

**CITY COUNCIL MINUTES**  
**Tuesday, September 16, 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, Gary Nemeth, Duane Picanco and Mayor Frank Mecham. Absent: Councilmember Jim Heggarty

**PUBLIC COMMENTS**

- Chris Iverson expressed concerns that recent newspaper articles did not mention Paso Robles as an alternate airport for air service requiring longer runways. He encouraged Council to promote the City's Municipal Airport with the Council of Governments as a possible location for future commuter service.
- Chuck Miller spoke about future services at the Municipal Airport and encouraged Council to align themselves with other cities to bring airport services to Paso Robles.

- Dale Gustin queried whether airport service expansion or loop road issues will be discussed at future public workshops regarding the General Plan.

**AGENDA ITEMS TO BE DEFERRED)**

City Manager Jim App advised Council that Agenda Items No. 1 and 2 are being recommended for continuance and Item No. 3 for postponement.

**PRESENTATIONS**

*Mayor Mecham welcomed four firefighters to the City’s Department of Emergency Services: New Firefighters Garrett Hugg, David Parker, and Jeffrey Simpson; and returning Firefighter John Prickett. A Badge Ceremony was held in Chambers prior to tonight’s meeting, with Chief Ken Johnson presenting badges and Mayor Mecham administering the Firemen’s Oath.*

**PUBLIC HEARINGS**

1. Continue Hearing – Specific Plan Amendment 03-004 (Borkey Area Specific Plan Fee Update for Sub-area “B”)  
R. Lata, Community Development Director

Consider continuing the public hearing for Specific Plan Amendment 03-004 proposing a Fee Update for Sub-area “B” of the Borkey Area Specific Plan. (This sub-area includes properties located generally west of Buena Vista Drive, north of Experimental Station Road, and east of North River Road. Additional time is needed to evaluate and refine the proposed Amendment and to meet with the applicants.) CONTINUED FROM SEPTEMBER 2, 2003

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 next regular meeting on October 7, 2003.

Motion passed by the following roll call vote:

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

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**2. Continue Hearing - Rezone 03-002: Zone Change for 935 Creston Road (Bernard)**

R. Lata, Community Development Director

Consider continuing the public hearing for Rezone 03-002 proposing a zone change of the approximate one-acre property located at 935 Creston Road to bring the zoning into conformity with its General Plan land use designation of RMF-L (Residential Multiple Family – Low, up to 8 units/acre). (Property is situated generally to the west of Orchard Drive. Applicant Nanci Bernard is seeking to change the present zoning of R1 [Single-family Residential] to R2 PD [Duplex/Triplex Planned Development].) CONTINUED FROM AUGUST 5 & SEPTEMBER 2, 2003

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 next regular meeting on October 7, 2003.

Motion passed by the following roll call vote:

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

**3. Table Discussion - Union/46 Specific Plan Amendment 03-003 – Proposal to Eliminate Planned Connection of Street "A" to North River Road (Arciero)**

R. Lata, Community Development Director

Consider tabling consideration of applicant's request to amend the Union/46 Specific Plan to eliminate the planned connection of "A" Street to North River Road until such time as the Planning Commission has issued its recommendation. (The Union/46 Specific Plan covers properties located south of Highway 46 East, west of Prospect Avenue, north of Union Road, and east of North River Road.)

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 hearing was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to postpone consideration of applicant's request for the Union/46 Specific Plan to be amended to eliminate the planned connection of "A" Street to North River Road until such time as the Planning Commission has issued its recommendation.

Motion passed by the following roll call vote:

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

**4. Street Abandonment 03-002 (Wyatt) – Portion of 12th Street at Paso Robles Street**

R. Lata, Community Development Director

Consider abandoning an unimproved 80-foot wide portion of 12th Street right-of-way between Paso Robles Street and State Highway 101. (Applicant Gregg Wyatt is requesting abandonment to eliminate requirement for street improvements on this portion of 12th Street as conditioned by the Planning Commission in their approval of Conditional Use Permit 02-001 and to provide parking for his building on Paso Robles Street. The Planning Commission is recommending approval of the proposed street abandonment.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt an amended version of Resolution of Intent No. 03-170 to abandon a portion of 12th Street between Paso Robles Street and State Highway 101 as shown on Exhibit A; and setting October 21, 2003, in the Paso Robles City Hall, 1000 Spring Street, for the public hearing for all persons interested or having objection to the proposed closing, modifying the wording of the resolution to make the finding as required in Streets and Highway's Code § 8324.

Motion passed by the following roll call vote:

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

**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 – 12 and 15 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Picanco, with the exception of Items No. 13 and 14 being pulled for discussion.

