

CITY COUNCIL MINUTES
Tuesday, July 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, Gary Nemeth, Duane Picanco and Mayor Frank Mecham

PUBLIC COMMENTS

- Kathy Barnett expressed concerns regarding the Transit Occupancy Tax (TOT) and asked that members from the public be invited to participate in future discussions on this subject.
- Leslee Smiley expressed opposition to the City acquiring for public purposes that portion of Walnut Drive between Union Road and Renate, and submitted a petition from other residents in the Orchard Bungalow District supporting this same view.
- Also speaking in support for keeping Walnut Drive as a private road, allowing the road to remain gated, were Gordon Arnold, Thomas Hardwick, Joye Naley, Robin Brown, Jim Harrell, Sherry Payne, Robert Pettit, Janice Callari, and Ken Engelbach.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App informed Council that Agenda Item No. 12 is being recommended for continuance to July 15, 2003.

PRESENTATIONS - None

PUBLIC HEARINGS

1. 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. Waterford Court is not necessary for public circulation. The Planning Commission has recommended approval of the abandonment request.) CONTINUED FROM 6/17/03

Mayor Mecham opened the public hearing. Speaking from the public was Dick Willhoit (applicant). There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 03-121 to abandon Waterford Court, a 50-foot right-of-way, but retain a public services easement for water, sanitary sewer, and public services as shown on the Exhibit "A".

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. 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.

Consent Calendar Items No. 2 to 6 and 8 to 9.1 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Item No. 7 being pulled for discussion and with Councilmember Picanco abstaining on Warrant Register Items No. 041129, 041130, 041160 and 041176.

2. Approve Warrant Registers: Nos. 41041 – 41166 (6/13/02) and 41167 – 41299 (6/20/03)

M. Compton, Administrative Services Director

3. Receive and file Advisory Body Committee minutes as follows:

Parks & Recreation Advisory Committee meeting of May 13, 2003
Senior Citizen Advisory Committee meeting of May 12, 2003

4. Proclamation – National Aquatic Week – July 13 - 19, 2003
F. Mecham, Mayor
5. Adopt Resolution No. 03-122 approving a one-time fiscal year 2004 budget appropriation in the amount of \$25,000 from the General Fund, as well as offsetting revenue budget adjustment. (In December 2002, the Council authorized the Emergency Services Department to proceed with a grant request to develop a City Emergency Operations Plan [EOP]. The grant application was successful and was awarded in May 2003. Authorization to spend grant monies for professional services and ancillary needs is required to complete the EOP.)
K. Johnson, Emergency Services Chief
6. Adopt Resolution No. 03-123 awarding a contract to low bidder Brinar Construction in the amount of \$28,237.50 to perform the City's Annual Sidewalk Replacement Project, DPW No. 03-02. (Bids for this project were solicited and two bids were received on at the Bid Opening on June 5, ranging from a low bid of \$28,237.50 to a high bid of \$44,835. Staff reviewed the low bid submitted by Brinar Construction and finds it to be a responsive bid.)
J. Deakin, Public Works Director
8. Extend the duration of the ad hoc committee comprised of Mayor Mecham and Councilmember Finigan to review and revise advisory committee bylaws to December 31, 2003.
J. App, City Manager
9. Discontinue the ad hoc committee comprised of Mayor Mecham and Councilmember Nemeth to review indemnification clauses in City Contracts.
J. App, City Manager
- 9.1 Read, by title only, and adopt Ordinance No. 862 N.S. amending the Municipal Code to amend the Zoning Map established by reference in Section 21.12.020 of the Zoning Code (Title 21) Zone Change 03-003 Palazzo Project – 102 South Vine Street; and set July 1, 2003, as the date for adoption of said Ordinance. (This Ordinance establishes Resort/Lodging Overlay zoning over the existing Office Professional zoned site, in relation to the Palazzo Hotel project. Applicant: South Valley Developers, Inc.)
FIRST READING JUNE 17, 2003
R. Lata, Community Development Director

Consent items pulled for discussion:

7. Receive and file the Settlement Agreement for Cannon Associates and Mutual Release of Claims. (Case No. CV030362, Cannon Associates v. City of Paso Robles, re Chandler Ranch Area Specific Plan.)
R. Lata, Community Development Director

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.

