

CITY COUNCIL MINUTES
Tuesday, July 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 - None

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS - None

PUBLIC HEARINGS

1. Code Amendment 03-003: Residential Density Bonuses

R. Lata, Community Development Director

Consider a draft ordinance to amend the Zoning Code establishing regulations for residential density bonuses consistent with state requirements. (The California Government Code requires local governments to grant density bonuses and other incentives for housing projects that are affordable to moderate-, low-, and very low-income households. At its meeting of June 10, 2003, the Planning Commission conducted a public hearing and unanimously recommended that the Council approve the draft ordinance.)

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 hearing was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to (1) adopt Resolution No. 03-129 approving a Negative Declaration for Code Amendment 03-003, directing staff to make a change to the Initial Study to reflect the degree of impact on transportation systems as *less than significant*.

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 Picanco, moved to introduce for first reading Ordinance No. XXX N.S. amending the Zoning Code to establish regulations for Residential Density Bonuses, and set August 5, 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

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 and 4 to 13 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty, with Item No. 3 being pulled for discussion and with Councilmember Picanco abstaining on Warrant Register Item No. 041373.

2. Approve City Council minutes of July 1, 2003.

D. Fansler, City Clerk

4. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meeting of May 22, 2003
Housing Authority meeting of June 10, 2003
Library Board meeting of May 8, 2003
5. Adopt Resolution No. 03-130 declaring certain City property as surplus and approving the method of disposal. (A temporary structure was used to house a ladder truck at Fire Station No. 1 prior to relocating to the new Public Safety Center. The City has no further use for the temporary structure and once declared surplus will proceed with a sealed bid sale to dispose of the property.)
K. Johnson, Emergency Services Chief
6. Adopt Resolution No. 03-131 accepting negotiated exchange of property tax revenue and annual tax increment between the County of San Luis Obispo and the City – Annexation No. 84 (McKinley). (Subject property is approximately two acres, located west of Vine Street and northwest of the current City boundaries. Based on the residential zoning of the property, under the terms of a proposed agreement there would be no shift of the current tax base and the City would receive approximately 11% of the future property tax increment.)
R. Lata, Community Development Director
7. Adopt Resolution No. 03-132 accepting the Offer of Dedication for road purposes at the northwest corner of 14th and Spring Streets. (Eugene and Wonja Keem have been granted a Conditional Use Permit [CUP] for the operation of a coffee kiosk at the subject location. As a condition of approval of the CUP, the Planning Commission has required the dedication of a triangular portion of land to accommodate the construction of a new sidewalk for the business.) R. Lata, Community Development Director
8. Adopt Resolution No. 03-133 allowing issuance of Certificates of Occupancy as the result of completion of public improvements in Tract 2369-1A (Fallingstar Homes). (Property is located on Kleck Road and Montebello Oaks Drive, north of Union Road. The public improvements, which the developer was required to install for this subdivision, have been completed.)
R. Lata, Community Development Director
9. Adopt Resolution No. 03-134 accepting an Easement Grant Deed for a drainage easement on property known as Lot 20 of Tract 1832. (Property is a 10-foot wide strip of land located on Fieldstone Circle, north of Larkfield Place. North County Partners II, LLC are the developers of Tract 1632-10. They have provided the Easement Grant Deed to convey storm water runoff from certain lots in Tract 1632-10 to Fieldstone Circle.)
R. Lata, Community Development Director
10. Adopt Resolution No. 03-135 accepting an Offer of Dedication for a 30-foot wide slope and drainage easement. (Andrew Fetyko is constructing a single-family residence at 2487 Starling Drive. As a condition of occupancy, the City has requested the dedication of the subject property for slope maintenance and drainage purposes.)
R. Lata, Community Development Director
11. Adopt Resolution No. 03-136 approving the Disadvantaged Business Enterprise (DBE) Program; and authorize staff to publish the resolution to solicit comments from the public, forward the signed DBE Program to the State Department of Transportation (Caltrans), and implement the program once it has been approved. (Local agencies that receive Federal Aid Grants are required to establish a DBE Program. Caltrans has reviewed the City's updated Program and has authorized the City to begin the public participation period.)
J. Deakin, Public Works Director

12. Approve a Special Events request from the North County Cloud Clippers (a local radio-controlled model aircraft club) to utilize a portion of the Municipal Airport for a radio-controlled model aircraft show on September 13, 2003. (The Airport hosts a number of aviation fly-ins and special events each year as part of its on-going promotional effort. The Airport Advisory Committee reviewed the request from the Cloud Clippers at their June 26th meeting and gave their unanimous support.)
J. Deakin, Public Works Director

