

CITY COUNCIL MINUTES

Tuesday, January 6, 2004 7:30 PM

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

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

Lead by Scout Kyle Alexander, Boy Scouts of America, Troop 101

INVOCATION

ROLL CALL Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham

PUBLIC COMMENTS

- Mike Menath inquired how Governor Schwarzenegger's budget cuts will impact the City's budget.
- Kathy Barnett praised City officials and staff for their response to the community's needs after the December 22nd earthquake.

Mayor Mecham expressed appreciation to the Wal-Mart Corporation for their generous \$10,000 contribution to the City of Paso Robles to help with rebuilding efforts.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. **Briefing on Emergency Response Status & Confirmation of Continuing Local Emergency**

J. App, City Manager

Consider approving a resolution to continue local emergency and receive verbal briefing on status of current emergency response and community recovery. (State law, the California Emergency Services Act, requires Council to review the need for continuing the local emergency at its regularly scheduled meetings until the local emergency is terminated. This review must take place at least every twenty-one days. Council is required to proclaim the termination of the local emergency "at the earliest possible date that conditions warrant.")

Council heard a briefing from City Manager on the current emergency response and community recovery.

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-01 determining that a local emergency continues to exist.

Motion passed by the following unanimous roll call vote:

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

PUBLIC HEARINGS

2. **Zone Change for 927 and 955 Creston Road (RZ 03-005 – Carminati)**

R. Lata, Community Development Director

Consider changing the zoning of 927 and 955 Creston Road from R1 (Single-family Residential) to R2 PD (Duplex/Triplex Planned Development) in order to bring the zoning into conformity with the General Plan. (The approximately 1.3-acre site is located at the northwest corner of Creston Road and Orchard Drive. The Planning Commission voted on December 9th to recommend approval of the zone change.) CONTINUED FROM DECEMBER 2, 2003

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to introduce for First Reading Ordinance No. XXX N.S. amending Title 21 (Zoning) of the Municipal Code approving a zoning map change for 927 and 955 Creston Road (Assessor Parcel No. 009-641-003) from R1 (Single-family Residential) to R2 PD (Duplex/Triplex Planned Development), and set January 20, 2004, 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

3. Determination of Historic or Architectural Significance or Non-Significance of Shed at 1714 Park Street (Demolition Permit Application Misc. 03-013 - Tom & Sharon Baron)

R. Lata, Community Development Director

Consider historic or architectural significance or non-significance of an existing shed at 1714 Park Street and whether the proposed addition should be designed to be architecturally compatible with the existing house. (A request to demolish the shed has been filed with the City, in conjunction with an application to expand the existing residence and construct a new garage. The shed is situated on a site that is included on the 1981-1984 Historic Resources Survey. The Survey does not address the shed.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to determine that the existing shed is not of historic or architectural significance, and direct that the demolition permit application be processed, and based on the low visibility of the addition from Park Street, allow the construction of the new addition with the design as proposed by the applicants and their architect.

Motion passed by the following unanimous roll call vote:

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

**ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY,
REDEVELOPMENT AGENCY & CITY COUNCIL**

ROLL CALL Agencymembers Jim Heggarty, Gary Nemeth, Frank Mecham, Duane Picanco, and Chairman George Finigan

DISCUSSION

4. **Redevelopment Agency Annual Report**

M. Compton, Administrative Services Director

Consider accepting the Redevelopment Agency Annual Report for fiscal year 2003. (California Redevelopment Law requires that the Agency Board present an annual report to the City Council. The Annual Report was presented to the Agency's Project Area Committee on December 17, 2003, and they recommended acceptance of the report as presented.)

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

Agencymember Nemeth, seconded by Agencymember Mecham, moved to adopt Resolution No. RA 04-01 accepting the annual report for the fiscal year ended June 30, 2003.

Motion passed by the following unanimous roll call vote:

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

ADJOURN TO CITY COUNCIL MEETING

CONSENT CALENDAR

Consent Calendar Items No. 5 and 7 - 16 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Finigan, with Item No. 6 approved on a 4-1 vote with Councilmember Picanco abstaining on Warrant No. 044963.