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to receive and file the Settlement Agreement for Cannon Associates and Mutual Release of Claims.

Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

10. Traffic Control on South River Road at Navajo Avenue

J. Deakin, Public Works Director

Consider installation of stop signs on South River Road at Navajo Avenue. (The Streets and Utilities Committee recommends a temporary all-way stop at this intersection. The stop sign will be replaced with a signal upon development of Tract 2422.)

Mayor Mecham opened the public hearing. Speaking from the public was Lloyd Needham. 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 adopt Resolution No. 03-124 approving temporary stop controls on South River Road at Navajo Avenue, to be used until a stoplight is installed.

Motion passed by the following unanimous roll call vote:

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

11. Modification of Standard Street Improvements – Tract 2422 (Harrod Builders)

R. Lata, Community Development Director

Consider approval of a modification to the City Standard Details and Specifications for the construction of arterial roads and to the Conditions of Approval of Tract 2422 for the design of South River Road. (Tract is located at the site of the old meat plant, on the west side of South River Road, north of Niblick Road, and directly north of the Albertson's Shopping Center. In addition to providing a completely reconstructed new road, the proposed design provides for an improved vertical alignment.)

Mayor Mecham opened the public hearing. Speaking from the public were Larry Werner (North Coast Engineering), Kathy Barnett and 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 Nemeth, moved to adopt Resolution No. 03-125 approving the request to delete the "pull-out section" and accept Exhibit "A" to modify Exhibits "F" and "G" as adopted by the Planning Commission at their meeting of May 14, 2002.

Motion passed by the following roll call vote:

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

12. Rescind Approval of Parcel Map PR 01-266 (Porter)

R. Lata, Community Development Director

Consider rescinding Final Map approval of Parcel Map PR 01-266 (Porter). (Property is a 3-lot subdivision located on the east side of Golden Hill Road, north of Rolling Hills Road and south of Gilead Lane. The County Recorder rejected recordation of the map due to failure to receive proper guarantee of title to the land within the 10-day period required by the Subdivision Map Act. Per State Code, the only options open to the City are to rescind the map or continue consideration for one meeting.)

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 continue discussion of this matter to July 15, 2003.

Motion passed by the following unanimous roll call vote:

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

13. Airport Site Improvements Request - Lilly

J. Deakin, Public Works Director

Consider a request from Airport Rental and Leasing (Kim Lilly) to share relocation costs of a City-owned electrical panel in the Airport Industrial Park. (The development underway is visibly located at the south end of currently developed land on Airport Road. The electrical panel proposed for relocation is located in the public right-of-way south of the development and serves electrical power to the aircraft parking apron approximately 700 feet away.)

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 Finigan, seconded by Councilmember Heggarty, moved to have staff return this item to Council at a future date with a plan to replace the temporary electrical panel with a permanent, smaller panel, incorporating a landscaping plan to enhance and camouflage the appearance of the unit.

Motion passed by the following unanimous roll call vote:

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

14. Reimbursement Agreement for Traffic Signal Upgrades

J. Deakin, Public Works Director

Consider approving a Reimbursement Agreement for traffic signal upgrades at the intersection of Creston and Niblick/Sherwood Roads. (East Village Associates is developing a shopping center at the northwest corner of Creston and Niblick/Sherwood Road: Food 4 Less. As part of the project, one of four signal controls at this corner will be upgraded. To maintain a consistent standard, and to take full use of the improved controls being installed by East Village, the City will need to upgrade the other three traffic controls with video detection and State Standard Internally Illuminated Street Name Signs.

