was closed.

Consent Calendar Items No. 5 – 16, 18 and 20 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Items 040975, 040498, 041002 and casting a no vote on Item No. 9; and with Mayor Mecham casting a no vote on Item No. 9.

**5. Approve Warrant Registers: Nos. 40805 – 40910 (5/30/03) and 40911 – 41040 (6/6/03)**

M. Compton, Administrative Services Director

**6. Receive and file Advisory Body Committee minutes as follows:**

Transit Advisory Committee meeting of April 2, 2003

**7. Read, by title only, and adopt Ordinance No. 859 N.S. amending Title 21 of the Zoning Code of the Municipal Code to establish regulations for second units – Code Amendment 03-004.**

(An amended Government Code Section 65852.2 establishing regulations for second units became effective July 1<sup>st</sup>. Under this law, the City cannot restrict occupancy of second units to seniors and persons related to the owner.) FIRST READING JUNE 3, 2003

R. Lata, Community Development Director

8. Read, by title only, and adopt Ordinance No. 860 N.S. amending the Municipal Code to amend the Borkey Area Specific Plan to accommodate Planned Development 02-005 (Applicant – Dick Willhoit of Estrella Associates - Specific Plan Amendment 03-002.) (The approximately 5.45-acre Neighborhood Commercial Center site is located at the northwest corner of Buena Vista Drive and Experimental Station Road. This amendment would allow a 10-foot building setback along Buena Vista Road instead of the prescribed 30-foot setback. The Planning Commission has recommended that Council approve the reduction of the setback.) FIRST READING JUNE 3, 2003  
R. Lata, Community Development Director
9. Read, by title only, and adopt Ordinance No. 861 N.S. amending the Municipal Code to adjust sewer user fees. (After two budget workshops held on May 14 and 21, 2003, and a hearing on June 3, City Council determined that the Sewer and Water Operations Funds should pay a franchise fee to the City's General Fund for the use of public right-a-ways and easements. It is proposed that a phased, three percent franchise fee be imposed upon the fixed portion of the sewer and water user fee, and that the fee shall reimburse General Fund expenditures for labor and materials necessary to maintain the right-a-ways and easements to their original condition.) FIRST READING JUNE 3, 2003  
M. Compton, Administrative Services Director
10. Adopt Resolution No. 03-101 approving the California Joint Powers Insurance Authority's (CJPIA) Agreement and participation in its Joint Protection Program providing liability coverage through self-insurance, loss pooling and excess insurance. (Paso Robles has been a member of the Central Coast Cities Self-insurance Fund [CCCSIF] since 1977. CCCSIF is a group purchase banking program, which offers programs for both workers' compensation and public liability insurance. On May 28<sup>th</sup>, the CCCSIF Board voted to join CJPIA effective July 1, 2003, for the purpose of general liability coverage.)  
M. Compton, Administrative Services Director
11. Adopt Resolution No. 03-102 authorizing the filing of applications for Federal Transit Administration (FTA) 5307 funding and giving the Director of Administrative Services the authority to execute said applications. (As a result of the 2000 census, the Paso Robles, Atascadero and County area along the Highway 101 corridor, including Templeton and Santa Margarita, have been designated as an "urban area" [UA]. Transit providers within this UA are eligible to apply for \$551,000 in FTA 5307 funding. In order to submit an application for the funding, the governing body must authorize the filing and designate signatory authority.)  
M. Compton, Administrative Services Director
12. (1) Adopt Resolution No. 03-103 accepting the recordation of Tract 1632-10 and approving the Subdivision Improvement Agreement, authorizing deferred construction of the subdivision improvements, with an established deadline of June 17, 2004, to complete these improvements, and authorizing the Mayor to execute the Agreement; (2) accept Offer of Dedication for 10-foot Storm Drain Easement from Hudson and Dutro; (3) accept Offer of Dedication for 10-foot Sanitary Sewer Easement from Copley and Espig; (4) grant a Quitclaim Deed of an existing 10-foot Storm Drain Easement back to Copley and Espig; and (5) adopt Resolution No. 03-104 annexing Tract 1632-10 into the Landscape and Lighting District. (Tract 1632-10 is a 70-lot subdivision of a 14.48-acre site, located west of Airport Road. It is the last remaining property to be subdivided in the Meadowlark Farms area. The tract was originally approved by the Planning Commission [PC] in 1989, and with the exception of the construction of the public improvements, all conditions imposed by the PC have been satisfied. Applicant: North County Partners II, LLC)  
R. Lata, Community Development Director