5. Approve City Council minutes of December 2 and 16, 2003.
D. Fansler, City Clerk
6. Approve Warrant Registers: Nos. 44683 – 44824 (12/12/03) , 44825 – 44958 (12/19/03), and 44959 – 45047 (12/24/03)
M. Compton, Administrative Services Director
7. Receive and file Advisory Body Committee minutes as follows:
Citizens Airport Advisory Committee meeting of October 23, 2003
Library Board of Trustees meeting of November 13, 2003
Parks & Recreation Advisory Committee meeting of November 18, 2003
Senior Citizen Advisory Committee meeting of November 10, 2003
Youth Commission meeting of November 5, 2003
Pioneer Museum Board meeting of November 13, 2003
8. Adopt Resolution No. 04-02 accepting the Redevelopment Agency Annual Report for the fiscal year ended June 30, 2003. California Redevelopment Law requires that the Agency Board present an annual report to the City Council.
SEE AGENDA ITEM NO. 4 R. Lata, Community Development Director

9. Receive and file report on Planning Commission's approval of 4-story design configuration for the La Bellasera Hotel. (Project site is located at 206 Alexa Court, in the vicinity of the southwest corner of Theatre Drive and Highway 46 West. Planning Commission has approved the Planned Development application and the building height is consistent with the maximum allowable height of 50 feet in the C2 Zoning District. No Council action is required since applicant is not requesting an increase in the City's allowable building height.)
R. Lata, Community Development Director
10. Direct staff to set Thursday, March 11, 2004, as the date for the 2004 Community Development Block Grant public hearing. (In order to meet the US Department of Housing and Community Development's schedule for submittal of the annual CDBG Consolidated Plan, a date must be set so that newspaper notice can be published at least 30 days prior to the hearing.)
R. Lata, Community Development Director

Staff requested that the date for the CDBG public hearing be set for March 11, 2004.
11. Adopt Resolution No. 04-03 approving the installation of "Children at Play" signs on Orchard Drive and on Walnut Drive. (The City has taken over maintenance of numerous streets in the Orchard Bungalow Tract. As a result, all improvements not to City Standards were removed, including speed humps and signage. The Streets & Utilities Committee recommends the installation of "Children at Play" signs to serve as a caution to drivers of children playing in the area.)
J. Deakin, Public Works Director
12. Adopt Resolution No. 04-04 approving 90 feet of red curb on the 900 block of Pine Street, 55 feet on the north side of the Pine Street exist/gate and 35 feet on the south side. (The Streets & Utilities Committee is recommending additional sight distance from the Public Safety Center exit onto Pine Street for the safety of police officers and the general motoring public.)
J. Deakin, Public Works Director
13. Adopt Resolution No. 04-05 approving a refundable \$50 deposit for barricades in conjunction with street closure requests. (The City currently loans out barricades at no cost or risk to the borrowing parties in conjunction with no-fee street closure permits. A history of vandalism, damage and loss of City property has led to a reconsideration of this process.)
J. Deakin, Public Works Director
14. Adopt Resolution No. 04-06 declaring certain City property as surplus and authorize their sale by public auction, bid or sale. (Certain City vehicles are being replaced in accordance with the approved budget and at the recommendation of the City's fleet manager. The replaced vehicles are no longer serviceable for City operations. Other departments have identified miscellaneous property no longer being used.)
M. Compton, Administrative Services Director
15. Extend the duration of the ad hoc committee to work with staff to address formulating appropriate regulations regarding newsracks to July 6, 2004. (The Committee has not completed its assignment.)
R. Lata, Community Development Director
16. Close out the ad hoc committee to work with staff to address updating the City's General Plan. (The work of the committee is complete.)
R. Lata, Community Development Director

DISCUSSION

17. **Confirmation of Planning Commission Appointment**

R. Lata, Community Development Director

Consider confirming the appointment of Eric Mattke to the Planning Commission for a 3-year term beginning January 2004, and expiring December 31, 2006. (At its meeting of December 11, 2003, Council held interviews and made appointments to fill two vacancies on the Planning Commission. Although Eric Mattke received the second highest number of votes, that number did not reflect a "majority" of the votes.)

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 Finigan, moved to confirm appointment of Eric Mattke to the Planning Commission for a 3-year term expiring December 31, 2006.

Motion passed by the following roll call vote:

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

18. **21st Street and Olive Street Parking Restrictions**

J. Deakin, Public Works Director

Consider installation of "No Parking" signs at the intersection of 21st Street and Olive Street. (As this intersection is sight line restricted, the Streets and Utilities Committee is recommending the approval of parking restrictions: "No Parking" signs on the south side of 21st Street, just west of Olive Street and "Slow" and "Intersection Ahead" signs on 21st Street in locations to be determined by staff.)