13. Adopt Resolution No. 03-137 awarding a contract to low-bidder Moreno Striping in the amount of \$16,441 to perform the Annual Street Striping Project, DPW No. 03-05. (Bids for this project were solicited and five bids were received at the Bid Opening on June 19, ranging from a low bid of \$16,441 to a high bid of \$478,214.80. The low bid submitted by Moreno Striping is a responsive bid.)
J. Deakin, Public Works Director

Consent item pulled for discussion:

3. Approve Warrant Registers: Nos. 41300 – 41414 (6/27/03) and 41415 – 41567 (7/3/03)
M. Compton, Administrative Services 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 Finigan, moved to approve Consent Item No. 3.

Motion passed by the following unanimous roll call vote:

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

PUBLIC DISCUSSION

Mayor Mecham stepped down from the dais and abstained from voting on Item No. 14 due to a conflict of interest, his personal residence being on this street.

Mayor Pro Tempore Heggarty assumed the Chair and presided.

14. **Traffic Controls on 15th Street**
J. Deakin, Public Works Director

Consider traffic controls (stop signs, edge lines, signage and crosswalk) on 15th Street, west of Vine Street to the City limits. (Concerned citizens have requested traffic controls on 15th Street. After consideration of the citizens' requests, the Streets and Utilities Committee is recommending controls, as conditions appear to pose a potential risk to motorists, pedestrians and animals.)

Mayor Mecham opened the public hearing. Speaking from the public were Mike Menath, Paul Lopez, and **Rene Meznarich**. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-138 approving placement of stop signs on 15th Street at the intersections of Filbert Street and Chestnut Street; edge lines from Vine Street to the City limits; a crosswalk on 15th Street at Chestnut Street, two 25 mph speed limit signs (locations to be determined by staff and two "Children at Play" signs (locations to be determined by staff).

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.

15. Setting Tax Rate for General Obligation Bond Debt Service

M. Compton, Administrative Services Director

Consider annual re-establishment of the citizen-approved Measure D-98 ad valorem tax rate for general obligation bond debt service. (In June 1998, Paso Robles voters authorized the sale of \$38 million in general obligation bonds. Annual debt service requirements for these bonds are funded from the levy of an ad valorem property tax. The tax rate must be re-set annually by the Council.)

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. 03-139 setting an ad valorem tax rate beginning July 1, 2003, to pay debt service on the general obligation bonds.

Motion passed by the following unanimous roll call vote:

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

Making conflict of interest declarations, Mayor Mecham and Councilmember Picanco stepped down from the dais and abstained from voting on Item No. 16, both having business associations with Paso Robles Roll Off, Inc.

Mayor Pro Tempore Heggarty assumed the Chair and presided.

16. Paso Robles Roll Off – Franchise Renewal

M. Compton, Administrative Services Director

Consider a franchise agreement with Paso Robles Roll Off (PRRO), and rate increase for roll off services. (Council approved an exclusive franchise agreement with PRRO in November 1993; the agreement expires August 31, 2003. Roll off rates have not been adjusted since first adopted ten years ago. PRRO is requesting a \$7 increase from \$105 to \$112 in the transportation portion of the rate to cover increased equipment and fuel costs.)

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

Deputy City Attorney Jon Seitz requested that the agreement be further revised to reflect legal concerns.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 03-140 giving conditional approval for a ten year franchise agreement subject to approval by the City Attorney's Office, and authorizing the Mayor to sign the agreement.

Motion passed by the following roll call vote:

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

Mayor Mecham and Councilmember Picanco were reseated at the dais.

17. Annual Street Maintenance – Remaining Budget

J. Deakin, Public Works Director

Consider a recommendation from the Streets and Utilities Committee regarding allocation of the \$95,000 remaining budget in the Annual Street Maintenance project. (The Committee considered several options for allocating the balance of funds, including the addition of paving projects, addressing various non-paving street-related projects, or carrying the balance forward to next fiscal year.)

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 Nemeth, seconded by Picanco, moved to adopt Resolution No. 03-141 appropriating the remaining \$95,000 from the 2003 Street Maintenance Budget to design and construct twelve (12) handicap ramps: six (6) downtown and six (6) at other locations in the City and four (4) additional speed humps at Rambouillet Road and three (3) at Nicklaus Drive. Council directed staff to review the City speed bump standards and report their results to the Streets & Utilities Committee.