13. Adopt Resolution No. 03-105 accepting the public improvements of Tract 2431 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$29,545. (This subdivision is located on Arciero Way, north of Union Road and south of Bella Vista Court. The public improvements have been completed to the satisfaction of the City Engineer and in compliance with the improvement plans and all applicable City standards. Applicant: Anthony Ritter, et al)  
R. Lata, Community Development Director
14. Adopt Resolution No. 03-106 (1) accepting the recordation of Tract 2430, and (2) approving the Subdivision Improvement Agreement, authorizing deferred construction of the subdivision improvements, with an established deadline of June 17, 2004, to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopt Resolution No. 03-107 annexing Tract 2430 into the Landscape and Lighting District. (Tract 2430 is an 9-lot subdivision of a 4.78-acre site, located at the southwest corner of Bella Vista Court and Arciero Way. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied. Acceptance of public improvements and release of the securities occurs only after these improvements have been constructed to the satisfaction of the City Engineer and following adoption of a resolution of acceptance. Applicant: Terrabella ABD, LLC)  
R. Lata, Community Development Director
15. Adopt Resolution No. 03-108 accepting the public improvements of Tract 2137-2 into the City's maintenance system, and authorizing the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$4,680. (This subdivision is located northwest of Riverglen Drive, north of Union Road. The public improvements have been completed to the satisfaction of the City Engineer and in compliance with the improvement plans and all applicable City standards. Applicant: Manzana Brothers, Ltd.)  
R. Lata, Community Development Director
16. Adopt Resolution No. 03-109 (1) accepting the recordation of Tract 2477, and (2) approving the Subdivision Improvement Agreement, authorizing deferred construction of the subdivision improvements, with an established deadline of June 17, 2004, to complete these improvements, and authorizing the Mayor to execute the Agreement; and adopt Resolution No. 03-110 annexing Tract 2477 into the Landscape and Lighting District. (Tract 2477 is an 8-lot Planned Unit Development subdivision of a 0.94-acre site, located on the north side of Creston Road, between Orchard Drive and Ivy Lane. With the exception of the construction of the public improvements, all conditions imposed by the Planning Commission have been satisfied. Acceptance of public improvements and release of the securities occurs only after these improvements have been constructed to the satisfaction of the City Engineer and following adoption of a resolution of acceptance. Applicant: John Ferguson)  
R. Lata, Community Development Director
18. Extend duration of the General Plan Housing Element ad hoc committee, comprised of Mayor Mecham and Councilmember Nemeth, to March 16, 2004. (The ad hoc committee's work has not been completed. It is expected that the General Plan Update process will extend to the end of calendar year 2003 and possibly into the beginning of 2004.)  
R. Lata, Community Development Director
20. Adopt Resolution No. 03-113 accepting Measure D projects DPW98-18, 19 and 23 for maintenance by the City. (The warranty periods for the Senior Center, Veteran's facility and the Barney Schwartz Park have concluded. This resolution would close out the respective project budget accounts associated with these projects and accept the facilities for on-going City maintenance.)  
D. Monn, Chief Building Official

Items pulled for discussion:

17. Adopt Resolution No. 03-111 approving a 50-year lease of a City-owned modular building at Oak Park Public Housing to the Housing Authority of the City of Paso Robles for use as an office for social service organizations. (In early 2003, with the completion of the Public Safety Center, the modular building that had housed the Emergency Services Department offices was vacated. The City moved the modular to Oak Park Public Housing for use as an office for social services organizations, enabling the dwelling unit currently being used by the organizations to again be used as a residence. The Lease Agreement is for a period of 50-years at a cost of \$1.00 per year.)  
R. Lata, Community Development Director

19. Adopt Resolution No. 03-112 declaring support for the application of grant funding to study air market potential for the Paso Robles Airport. (The U.S. Department of Transportation, under the Small Community Air Service Development Pilot Program, has called for grant applications to be submitted no later than June 30<sup>th</sup>. The City has contracted with Tri-Star Marketing, an aviation consulting firm that specializes in air carrier service development, to assist the City in preparing the grant application package. If successful, the grant could provide 90% funding for the anticipated \$50,000 project.)  
J. Deakin, Public Works Director

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 Consent Items No. 17 and 19.