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. 04-07 approving traffic controls ("Intersection Ahead" sign and "Slow" sign) and parking restrictions (two "No Parking" signs) in the vicinity of the Olive Street and 21st Street intersection (south side).

Motion passed by the following unanimous roll call vote:

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

19. Waterline Reimbursement

J. Deakin, Public Works Director

Consider approving a Reimbursement Agreement with Bermant Development to reimburse for costs incurred in final phase construction of improvements for Tract 2254. (Property is located on Creston Road, near the intersection of Charolais Road. As part of public improvement construction for the project, Bermant has installed a 16-inch waterline on the tract frontage on Creston Road. Pursuant to City’s Water Master Plan, it has been determined that installation of the waterline at this time will avoid future increased costs and disruption of public service.)

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 Finigan, moved to adopt Resolution No. 04-08 to (1) approve the attached Reimbursement Agreement; and (2) authorize the appropriation of \$84,200 from the Water Operations fund to Budget Account No. 600-910-5452-527 and \$28,100 from the Water Development Impact Fee Fund Connection Fees to Budget Account No. 220-910-5452-527.

Motion passed by the following unanimous roll call vote:

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

20. Upgrade Supervisory Control and Data Acquisition (SCADA) System

J. Deakin, Public Works Director

Consider awarding a design services contract to upgrade the SCADA Telemetry System of the wastewater collection facilities to JSP Automation. (A Request for Proposals for design services was issued, with eight firms responding. After review of all proposals, JSP Automation’s proposal was considered to be the most responsive.)

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. 04-09 authorizing the City Manager to enter a contract with JSP Automation in the amount of \$72,050 to design the upgrade of the SCADA Telemetry System of the wastewater collection facilities.

Motion passed by the following unanimous roll call vote:

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

21. Salinas River License Application

J. Deakin, Public Works Director

Consider requesting a license from the State Water Resources Control Board (SWRCB) to divert water from the Salinas River. (The City has maintained an active permit from SWRCB since 1942 to divert water from the Salinas River. In 2003, the City was informed that the SWRCB would grant a license or the City could apply for another permit time extension under the California Environment Quality Act [CEQA] process. The issuance of a license is a ministerial act by the SWRCB, is on-going, and does not need to be renewed.)

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 Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 04-10 to petition the SWRCB to convert the City's existing Salinas River wells permit to a license to divert water from the Salinas River at an annual quantity of 3,934 acre-feet at a diversion rate of 8.0 CFS (cubic feet per second).

Motion passed by the following unanimous roll call vote:

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

The City Council took a 5-minute break at 9:07 PM.

22. Replacement Vehicles/Equipment

J. Deakin, Public Works Director

Consider authorizing purchase of new vehicles and equipment based on the City Equipment Replacement Program. (Pursuant to Council direction, bids were solicited in November and opened December 4th. The backhoe replacement budget appropriation was approved by Council in November and all other vehicles were budgeted for replacement in the fiscal year 2004 City budget.)

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 (1) award the purchase of new vehicles/equipment to the qualified low bidders and (2) dissolve the Vehicle/Equipment Purchasing Procedures ad hoc committee.

Motion passed by the following unanimous roll call vote:

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

23. Air Show Report

J. Deakin, Public Works Director

Receive report outlining concepts and provisions necessary to sponsor an airshow. (Report is based on information from the International Council of Airshows [ICAS] Academy held at the Salinas Air Show. ICAS is the authority for airshows, performers, producers and support services.) CONTINUED FROM DECEMBER 2, 2003

Mayor Mecham opened the public hearing. Speaking from the public were Chuck Miller, Kathy Barnett and Chuck Mendelson. 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 receive and file.

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

24. Economic and Airport Development

J. App, City Manager

Discuss options for furthering goals to intensify and focus upon economic and airport development. (Council adopted goals in 2003 to intensify economic development community-wide. Re-establishment of a formal economic and/or airport development unit would require allocation of recurring resources.) CONTINUED FROM DECEMBER 2, 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 Nemeth, seconded by Councilmember Heggarty, moved to continue this item to a future meeting when budget issues will be considered.

Motion passed by unanimous voice vote.

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

By unanimous voice vote, Council moved to adjourn from regular session at 9:38 PM.

ADJOURNMENT: to INTERVIEWS/APPOINTMENTS TO THE PROJECT AREA COMMITTEE AT 7:00 PM ON THURSDAY, JANUARY 15, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, JANUARY 20, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: February 17, 2004