Motion passed by the following unanimous roll call vote:

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

18. Refinance 1993 Capital Facilities Certificates of Participation

M. Compton, Administrative Services Director

Consider refinancing the 1993 Capital Facilities Certificates of Participation. (In 1988, Council authorized the sale of \$3,680,000 Certificates of Participation [COP] for the construction of Centennial Park. In 1993, Council authorized refinancing of the outstanding principal balance of the Centennial Park COP and the issuance of \$4,700,000 in new COP for the construction of the City Hall/Library. Since interest rates are at record lows, opportunities to refinance the 1993 COP are recommended.)

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 Heggarty, seconded by Councilmember Finigan, moved to direct staff to pursue Scenario B to refund the 1993 Capital Facilities Certificate of Participation, so long as projected savings are at least \$425,000 over the term of the refinancing.

Motion passed by the following unanimous roll call vote:

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

19. Sewer Plant Improvement Project – Construction Management

J. Deakin, Public Works Director

Consider expanding the existing contract with Carollo Engineers to include construction engineering services for the solids handling facilities upgrade at the Wastewater Treatment Plant. (Carollo Engineers designed and prepared construction documents for a belt filter press sludge dewatering system, a digester, and other improvements at the City's Wastewater Treatment Facility. The current proposal is to provide construction management and engineering services to oversee the \$3.8 million construction project awarded to Kirkwood-Bly in June 2003.)

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 adopt Resolution No. 03-142 authorizing the City Manager to expand the contract with Carollo Engineers to include construction engineering services for the Solids Handling Facilities Project in the amount of \$290,277.

Motion passed by the following unanimous roll call vote:

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

20. San Luis Ambulance Service, Inc. Lease Agreement

K. Johnson, Chief of Emergency Services

Consider a lease agreement with San Luis Ambulance Service, enabling them to operate out of the Public Safety Center. (Co-locating with San Luis Ambulance Service assures ambulance response from a preferred geographic location, fosters greater cooperation between City and the ambulance paramedics, and provides increased joint training opportunities.)

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 Heggarty, seconded by Councilmember Picanco, moved to authorize the City Manager to execute the lease for San Luis Ambulance Service, Inc. to operate its main unit out of the Public Safety Center and a limited-duty unit out of Fire Station No. 2.

Motion passed by the following unanimous roll call vote:

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

21. Appointment of California Joint Powers Insurance Authority Board Members

M. Compton, Administrative Services Director

Designate a voting delegate and alternates to the California Joint Powers Insurance Authority (CJPIA) Board. (Paso Robles' membership in CJPIA was approved effective July 1, 2003. To complete the membership process, Council must designate one of their members as a voting delegate and one or more staff persons as alternate voting delegates.)

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 appoint Councilmember Picanco as the California Joint Powers Insurance Authority voting delegate and Michael Compton, Director of Administrative Services, as an alternate voting delegate.

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

22. Fee Study (Cost of Services) - Appointment of Ad Hoc Committee

M. Compton, Administrative Services Director

Consider forming an ad hoc committee to assist in the selection of outside expertise for a fee study.

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

It was the unanimous consensus of Council to appoint Councilmembers Finigan and Heggarty to an ad hoc committee to assist with the evaluation and selection of outside expertise to prepare a City-wide fee study, reporting back to Council by September 30, 2003.

23. Landscape and Lighting District - Appointment of Ad Hoc Committee

J. Deakin, Public Works Director

Consider forming an ad hoc committee to work with staff to develop a service improvement, public education and outreach program for the Landscape and Lighting.

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

By unanimous voice vote, Council appointed Councilmembers Nemeth and Picanco to an ad hoc committee to work with staff to develop a service improvement, public education and outreach program for the Landscape and Lighting District, reporting back to Council by December 2, 2003.

Motion passed.

COUNCIL COMMENTS

- Councilmember Finigan asked staff to investigate the cost of providing signalization improvements on 13th Street using video-type equipment to alleviate traffic congestion prior to completion of the 13th Street Bridge project.

PUBLIC COMMENT ON CLOSED SESSION - None

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 9:05 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 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 11:45 PM.

ADJOURNMENT: to THE LEAGUE OF CALIFORNIA CITIES MAYORS & COUNCILMEMBERS EXECUTIVE FORUM, JULY 16-19, 2003, AT THE MONTEREY CONFERENCE CENTER IN MONTEREY, CALIFORNIA; AND TO THE INTERVIEWS/APPOINTMENTS FOR THE LIBRARY BOARD, PARKS & RECREATION ADVISORY COMMITTEE AND THE AIRPORT ADVISORY COMMITTEE, AT 7:00 PM ON WEDNESDAY, JULY 23, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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