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 PM the City Council took a break, reconvening at 9:07 PM.*

## **PUBLIC DISCUSSION**

21. **Petition Regarding Assessment Fees (Riverbank Tract)**  
J. Deakin, Public Works Director

Consider receiving and filing a petition from Riverbank Tract residents. (The petition received by the City on May 23<sup>rd</sup> states that the individuals who signed it object to the Landscape and Lighting District charges and wish to have the charges removed from their tax rolls. The petition was reviewed by the City Attorney to determine its purpose and legal effect and it was determined that the petition does not meet the legal requirements to effect the type of change the petition requests. As the petition is independent of the ballot process and Proposition 218 prevents the City from considering or treating the petition as a substitution for the assessment ballot, the signatures will not be counted during the ballot tabulation process.)

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

Councilmember Picanco, seconded by Councilmember Nemeth, moved to receive and file a "petition" filed by and on behalf of the residents of the Riverbank neighborhood to the City Council, submitted to the City on May 23, 2003.

Motion passed by unanimous voice vote.

**22. Request to Remove One Oak Tree – Lot 95 of Tract 2281, 504 Red River Drive (Scott Warren)**

R. Lata, Community Development Director

Consider a request from Scott Warren to remove one 14-inch native Blue Oak at 504 Red River Drive to accommodate the construction of a new house on the parcel. (An Arborist Report submitted in April 2003 indicates that the tree is in fair to good condition. However, because of constrictions in designing around an existing drainage swale in the front yard, the applicant's architect and arborist have concluded that the proposed site plan would be the best design for the lot and would protect the 30+ remaining oak trees.)

Mayor Mecham opened the public hearing. Speaking from the public were Scott Warren 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 Finigan, moved to adopt Resolution No. 03-114 approving the removal of the 14-inch Blue Oak tree based on the applicant's request to construct a house of size comparable to the neighborhood and that there are over 30 other Blue Oak trees on the lot that would be preserved, and require a replacement ratio of 3.5-inches of Blue Oaks, which shall be planted on site, in proper locations and proper techniques per the Arborist or other horticulture professional and/or the trees can be donated to the City for future planting in a public area.

Motion passed by the following roll call vote:

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

**1. Annual Levy Report for the Landscape and Lighting District - CONTINUED**

J. Deakin, Public Works Director

Agenda Item No. 1 was taken from the table for Council action.

City Clerk Dennis Fansler announced the results of the ballot tabulation: Subareas No. 3 & 22 voted yes; Subareas No. 1, 4, 5, 6, 7, 8, 11, 13, 14, 15, 16, 18, 19, 21, 27, 32, 46 and 51 voted no.



Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 03-95 approving the Final Engineer's Levy Report and, if necessary, directing staff to request an amendment to such report to reflect proposed reductions in service for those subareas where increased assessments were not approved; and issuing a Negative Declaration for the Specific Plan Amendment 03-002 to the Borkey Area Specific Plan.

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 Finigan, moved to adopt Resolution No. 03-96 declaring the results of, and approving certain related actions depending on, the results of the tabulated ballots

Motion passed by the following unanimous roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 03-97 ordering the levy and collection of the assessments for the Landscape and Lighting Maintenance District for fiscal year 2003/2004. Motion passed by the following unanimous roll call vote:

Motion passed by the following unanimous roll call vote:

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

***Mayor Mecham stepped down from the dais making a declaration of conflict, as he lives next door to the subject property. Mayor Pro Tempore Heggarty assumed the Chair and presided.***

**23. Request to Remove One Oak Tree – 229 15<sup>th</sup> Street (Rose)**  
R. Lata, Community Development Director

Consider a request from Juliana Rose to remove one 16-inch Live Oak tree to prevent future damage to neighboring house. (Arborist Chuck Scovell acknowledges that, as the foundation of the neighbor's house is located within 16 inches of the tree's trunk, the tree will cause foundation problems to the adjacent house if not removed.)