Mayor Mecham opened the public hearing. Speaking from the public was Steve Meisner (East Village Associates). 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. 03-126: (1) authorizing the allocation of \$36,500 from the Traffic Mitigation Fee Fund to Budget Account No. 214-910-5452-452; and (2) directing the Mayor to sign the attached Reimbursement Agreement between the City and East Village Associates.

Motion passed by the following unanimous roll call vote:

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

15. Barney Schwartz Park Fee Analysis

B. Partridge, Library and Recreation Services Director

Review Barney Schwartz Park (BSP) user fees. (In February 2002, Council adopted a user fee schedule for the BSP for sports tournaments, league play [City and independent], facility rentals [including pavilions], and concession operations, and directed a review of the fee structure after one year's operation.)

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett and Mike Menath. 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 receive and file the report on Barney Schwartz Park user fees and requested staff to return to Council in six months and again in one and one-half years, providing with statistics on sales tax revenues from Park operations.

Motion passed by the following unanimous roll call vote:

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

16. Project Design & Construction Management Services - Airport Construction Project

J. Deakin, Public Works Director

Consider approving an Agreement with Tartaglia Engineering for various Airport infrastructure design and construction management services. (The Four-Year Capital Improvement Plan [CIP] was approved by Council in June 2003 and included five Airport Improvement Projects. Grant funding from the Federal Aviation Administration [FAA] remains at 90% of project costs. The FAA requires airport owners to complete the project design before applying for the project grant.)

Mayor Mecham opened the public hearing. Speaking from the public was Chuck Miller. 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. 03-127 directing the City Manager to enter a Professional Services Agreement with Tartaglia Engineering to provide design and construction management services for projects in the Airport Capital Improvement Plan (ACIP), and authorizing a notice-to-proceed with Tartaglia Engineering for the Phase I work not-to-exceed \$67,200.

Councilmember Heggarty suggested that staff return to Council at a future date with estimates for resurfacing the Airport automobile parking lot.

Motion passed by the following unanimous roll call vote:

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

17. Purchasing and Payment Procedures Manual

M. Compton, Administrative Services Director

Consider approval of updated Purchasing and Payment Procedures Manual. (The purchasing payment and procedures manual that implemented Title 6 of the Municipal Code was added in March 1995 and updated in August 2001. Another review of the manual has been made by staff and certain recommendations for improving and updating procedures are being proposed.)

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. 03-128 approving updated Purchasing and Payment Procedures Manual.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER

18. Schedule Date for Applicant Interviews/Appointments – Senior Citizen Advisory Committee

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on, and/or make appointments to, the Senior Citizens Advisory Committee.

4 vacancies: 3 regular and 1 alternate 2-year terms expiring June 30, 2005

3 applicants:

Dolly Bader (incumbent)
Edna De Bardelaben (incumbent)
Helen Dutra (incumbent)

By unanimous voice vote, Council appointed incumbents Dolly Bader, Edna DeBardelaben, and Helen Dutra to fill vacancies on the Senior Citizen Advisory Committee for 2-year regular terms expiring June 30, 2005. Council also directed that the expired alternate position would remain vacant until the end of the year when committee by-laws will be reviewed. Motion passed by unanimous voice.

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION – None

AD HOC COUNCIL BUSINESS – None

COUNCIL COMMENTS - None

PUBLIC COMMENT ON CLOSED SESSION - None

City Manager Jim App 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 9:12 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 11:44 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Ueda 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 11:45 PM.

ADJOURNMENT: to THE NORTHCROSS, HILL & ACH DINNER EVENT AT 6:00 PM ON WEDNESDAY, JULY 2, 2003, AT BISTRO LAURENT, 1202 PINE STREET, PASO ROBLES; TO THE ADVISORY BODY INTERVIEWS/APPOINTMENTS FOR YOUTH COMMISSION AT 7:00 PM ON WEDNESDAY, JULY 9, 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 15, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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