

CITY COUNCIL MINUTES

Tuesday, April 20, 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 Kevin T. 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 - None

Mayor Mecham extended appreciation to students from the Saratoga Elementary School in northern California for their volunteer fundraising efforts to raise money to help Paso Robles rebuild its Downtown in the wake of the December 2003 earthquake.

PRESENTATIONS

1. **Bob Alesi Memorial Volunteer of the Year Award – Recipient: Juanda Cox – Posthumous Recognition**
Mayor Frank Mecham

Mayor Mecham presented a proclamation for *National Volunteer Week* to Volunteer Coordinator Suzanne Ontiveros.

The Mayor, assisted by Lt. Lisa Solomon, recognized Juanda Cox as recipient of the Bob Alesi Memorial Volunteer of the Year Award for 2003. Juanda was also recognized with her name being added to a commemorative plaque on permanent display in the City Library. Attending the ceremony on behalf of the Cox family was her daughter, Cheri Nancolas.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

Although there were no items to be deferred, City Manager Jim App announced that the City received a citizen appeal of a 7-lot subdivision application on Rolling Hills Road for Tract 2358, which will be heard at the May 4th Council meeting.

PUBLIC HEARINGS

2. Sewer and Water User Fees

M. Compton, Administrative Services Director

Consider adoption of sewer and water user fee adjustments. (Increases are being considered to provide funds to cover operating shortfalls in both sewer and water operations.)

Mayor Mecham opened the public hearing. Speaking from the public were James Hamson, Joy Sprague, Dale Gustin, Sharon McCleary, Tom Hardwick, Kathy Barnett, Bruce White, and Al Cordova. 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 introduce Ordinance No. XXX N.S. amending Sections 14.04.020 and 14.16.020 of the City of Paso Robles Municipal Code to adjust sewer and water user fees, with additional wording "*the proposed variable rate is intended to encourage water conservation and to implement the City's adopted Urban Water Management Plan,*" and set May 4, 2004, as the date for adoption of said ordinance.

Motion passed by the following roll call vote:

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

Council recessed for five minutes at 9:35.

3. Water Shortage Emergency Declaration

M. Williamson, Interim Public Works Director

Consider declaring a citywide water shortage emergency due to the December 22, 2003, San Simeon earthquake. (The San Simeon earthquake caused damage to one of the City's 4-million gallon storage tanks, and there is an immediate operational urgency to reduce the City's water demand by 25%. Due to anticipated heavy summer water demand, declaration of a water emergency seems appropriate.)

Mayor Mecham opened the public hearing. There were no 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. 04-78 declaring a water shortage emergency.

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 were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items Nos. 4 – 17 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan.

4. Approve City Council minutes of April 6, 2004
D. Fansler, City Clerk
5. Approve Warrant Registers: Nos. 46861 – 46997 (4/2/04) and 46998 – 47138 (4/9/04)
M. Compton, Administrative Services Director
6. Receive and file Advisory Body Committee minutes as follows:
Housing Authority Board meeting of March 9, 2004
Pioneer Museum Board Meeting of March 22, 2004
Library Board of Trustees meeting of March 11, 2004
Senior Citizen Advisory Committee meeting of March 8, 2004
Transit Advisory Committee meeting of January 7, 2004
Youth Commission meeting of March 3, 2004
7. Read, by title only, and adopt Ordinance No. 873 N.S. amending Title 21 of the Zoning Code of the Municipal Code to approve a zoning map change establishing a Planned Development (PD) Overlay zoning over the 2-parcel site to allow for modifications to the side yard setbacks – Zone Change 03-009. (Properties, totaling 2.87 acres, are located at 723 and 733 Rolling Hills Road. The rezone request is in conjunction with Tentative Tract 2593 and PD 03-019 that would allow for the development of a 55-lot single family residential subdivision.)
1ST READING APRIL 6, 2004
8. Read, by title only, and adopt Ordinance No. 874 N.S. amending Title 21 of the Zoning Code of the Municipal Code establishing Planned Development Overlay zoning over a 23.3 acre R-1 (Residential Single Family) zoned site to allow for modifications to the subdivision design to work around the Critical Root Zone of the existing oak trees – Zone Change 03-008. (Site is located at the terminus of Red Cloud Road and Navajo Avenue – Coates property. The rezone request is in conjunction with Tentative Tract 2358 and PD 04-004 that would allow for the development of a 7-lot single family residential subdivision.)
1ST READING APRIL 6, 2004
9. Proclamation National Volunteer Week – April 18 -24, 2004
F. Mecham, Mayor