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. 03-115 approving the removal of a 16-inch Live Oak tree based on arborist report identifying that the tree will cause future damage to the foundation of the adjacent house, and require a replacement ratio of 4-inches of Live Oaks, which shall be planted on site, in proper locations and proper techniques per the Arborist or other horticulture professional and/or the trees can be donated to the City for future planting in a public area.

Motion passed by the following roll call vote:

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

***Mayor Mecham returned to deliberations***

**24. Traffic Control on Jackson Drive at Shannon Hill Drive**

J. Deakin, Public Works Director

Consider installation of one stop sign on Jackson Drive at the intersection of Shannon Hill Drive. (At their May 23<sup>rd</sup> meeting, the Streets and Utilities Committee voted to recommend this stop control.)

Mayor Mecham opened the public hearing. Speaking from the public was Margaret Iverson. 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 approve the Streets and Utilities Committee recommendation and adopt Resolution No. 03-116 approving a stop sign on Jackson Drive at the intersection of Shannon Hill Drive.

Motion passed by the following unanimous roll call vote:

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

**25. Removal of Parking Restriction on Paso Robles Street**

J. Deakin, Public Works Director

Consider a request to remove parking restrictions (red curb) on the east side of Paso Robles Street in the 900 block, in front of Smith & Smith Drilling. (Parking restrictions toward the highway off-ramp, especially on the east side, are important safety measures for businesses with driveway access to Paso Robles Street. Proceeding north, however, parking restrictions are less critical and parking needs are more critical. At their May 23<sup>rd</sup> meeting, the Streets & Utilities Committee voted to recommend that the red curb on the east side only in the 900 block be removed.)

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 approve the Streets and Utilities Committee's recommendation and adopt Resolution No. 03-117 approving parking in the 900 block of Paso Robles Street's east side.

Motion passed by the following roll call vote:

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

**26. Use of Septic System – 1555 Lyle Lane (Stark)**

R. Lata, Community Development Director

Consider a request to allow septic tank usage and replace an existing leach field at an existing single-family residence at 1555 Lyle Lane, north of Union Road, between Kleck Road and Prospect Avenue (APN 025-011-032). (Pursuant to existing Municipal Code, construction of any septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage may be permitted only if sewer is not available. The nearest available sanitary sewer main is at the intersection of Kleck Road and Union Road, approximately 800 feet to the west. Adjacent lots in this area are serviced by septic systems.)

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. 03-118 authorizing continued usage of a septic system for an existing single-family residence at 1555 Lyle Lane (APN 025-011-032), subject to Conditions "A" through "K", as stated in Municipal Code Section 14.08.070 K4 "Conditions."

Motion passed by the following unanimous roll call vote:

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

**27. Use of Septic System – 2500 Dry Creek Road (Hogue)**

R. Lata, Community Development Director

Consider request from Aaron Hogue to allow septic tank usage with the development of a single-family residence at 2500 Dry Creek Road, west of Airport Road. (Pursuant to existing Municipal Code, construction of any septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage may be permitted only if sewer is not available. A sanitary sewer main is available on the applicant's property, but approximately 400 feet from the location of the proposed residence.)

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

Councilmember Heggarty moved to continue this item to the Council meeting of July 1, 2003. Motion failed due to lack of a second.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-119 authorizing use of a septic system for a proposed single-family residence at 2500 Dry Creek Road (APN 025-431-031) subject to Conditions "A" through "K" as stated in Municipal Code Section 14.08.070 K4 "Conditions"; adding the words "*and topographic constraints exist*" to the third paragraph of the resolution; and deleting Condition "J."

Motion passed by the following unanimous roll call vote:

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

## **28. Award of Construction Contract for Solids Handling Facilities**

J. Deakin, Public Works Director

Consider awarding a construction contract to install Solids Handling Facilities at the Wastewater Treatment Plant to low-bidder Kirkwood-Bly, Inc. (In March 2001, Council contracted with Carollo Engineers to prepare Plans, Specifications and Estimates for this project. A Bid Opening was held on May 22<sup>nd</sup> and nine bids were received, ranging from a low bid of \$3,772,914 to a high bid of \$5,598,000.)