5. Approve City Council minutes of September 2, 2003.  
D. Fansler, City Clerk
6. Approve Warrant Registers: Nos. 42535 – 42688 (8/29/03) and 42687 – 42800 (9/5/03)  
M. Compton, Administrative Services Director
7. Receive and file Advisory Body Committee minutes as follows:  
Pioneer Museum Board meeting of July 10, 2003
8. Proclamation – Paso Robles Vitners and Growers Association – 10-year Anniversary  
F. Mecham, Mayor

9. Adopt Resolution No. 03-171 authorizing City Manager to execute an agreement with low-bidder TPG Consulting to prepare construction plans, specifications, a cost estimate and "as-built" plans for the LED-Lighted Crosswalk System to be installed at the intersection of 24th and Oak Streets for a not-to-exceed cost of \$6,100. (Request for Proposals was sent to 11 engineering firms and 4 proposals were received. TPC's proposal demonstrates that they have a complete understanding of the design project and satisfactory experience involving installation of lights for similar projects.)  
R. Lata, Community Development Director
  
10. Adopt Resolution No. 03-172 as amended awarding a contract to low-bidder R. Burke Corporation in the amount of \$19,540 to install speed undulations at Rambouillet Road and Nicklaus Drive. (Bids for this project were solicited and three bids were received at the Bid Opening August 29, 2003, ranging from a low bid of \$19,540 to a high bid of \$29,930. Staff reviewed the low bid submitted by R. Burke Corporation and finds it to be a responsive bid.)  
J. Deakin, Public Works Director  
  
Prior to the meeting, City Counsel recommended that the resolution be amended to include language that the City considered CEQA (California Environmental Quality Act) and that the installation of speed undulations is not a project for purposes of CEQA analysis.
  
11. Adopt Resolution No. 03-173 awarding a contract to low-bidder Brinar Construction in the amount of \$33,000 to install seven handicap ramps in the Downtown Business District. (Bids for this project were solicited and three bids were received at the Bid Opening August 29, 2003, ranging from a low bid of \$33,000 to a high bid of \$41,100. Staff reviewed the low bid submitted by Brinar Construction and finds it to be a responsive bid.)  
J. Deakin, Public Works Director
  
12. Adopt Resolution No. 03-174 supporting a grant application of \$27,725 for Airport Improvement Project funding from the California Department of Transportation (CalTrans). (In December 2002, Council approved the 2003 Airport Capital Improvement Program [CIP] with the understanding that the projects would receive 90% Federal Aviation Administration [FAA] grant funding before being executed. The 90% funding has now been approved and CalTrans is offering the opportunity for an additional 5% grant funding.)  
J. Deakin, Public Works Director
  
15. Adopt Resolution No. 03-177 authorizing the City Manager to enter an agreement with Cleath & Associates in the amount of \$17,330 to assist staff in siting and locating a new water well. (The Capital Improvement Plan adopted by Council included the need to install a new water well for fiscal year 2003/04. Proposals were solicited from three hydrogeologic firms. After review of all proposals, it is recommended that the City engage the services of Cleath & Associates.)  
J. Deakin, Public Works Director

**CONSENT ITEMS PULLED FOR DISCUSSION:**

13. Adopt Resolution No. 03-175 (1) authorizing the City Manager to execute a wellhead design contract with Boyle Engineering; and (2) appropriating an additional \$150,000 to Budget Account No. 220-910-5452-321 from the Water Enterprise Fund to complete the design and installation of well head equipment for the new well. (Request for Proposals [RFP] was issued to design a wellhead for the newly drilled well at the Municipal Airport. The RFP was sent to 13 firms; 2 responded. As Boyle Engineering has been working with the City's Water Distribution System, in addition to having the appropriate experience and technical ability to perform the work, they are able to provide a cost effective design service.)  
J. Deakin, Public Works Director

14. Adopt Resolution No. 03-176 authorizing the City Manager to engage the services of Associated Transportation Engineers to prepare construction documents to re-stripe, reconfigure and rehabilitate Niblick Road from River Road to Creston Road for the amount of \$82,200 and in accordance with the Scope of Work and Fee Proposal. (The City delayed the re-striping of Niblick Road to four lanes when the School District expressed concerns for High School traffic areas and pedestrian safety. On July 28th, the Paso Robles Unified School District Board of Trustees sent notice to the City of their support for the project as outlined in the staff report.)

J. Deakin, Public Works 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.

Prior to the meeting, City Counsel recommended that the resolution to Agenda Item No. 14 be amended to indicate that the City considered CEQA and has determined that the project is exempt pursuant to CEQA Guideline § 15282(k).

Councilmember Nemeth, seconded by Councilmember Finigan, moved to approve Consent Items No. 13 and 14.

