

CITY COUNCIL MINUTES

Tuesday, June 1, 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 Nicholas Alexander, Boy Scouts of America, Troop 101

INVOCATION

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

PUBLIC COMMENTS

- Robert Wilcox thanked KPRL for broadcasting Council meetings. He also asked for Council recognition of the *Paso Robles High School Safe & Sober Grad Night Association*.
- John Barnhardt representing San Luis Obispo County of Education spoke in support of the *Safe & Sober Grad Night* event and requested Council to recognize the group for their community-minded efforts.
- Mike Menath encouraged Paso Robles residents to become involved in keeping their city clean and being friendly and helpful to visitors to the City.
- Claude Chazalon, owner of the Paris restaurant on Park Street, expressed his opinion that there is a lack of adequate lighting in the 1200 block of Park Street. Mr. Chazalon also asked that a stop sign be placed at 12th and Park Streets and that signage be displayed indicating that Park Street is open for business.

- U.S. Navy Commander Tom Harrington expressed his appreciation for the many people and organizations that provided skills and life lessons while he was growing up in the City of Paso Robles. On behalf of those individuals and groups, and their influence in helping prepare him for his first combat mission, Commander Harrington presented a flag to the City of Paso Robles that was flown aboard a Combat Support Special Squadron helicopter on a covert mission into the city of Najaf on April 13, 2003, in support of Operation Iraqi Freedom.
- Kathy Barnett encouraged the media to publicize the successful efforts of the *Paso Robles High School Safe & Sober Grad Night Association*.
- Dale Gustin encouraged the public to attend the Joint Planning Commission & City Council meeting with Cal Poly Planning students at 7:00 p.m. on Wednesday, June 2nd.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App announced that Agenda Items Nos. 2 and 8 are being recommended for continuance.

PRESENTATIONS

1. Water Conservation

Receive a briefing on water conservation.
M. Williamson, Interim Public Works Director

Meg Williamson gave a briefing on the City's water conservation program—needs and goals of the City and status of water conservation program efforts.

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 consensus of the Council to receive and file the report.

PUBLIC HEARINGS

2. Appeal of Planning Commission Approval of Amendment to Planned Development 02-003 – East Village Associates, LLC

R. Lata, Community Development Director

Consider an appeal of Planning Commission approval to amend PD 02-003. The amendment is an application filed by Newlin Hastings on behalf of East Village Associates, LLC to modify the existing median to allow for southbound left turn access from Creston Road into and out of the East Village Shopping Center. (Site is located on the northeast corner of Creston Road and Sherwood 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.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to continue the public hearing to the Council meeting of July 6, 2004.

Motion passed by unanimous voice vote.

3. Rezone 04-002 (Applicant: Ken Parish)

R. Lata, Community Development Director

Consider rezoning an existing 7,000-square foot parcel from R3 to C3, in order to bring the zoning designation into conformance with the existing General Plan designation. (Property is located at 1830 Riverside Avenue. The General Plan land use designation for the parcel is Commercial Service and the current zoning is Residential Multi-family, 12-units/acre.)

Mayor Mecham opened the public hearing. Speaking from the public were John McCarthy (representing the applicant) and Dale Gustin. 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. 04-120 adopting a Negative Declaration for the Rezone 04-002 application.

Motion passed by the following roll call vote:

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to introduce and hold first reading of Ordinance No. XXX N.S. to approve Rezone 04-002 to change the zoning designation from R3 (Residential Multi-family, 12 units to the acre) to C3 (Commercial/Light Industrial); and set June 15, 2004, as the date for adoption of said ordinance.

Motion passed by the following roll call vote:

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

4. Annual Levy Report for the Landscape and Lighting District

M. Williamson, Interim Director of Public Works

Consider adopting resolutions to order collection of assessments for the Landscape and Lighting District (L&L District) for fiscal year 2004-2005. (A Landscape and Lighting District was formed in 1989 for the maintenance of streetlights, hardscapes, detention basins, parkways, median islands, open space, slopes, and other appurtenant facilities and operations relating to the L&L District. Adoption of the Engineer's Levy Report to allow assessment occurs between April and June of each year, and it is forwarded to the County by the end of June, so that it can be included in property tax assessments.)

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett and Dick Willhoit. 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 adopt Resolution No. 04-121 approving the Engineer's Annual Levy Report.

Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 04-122 ordering the Levy and Collection of Assessments.