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 Picanco, moved to adopt Resolution No. 03-120: (1) appropriating an additional \$500,000 to the Solids Handling Project Budget Nos. 221/601.910.5452.569; and (2) awarding a construction contract for the Solids Handling Project to Kirkwood-Bly, Inc. in the amount of \$3,772,914.

Motion passed by the following unanimous roll call vote:

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

## **29. Transit Triennial Performance Audit**

M. Compton, Administrative Services Director

Present the results of the Triennial Performance Audit (TPA) of the City transit system. (Transportation Development Act regulations require all funding recipients to undertake a performance audit every three years.

Representing the San Luis Obispo County Council of Governments, Belynda Johnson (Moore & Associates) provided an overview the transit audit process, along with the results of the Transit Triennial Performance Audit and

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 receive and file the Transit Triennial Performance Audit report.

Motion passed by unanimous voice vote:

## **CITY MANAGER**

### **30. Schedule Date for Applicant Interviews/Appointments – Library Board of Trustees, Youth Commission, Parks & Recreation Advisory Committee and Citizens Airport Advisory Committee**

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Library Board of Trustees, Youth Commission, Parks & Recreation Advisory Committee and Citizens Airport Advisory Committee.

#### **Library Board of Trustees**

2 vacancies – 3 applicants: 3-year regular terms expiring June 30, 2006

Melanie T. Rys

Denise E. Surber

I. Rudyard Stone (incumbent)

#### **Youth Commission**

9 vacancies – 18 applicants: 8 vacancies for 2-year terms expiring July 1, 2005 (7 regular and 1 alternate positions\*); and one 1-year term (alternate position) expiring July 1, 2004, to fill unexpired term.

\*Note: If J. Spencer (currently holding a 2<sup>nd</sup> alternate position with a term expiring July 1, 2004) is appointed to a regular position, then appointments would be as follows:

9 vacancies – 18 applicants: 6 regular 2-year terms expiring on July 1, 2005 and 2 alternate terms (one 2-year term expiring July 1, 2005, and one 1-year term expiring July 1, 2004); and one 1-year term (alternate position) expiring July 1, 2004, to fill unexpired term.

Alexandra Solorio Abarca

David Benitez

Maria Cervantes

Adi Cisneros

Nick Eidemiller

Christina Escobar (incumbent)

Alli Harrod

Phillip Horlings

Rochelle Knapp

Julie Anne Maravillas

Rebecca Joynt

Juanita Martinez

Sandra Smith (incumbent)

Sarah Smith

Jonathan Spencer (incumbent)

Marisa Spong

Tobin Streamland

Helen Tseng

**Parks & Recreation Advisory Committee**

5 vacancies – 6 applicants: 2-year regular terms expiring June 30, 2005

Robert Gibson (incumbent)	David Steaffens
Robert Nash	Danna Stroud (incumbent)
Mike Ojeda, Jr. (incumbent)	Greig Welch (incumbent)

**Citizens Airport Advisory Committee**

1 vacancy – 2 applicants: Appointment of alternate member to complete unexpired regular term ending October 31, 2004

Stan Levanduski  
James L. McCall

It was the consensus of Council to set Wednesday, July 9, 2003, at 7:00 PM for conducting interviews and making appointments to the Youth Commission. Motion passed by unanimous voice vote.

It was the consensus of Council to set Wednesday, July 23, 2003, at 7:00 PM for conducting interviews and making appointments to the Library Board of Trustees, Parks & Recreation Committee and Citizens Airport Advisory Committee. Motion passed by unanimous voice vote.

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION** – None

**AD HOC COUNCIL BUSINESS** – None

**COUNCIL COMMENTS**

**PUBLIC COMMENT ON CLOSED SESSION** - None

*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 10:51 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 11:35 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 items, and there was no reportable action.*

*By unanimous voice vote, Council moved to adjourn from regular session at 11:40 PM.*

**ADJOURNMENT:** to THE GENERAL PLAN WORKSHOP AT 7:00 PM ON TUESDAY JUNE 24, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; TO THE SHERWOOD PARK MASTER PLAN MEETING AT 7:00 PM ON THURSDAY, JUNE 26, 2003, AT THE SENIOR CENTER, 270 SCOTT STREET; TO MIDSUMMER MAGIC EVENT ON SATURDAY, JUNE 28, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JULY 1, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: August 5, 2003