Motion passed by the following roll call vote:

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

## **PUBLIC DISCUSSION**

### **16. Oak Tree Removal**

J. Deakin, Public Works Director

Consider removing a 34-inch Valley Oak tree on the west side of South River Road, between Creston Road and Niblick Road near the Navajo Drive intersection on City property. (The arborist report clearly states that this oak tree is dead, without any possibility of reclamation.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Mike Menath and Kathy Barnett. 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 authorize the issuance of a permit to remove a dead oak tree on the west side of South River Road near the intersection of Navajo Drive.

Motion passed by the following roll call vote:

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

**17. Development Impact Fees - Clarification**

M. Compton, Administrative Services Director

Consider clarifying development impact fee implementation issues. (Council adopted new non-utility development impact fees in March 2003. An implementation issue not anticipated during initial consideration of the fees has been encountered by staff and requires clarification by 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 Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 03-178 clarifying implementation issues relating to Bridge Certificates.

Motion passed by the following roll call vote:

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

**18. Contract Award to Rehabilitate the Barney Schwartz Park Irrigation Well**

J. Deakin, Public Works Director

Consider appropriating \$90,000 for conversion and rehabilitation of the Barney Schwartz Park (BSP) irrigation well to domestic use. (The Department of Health Services has approved amending the City's Drinking Water Permit to include the BSP well for domestic use. The conversion project will augment the City's water supply by approximately 950,000 gallons per day.)

Utilities Manager Fred Cardenas introduced Justin Ezell from the City's Water Division, who is responsible for all water production in the City and was instrumental in putting the BSP irrigation well project together.

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett and Chuck Medendelson. 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. 03-179 authorizing a one-time appropriation of \$90,000 from Water Enterprise Fund reserves to Budget Account No. 600-910-5452-493 to convert the Barney Schwartz Park well for domestic use.

Motion passed by the following roll call vote:

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

**19. Self-Contained Breathing Apparatus Replacement**

K. Johnson, Chief of Emergency Services

Consider approving the purchase of replacement self-contained breathing apparatus (SCBA) units and providing budget appropriation. (A General Fund budget request was approved to begin replacing SCBA's over an extended period. The opportunity now exists to save on SCBA pricing by "piggybacking" with the City of Atascadero in a larger purchase, which would require an additional appropriation in the current fiscal year.)

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. 03-180 approving the purchase of SCBA's and associated equipment and authorizing a one-time budget appropriation of \$15,800.

Motion passed by the following roll call vote:

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

**20. Short-Range Transit Plan — Status Report**

M. Compton, Administrative Services Director

Presentation of progress towards implementation of Short-Range Transit Plan (SRTP) recommendations. (The SRTP is a 5-year plan to guide public agencies with their transit operations and the use of Transportation Development Act [TDA] funds. When the SRTP was presented to Council in September 2001, several recommendations were made. This presentation outlines progress towards implementation of those recommendations.)

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 Finigan, seconded by Councilmember Picanco, moved to receive and file.

Motion passed by the following roll call vote:

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

**CITY MANAGER** - None

**CORRESPONDENCE** – None



**ADVISORY BODY COMMUNICATION – None**

**AD HOC COUNCIL BUSINESS**

**21. Budget Carryover Requests – Formation of Ad Hoc Committee**

M. Compton, Director of Administrative Services

Consider appointing an ad hoc committee to review annual budget carry-over requests. (Carry-over requests for unspent budget appropriations for the prior fiscal year require approval of 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.

There was a general consensus of Council to appoint Councilmembers Nemeth and Picanco to an ad hoc committee to review annual budget carry-over requests (carry-over requests for unspent budget appropriations for the prior fiscal year require approval of the Council), reporting back to Council by October 14, 2003.

**COUNCIL COMMENTS**

- Councilmember Nemeth suggested that present maintenance personnel at the Municipal Airport be supplemented on a part-time basis with personnel from other City maintenance departments to assist in general maintenance, as well as completion of unfinished landscape issues.
- Mayor Mecham expressed approval of suggestions made earlier in the meeting to collaborate with neighbor cities on matters that concern the North County.

**PUBLIC COMMENT ON CLOSED SESSION – None**

*Deputy City Attorney Mike 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 8:45 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 10:43 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 10:45 PM.*

**ADJOURNMENT:** to THE JOINT PLANNING COMMISSION & CITY COUNCIL PUBLIC WORKSHOP ON THE GENERAL PLAN ENVIRONMENTAL IMPACT REPORT AT 7:00 PM ON THURSDAY, SEPTEMBER 18, 2003; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, OCTOBER 7, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved:

**THESE MINUTES ARE NOT OFFICIAL OR A PERMANENT PART OF THE RECORDS  
UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING.**