Motion passed by the following roll call vote:

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

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. 5 – 7, 9 – 10 and 12 - 14 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with the exception of Items Nos. 8, 11, and 15 being pulled for discussion and separate action.

5. Approve City Council minutes of May 4 and May 18, 2004
D. Fansler, City Clerk

Clerk noted a correction to Item No. 29 in the May 18th minutes: Resolution No. 04-120 should read No. 04-119.

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

Housing Authority Board meeting of May 11, 2004
Library Board of Trustees meeting of April 8, 2004
Parks & Recreation Advisory Committee meeting of March 9, 2004
Pioneer Museum Board meeting of April 8, 2004
Senior Citizen Advisory Committee meeting of April 12, 2004
Youth Commission meeting of March 31, 2004

7. Approve Warrant Register: Nos. 47756 – 47899 (5/14/04) and 47900 – 48064 (5/21/04)
M. Compton, Administrative Services Director

9. Adopt Resolution No. 04-123 appropriating \$65,000 from General Fund Reserves to Account No. 100-710-5224-209 for the preparation of a Local Hazard Mitigation Plan. (A Local Hazard Mitigation Plan [LHMP] identifies proactive steps to mitigate impacts of possible future disasters, including earthquakes, flooding, landslides, wildland fires, and hazardous material incidents. At its meeting of May 18th, Council authorized an agreement with URS Corporation for the preparation of an LHMP.)
R. Lata, Community Development Director
10. Adopt Resolution No. 04-124 accepting the public improvements of Tract 2276 (Bonita Homes, Inc.) into the City's maintenance system. (This subdivision is located along the west side of Airport Road and north of Brookhill Drive. All public improvements required as Conditions of Approval have been constructed in compliance with the improvement plans and applicable City Standards.)
R. Lata, Community Development Director
12. Adopt Resolution No. 04-125 awarding a contract in the amount of \$503,004.62 for the 2004 annual street maintenance work to Ferravanti Grading and Paving. (In February, Council approved the list of streets that would receive maintenance this budget cycle. Five bids were received, ranging \$503,005 to \$634,488. The low bid submitted by Ferravanti Paving and Grading of Paso Robles was reviewed and found to be responsive.)
M. Williamson, Interim Public Works Director
13. Adopt Resolution No. 04-126 approving a Reimbursement and Sale Agreement with the Paso Robles Joint Unified School District (PRJUSD) and accepting property conveyed to the City adjacent to Niblick Road for the construction of two bus turnouts. (Modification to the School District's parking lot is an integral part of safe traffic flow for Niblick Road re-striping project, as are new bus turn-out lanes. The coordination of the District's and City's improvements will involve shared costs and the District's dedication of land.)
M. Williamson, Interim Public Works Director
14. Adopt Resolution No. 04-127 approving the list of sublease tenants on the Airport Master Lease Agreement with the Nunno Corporation. (Lessee is permitted under the lease terms and conditions to request and enter into sublease agreements.)
M. Williamson, Interim Public Works Director

CONSENT ITEMS PULLED FOR DISCUSSION

8. Read, by title only, and adopt Ordinance No. XXX N.S. repealing and replacing Chapter 17.18 regarding seismic strengthening provisions for unreinforced masonry bearing wall buildings. (The City's current Seismic Code is based upon the 1994 Uniform Code for Building Conservation. The proposed revision would adopt the 2003 International Existing Building Code and establishes new deadlines for the completion of seismic retrofit.) 1ST READING MAY 18, 2004
R. Lata, Community Development 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 Picanco, seconded by Councilmember Heggarty, moved to continue Item No. 8 to a future meeting.

Motion passed by the following roll call vote:

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

11. Direct staff to purchase and place a plaque at Barney Schwartz Park (BSP) honoring Linden H. Chandler for his dedication of BSP property. (As requested by Dr. Bob Bryant and approved by the Parks & Recreation Advisory Committee, this plaque would be placed by the City and at the City's expense, estimated to be \$800.)
B. Partridge, Library & Recreation Services Director
15. Adopt Resolution No. 04-128 awarding a contract to In-house Security to provide night security (10:00 p.m. – 6:00 a.m.) at Barney Schwartz Park. (To protect BSP from vandalism, Council approved on-site security of the park during the late night hours. Contract security service was determined to be the most effective means to provide late night security. The security service contract has expired and been re-bid per City policy.)
B. Partridge, Library & Recreation Services Director

Mayor Mecham opened the public hearing. Speaking from the public Dale Gustin. 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 approve Consent Items No. 11 and 15.