10. Adopt Resolution No. 04-79 authorizing continued usage of a septic system for an existing single-family residence at 3580 Airport Road (APN 025-431-081) subject to Conditions “a” through “k” as stated in Municipal Code Section 14.08.070 K, 4 “Conditions.” (Property is north of Highway 46 and south of Dry Creek Road. Applicant Russell Wilson has submitted a permit application for a remodel and garage. The nearest available sanitary sewer main is 1,700 feet to the north. Adjacent lots in this area are serviced by septic systems.)
R. Lata, Community Development Director
11. Adopt Resolution No. 04-80 authorizing use of a septic system for the Hospitality Center of the Vina Robles Hotel and Resort located on Mill Road, south of Highway 46 (APN 025-371-020) subject to Conditions “a” through “k” as stated in Municipal Code Section 14.08.070 K, 4 “Conditions.” (The hospitality center is the first phase of the resort hotel project. In accordance with the conditions of approval, applicants must extend sanitary sewer to serve the hotel proposed in the second phase. The nearest available sanitary sewer main is at the intersection of Dry Creek Road and Airport Road, approximately two miles to the north. Developed properties in this area are serviced by septic systems.)
R. Lata, Community Development Director
12. Adopt Resolution No. 04-81 accepting the public improvements of Tract 2457-2 into the City’s maintenance system. (This tract is a 79-lot subdivision of a 16.14-acre site located along Clubhouse Drive and River Oaks Drive, north of Highway 46 and west of Buena Vista Drive. All public improvements have been constructed to the satisfaction of the City Engineer.)
R. Lata, Community Development Director
13. Adopt Resolution No. 04-82 declaring certain City property as surplus and approving the method of disposal as identified in the resolution. (Under a FEMA grant, the City upgraded out-of-compliance self-contained breathing apparatus [SCBA] units and cylinders in December 2003. The California Specialized Training Institute in San Luis Obispo has offered to exchange \$8,000 worth of training for the old equipment—27 SCBA units and 56 cylinders.)
K. Johnson, Emergency Services Chief
14. Adopt Resolution No. 04-83 authorizing the transfer of \$50,000 of State and Federal Grant Funds from the COPS Fund No. 117-000-5899-000 to General Fund No. 100-000-4899-000; and approving a one-time budget appropriation for \$50,000 to Account No. 100-210-5212-136 to upgrade the portable communications equipment (hand-held radios), install technological upgrades, and purchase less lethal safety equipment for the Paso Robles Police Department. (During FY 2003-04, the City received monies in State and Federal law enforcement grants for a total balance of \$250,800 in the COPS Fund 117. Per State and Federal requirements, the funds were deposited into a special non-general fund account until such time as the specific use of the funds was determined.)
D. Cassidy, Chief of Police
15. Adopt Resolution No. 04-84 approving a one-year contract with Maximus, Inc. for Senate Bill 90 mandated cost claiming services and authorizing the Director of Administrative Services to execute said contract. (SB 90 provides that public agencies may be reimbursed for costs associated with legislation enacted by the State legislature when it forces a mandate on the agencies to undertake some activity where costs are incurred. The City has been contracting with Maximus since 1987 to provide SB 90 state mandated cost claiming services on the City’s behalf.)
M. Compton, Administrative Services Director

16. Consider an extension of time to June 30, 2004, for the ad hoc committee formed to review and make recommendations regarding the fiscal year 2005 budget. (The committee has not yet completed its assignment.)
M. Compton, Administrative Services Director
17. Close out the ad hoc committee formed to work with staff to review the Airport Master Plan draft documents. (The work of the committee is complete.)
M. Williamson, Interim Public Works Director

DISCUSSION

18. **Award of Construction Contract for Installation of Equipment to Control the Flow of a Sulphur Spring at City Hall Parking Lot**
M. Williamson, Interim Public Works Director

Consider awarding a construction contract for the installation of equipment to control the flow of a sulphur spring at City Hall parking lot. (Documents to solicit bid proposals to perform this work were prepared and issued. Two bids were received: one for \$180,500 and one for \$70,953. Staff reviewed the low bid submitted by Associated Pacific Contractors, Inc. and finds it to be responsive.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to continue this item to a future Council meeting.

Motion passed by the following unanimous roll call vote:

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

19. **On-site Construction Management Services – Resident Engineer and Inspection Oversight – 13th Street Bridge Widening Project**
M. Williamson, Interim Public Works Director

Consider approving a construction management service contract (resident engineer and inspection oversight) for the 13th Street Bridge Widening Project. (In February 2004, Council adopted a final budget for this project, which includes the cost to provide construction management services. Requests for Proposal were issued to over twenty firms. Five firms responded, with fees ranging from \$915,428 to \$1,429,485. All firms were invited to appear before a selection committee. The committee determined that the team from LAN Engineering has the best technical experience and knowledge to perform construction management services for the City.)

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to authorize the City Manager to engage the services of LAN Engineering to provide construction management oversight for the 13th Street Bridge Widening Project for a fee of \$980,588.

Motion passed by the following unanimous roll call vote:

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

20. Award Design Contract for Union Road Improvements – Riverglen to Kleck Road

M. Williamson, Interim Public Works Director

Consider awarding a design services contract to improve Union Road from Riverglen to Kleck Road. (A Request for Proposal was issued to fourteen firms to prepare construction plans, specifications, and estimates to improve Union Road. Six firms responded with fee proposals ranging from \$35,040 to \$87,925. All proposals were reviewed and rated based on project understanding and approach, technical knowledge, fees, and experience in performing similar work. The proposal from North Coast Engineering received the highest rating using these criteria.)