Motion passed by the following roll call vote:

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

DISCUSSION

16. **Barney Schwartz Park Concessions**
B. Partridge, Library & Recreation Services Director

Consider approving a contract with B&G Concessions for Barney Schwartz Park (BSP) concession operations. (Proposals for the BSP concession operations were accepted by the City and reviewed by a Council ad hoc committee. The committee recommends awarding the contract concession operations to B&G Concessions, which has opted not to sell alcohol, and further recommends that, unless otherwise permitted, the no alcohol policy be enforced by a combination of BSP staff and the Police Department.)

Mayor Mecham opened the public hearing. Speaking from the public were Chuck Mendelson, Mark Faulkner (Hospitality Catering), Tom Hardwick, and Mike Menath. 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 direct staff to enter into a contract with B&G Concessions; and dissolve the Council ad hoc committee formed to review proposals for BSP concession operations.

Motion passed by the following roll call vote:

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

17. Community Development Block Grant (CDBG)-funded Seismic Mitigation Program

R. Lata, Community Development Director

Determine how 2004 CDBG funds allocated to the Seismic Mitigation Program will be used. (The proposed approach is to reimburse property owners for the cost of analysis and plans, once those plans have been completed by a qualified structural engineer.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to direct staff to adopt Resolution No. 04-129 to specify that 2004 CDBG funds allocated to the Seismic Mitigation Program shall be used for making grants to owners of unreinforced masonry buildings for the costs of preparing seismic structural analyses, construction plans, and opinions of probable cost for the seismic retrofitting of their buildings and for reimbursing the City for its costs in conducting plan check. Option A provides that (1) the City will reimburse the owners of URM buildings upon completion of the preparation of analyses and plans (and prior to completion of the retrofit work) and (2) the City will provide funds (\$101,653 and more as necessary from 2005 CDBG funds or other sources) to reimburse all URM owners for the costs of analyses and plans.

Direction was also given to staff to return to Council at a future date with possible reimbursement options for owners of those buildings where seismic retrofit plans have already been started and which do not qualify for CDBG funds.

Motion passed by the following roll call vote:

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

Council adjourned for a 10-minute recess at 9:15 PM

Mayor Mecham and Councilmember Picanco made declarations of conflict on Item No. 18. In this instance, under the conflict of interest rules, both members would abstain from voting on the item and would withdraw from Chambers. However, in order to maintain a quorum of the Council with one Councilmember being absent, lots were drawn by the two members declaring a conflict to determine which member would remain at the dais and take part in the discussion and action of the item. Mayor Mecham drew the lot to step down, and he left the room until deliberations were concluded.

Mayor Pro Tempore Jim Heggarty assumed the Chair and presided.

18. Paso Robles Waste Disposal City-Wide Clean-up Day - Discussion of Charges

M. Williamson, Interim Public Works Director

Consider allowing Paso Robles Waste Disposal to impose a nominal fee for bulky items collected on City-wide Clean-up Day. (The Franchise Agreement requires that one annual free pick-up event be made available to solid waste collection subscribers. Last year, a 2-cubic yard limit was established as a reasonable base level for this annual service, however there were instances exceeding the 2-cubic yard limit. As a result, applicant is requesting implementation of a fee for bulky items.)

Mayor Pro Tem Heggarty opened the public hearing. Speaking from the public were Dale Gomer, Tom Hardwick, and Terry Schubert. 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 determine that it is within the scope of the Franchise Agreement for Paso Robles Waste Disposal to impose a fee for bulky items in excess of 2-cubic yards, as described in their letter dated April 19, 2004.

Motion passed by the following unanimous roll call vote:

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

Mayor Mecham returned to deliberations and reassumed the Chair.

19. Request for Water Well Use - Russell Wilson (3580 Airport Road)

R. Lata, Community Development Director

Consider approving continued use of a private well for domestic water service to a private residence on nine acres of agriculturally zoned property at 3580 Airport Road. (Applicant is seeking an exception to a consistently applied City policy that does not allow private wells to be used for domestic purpose—in this instance, a substantial expansion of an existing non-conforming residence. City water is available to the property from a 16-inch water line on Airport Road, adjacent to the subject property.)

Mayor Mecham opened the public hearing. Speaking from the public was Fred Strong. 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. 04-130 denying the continued use of a private well by Russell Wilson at 3580 Airport Road as a condition of approval of a building permit.

Motion passed by the following roll call vote:

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

20. Senate Bills 211 and 1045

M. Compton, Administrative Services Director

Consider implementing the provisions of Senate Bills 211 and 1045 to modify the Redevelopment Agency Plan. (SB 211 provides agencies an opportunity to eliminate the time limit on issuing debt and extends the life of the Agency by an additional ten years. SB 1045 provides a means for those agencies that were required to make an ERAF [Educational Relief Augmentation Fund] payment in fiscal year 2004 to extend their Plan time limit and debt issuance limit by one year to recoup the contribution to ERAF.)

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 introduce and hold first reading of Ordinance No. XXX N.S. to modify the Redevelopment Agency Plan; and set June 15, 2004, as the date for adoption of said ordinance.

Motion passed by the following roll call vote:

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

CITY MANAGER

21. Schedule Date for Applicant Interviews/Appointments – Housing Authority, Library Board of Trustees, Parks & Recreation Advisory Committee, Senior Citizens Advisory Committee, and Youth Commission

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Housing Authority, Library Board of Trustees, Parks & Recreation Advisory Committee, Senior Citizens Advisory Committee, and Youth Commission.

Housing Authority

1 vacancy – 3 applicants: Member-at-large, regular term to fill the vacated term previously filled by David Rouff expiring February 28, 2007

Barbara L. Dabul
Michael R. Talen*
Edward J. Tascona

* Mr. Talen is applying for two committees. Pursuant to Council policy, appointees may serve on only one standing committee at a time. If Mr. Talen is appointed to the Housing Authority, his name will automatically be withdrawn as an applicant for the Parks & Recreation Advisory Committee.

Library Board of Trustees

2 vacancies – 3 applicants: 3-year regular terms expiring June 30, 2007

Jane Carey
Doug Bates
Christine Lynds

Parks & Recreation Advisory Committee

4 vacancies – 6 applicants: 2-year regular terms expiring June 30, 2006

Robin Fairbairn	N. Donald Mitchell
Amie Hammond	Michael Talen*
Heidi Hostetter-Wicka	Kevin Will

* Mr. Talen is applying for two committees. Pursuant to Council policy, appointees may serve on only one standing committee at a time. If Mr. Talen is appointed to the Parks & Recreation Advisory Committee, his name will automatically be withdrawn as an applicant for the Housing Authority.

Senior Citizens Advisory Committee

6 vacancies – 8 applicants: Four 2-year regular terms expiring June 30, 2006
One 1-year alternate term expiring June 30, 2005
One 2-year alternate term expiring June 30, 2006

Gene Bartlett	Virginia Harris (incumbent)
Richard Blake	Glenn Muggelberg
Renee Clark (incumbent)	Jack Sloan
Dale Gustin (incumbent)	Jan Stemper-Brown

Youth Commission

7 vacancies – 12 applicants: Four 1-year regular terms to fill vacated terms expiring June 30, 2005
One 2-year regular term expiring June 30, 2006
Two 2-year alternate terms expiring June 30, 2006

Daniel Avina
Colin Beasley
Maria Cervantes
Adi Cisneros (incumbent)
Ryan Fellows
Karli Gates

Elora Hartmann
Krissy Huse
Janett Mariscal
Keith Rowe
Tobin Streamland (incumbent)
Ashley VonBurg

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 consensus of Council to set Thursday, June 24th and Monday, June 28th for conducting interviews and making appointments for vacancies on the Housing Authority, Library Board of Trustees, Parks & Recreation Advisory Committee, Senior Citizens Advisory Committee, and Youth Commission.

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

22. Ad Hoc Committee - Project Study Report for Airport Road
R. Lata, Community Development Director

Consider appointing an ad hoc committee to review of proposals to prepare a project study report for Airport Road / Highway 46 East.

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 consensus of Council to appoint Mayor Mecham and Councilmember Nemeth to an ad hoc committee to address issues relating to review of proposals to prepare a project study report for Airport Road / Highway 46 East, reporting back to the full Council by October 19, 2004.

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 10:15 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

Council returned to Regular Session at 10:39 PM.

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 item, and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 10:40 PM.

ADJOURNMENT: to THE JOINT PLANNING COMMISSION & CITY COUNCIL MEETING WITH CAL POLY PLANNING STUDENTS AT 7:00 PM ON WEDNESDAY, JUNE 2, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JUNE 15, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: June 15, 2004