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 discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue this item to the May 4, 2004, Council meeting. In addition, it was agreed that Councilmembers Nemeth and Finigan would review all proposals and report back with their assessment.

Motion passed by unanimous voice vote.

21. Request for Water Well Use – Vina Robles Resort Hotel

R. Lata, Community Development Director

Consider authorizing the use of a private well for irrigation of a small vineyard and hotel landscaping. (Applicant has requested permission to use well water for vineyards [roughly 2.5 acres] and landscaping associated with the hotel and hospitality center.)

Mayor Mecham opened the public hearing. Speaking from the public were Tim Mark Woodle (Steven D. Pults, AIA, & Associate), Joy Sprague, Mike Menath and Kathy Barnett. There were no further comments from the public, either written or oral, and the discussion was closed.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-xx to approve the use of a new private well by Vina Robles, Inc. to irrigate a newly developed vineyard and landscaping associated with the resort hotel.

Motion failed by the following roll call vote.

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to continue this item to the May 18th Council meeting.

Motion passed by the following roll call vote.

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

22. Street Sweeping Service

M. Williamson, Interim Public Works Director

Consider City street sweeping service options. (On March 11th, street sweeping bids were opened. The low outside bidder was Venco Street Sweeping for a yearly price of \$121,410—approximately double the City's current contract cost. An alternate to contracting with an outside contractor is to consider in-sourcing sweeping services.)

Mayor Mecham opened the public hearing. Speaking from the public was Doug Portney, Mike Menath, and Kathy Barnett. There were no further comments from the public, either written or oral, and the discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to reject all street sweeping bids and adopt Resolution No. 04-85 authorizing the purchase of two (2) street sweepers.

Motion passed by the following unanimous roll call vote:

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

23. Emergency Operations Plan

K. Johnson, Emergency Services Chief

Consider approving the City of Paso Robles Emergency Operations Plan (EOP). (The EOP is the City's master management and policy document related to emergency planning and response. The EOP has been updated and revised to reflect changes in emergency management systems and procedures within California. It is consistent with Federal, State, and County emergency planning requirements.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 04-86 approving the City of Paso Robles Multi-Hazard Emergency Response Plan.

Motion passed by the following unanimous roll call vote:

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

24. Emergency Services Department Volunteer Program

K. Johnson, Emergency Services Chief

Consider restructuring the Emergency Services Department volunteer program. (The volunteer program could be restructured to provide opportunities for citizens to aid in fire prevention, inspection, and education activities, and for those with available time and proper training, fire suppression and other emergency response duties in a paid-call type reserve officer program. The reserve and volunteer programs would be modeled after those currently employed by the Police Department.)

Mayor Mecham read a letter into the record received from Scott Ellis, President of the Paso Robles Volunteer Firefighters Association, encouraging Council to support this proposal.

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to authorize the Emergency Services Chief to initiate those changes necessary to transition from a volunteer firefighter program to a reserve firefighter program, and to initiate a volunteer program to address non-emergency support and community service needs.

Motion passed by the following unanimous roll call vote:

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

25. Installation of a Pedestrian Walkway around the Marlowe and Acorn Buildings

M. Williamson, Interim Public Works Director

Consider approving the installation of a pedestrian walkway around the Marlowe and Acorn Buildings. (These buildings at the corner of 12th and Park Streets were demolished after the December 2003 earthquake. Applicant has submitted plans to install a pedestrian walkway, which would be in place for the duration of building reconstruction. The Building Department has reviewed the plans to ensure that the design meets codes for pedestrian safety.)

Mayor Mecham opened the public hearing. Speaking from the public were Norma Moyer and Jan Hop (representing the Main Street Program), and Doug Portney. There were no further comments from the public, either written or oral, and the discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to issue an encroachment permit as requested by Portney Construction, subject to the Development Review Committee's approval of the colors and/or design of the pedestrian walkway.

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 - None

COUNCIL COMMENTS - None

PUBLIC COMMENT ON CLOSED SESSION - None

City Attorney Iris Yang 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 11:45 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 12:15 AM on Wednesday, April 21, 2004.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang 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 12:16 AM on Wednesday, April 21, 2004.

ADJOURNMENT: to THE **COUNTY BOARD OF SUPERVISORS MEETING** AT 9:00 AM ON TUESDAY, APRIL 27, 2004, AT THE COUNTY BOARD CHAMBERS, 1050 MONTEREY, SAN LUIS OBISPO; TO THE **WATER CONSERVATION KICK-OFF EVENT** AT 10:00 AM ON WEDNESDAY, APRIL 28, 2004, AT THE DOWNTOWN CITY PARK; TO THE **SEISMIC ORDINANCE WORKSHOP** AT 7:00 PM ON THURSDAY, APRIL 29, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE **REGULAR MEETING** AT 7:30 PM ON TUESDAY, MAY 4, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: May 4, 2004