

# CITY COUNCIL MINUTES

Tuesday, June 15, 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 Alexander, Boy Scouts of America, Troop 101

## INVOCATION

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

## PUBLIC COMMENTS

- Wanda Mumford invited the public to participate in the Library fundraiser *Mid Summer Magic 2004 Triple Crown* on Saturday, June 26<sup>th</sup> at 7:00 p.m.
- Director of Library & Recreation Services Barbara Partridge announced that City Librarian Annie Robb will be absent from the *Mid Summer Magic* event this year, as she will be in Orlando, Florida, accepting an award being given to the Paso Robles Library from the National Library Association for best marketing materials for a library event, nationwide.
- Mark Faulkner asked for community support of his friend, Chris Pikens, who is fighting cancer, without benefit of insurance for needed treatment. Mark announced that a benefit picnic will be held in the City Park on June 19<sup>th</sup> at 4:00 p.m., with all proceeds going to offset Mr. Piken's medical expenses.

- Mayor Mecham commended the record number of independent study students and graduating seniors at the Paso Robles High School.

#### **AGENDA ITEMS TO BE DEFERRED - None**

City Manager Jim App announced that discussion of Agenda Items Nos. 24 and 26 will be consolidated.

#### **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. Demolition 04-008 – Determination of Historic or Architectural Significance of an Existing House and Apartment at 2232 & 2232-½ Oak Street for Demolition/Reconstruction Permit Application (Applicants: Darrell and Leora Eide)**

R. Lata, Community Development Director

Consider making a determination as to the historic or architectural significance of an existing house located at 2232 and 2232-½ Oak Street. (Council has the discretion to make a final determination as to the subject building's historic or architectural significance prior to the processing of a demolition permit.)

Mayor Mecham opened the public hearing. Speaking from the public was Paul Viborg. 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 (1) approve Resolution No. 04-131 adopting a Negative Declaration pursuant to the requirements of the guidelines for implementing the California Environmental Quality Act (CEQA); and (2) direct that the demolition permit application be processed. Any replacement structure(s) will be the subject of a future applicable building code and public policy requirements as may apply at the time of a request for project approval.

Motion passed by the following roll call vote:

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

**3. Code Amendment 04-002 – Regarding Medical Uses in Office Professional Land Use Category**

R. Lata, Community Development Director

Consider a code amendment filed by Keith Belmont on behalf of RITE III, Inc. to amend the Municipal Code and Land Use Matrix to allow emergency/urgent care centers, including outpatient services, under the same group of land uses that would be permitted in the Gateway Center, subject to approval of a Conditional Use Permit. (The Gateway Center development at 1<sup>st</sup> and Vine Streets is designated in the General Plan for Office Professional land uses and is also in the Office Professional zoning category. This item is scheduled to come before the Planning Commission on June 8<sup>th</sup>.)

Mayor Mecham opened the public hearing. Speaking from the public was Newlin Hastings. 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 introduce and hold first reading of Ordinance No. XXX N.S. to approve Code Amendment 04-002 to amend Section 21.18.040 and Section 21.16.200 of the Municipal Code to allow emergency/urgent care centers, including outpatient services, under the same group of land uses that would be permitted in the Gateway Center, subject to approval of a Conditional Use Permit; and set July 6, 2004, as the date for adoption of said ordinance.

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

Consent Calendar Items Nos. 4 - 19 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Finigan, with Councilmember Finigan abstaining from voting on June 1, 2004, Council minutes in Item No. 4, as he was absent from that meeting, and Councilmember Picanco abstaining on Warrant Register Item No. 048519.

**4. Approve City Council minutes of June 1 and 2, 2004**  
D. Fansler, City Clerk

5. Receive and file Advisory Body Committee minutes as follows:  
 Airport Advisory Committee meeting of April 22, 2004  
 Project Area Committee meeting minutes of July 16 and December 17, 2003  
 Youth Commission meeting of May 5, 2004
6. Approve Warrant Register: Nos. 48065-48198 (5/28/04) and 48199-48313 (6/4/04)  
 M. Compton, Administrative Services Director
7. Proclamation *Saratoga Elementary School – June 4, 2004*
8. Proclamation *Safe & Sober Grad Night – June 11, 2004*
9. Read, by title only, and adopt Ordinance No. 876 N.S. eliminating the existing time limit on incurring debt and amending certain time limitations with respect to the Redevelopment Plan for the Paso Robles Redevelopment Project area. (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 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.) 1ST READING JUNE 1, 2004  
 M. Compton, Administrative Services Director
10. Read, by title only, and adopt Ordinance No. 877 N.S. 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.) 1ST READING JUNE 1, 2004  
 R. Lata, Community Development Director
11. Adopt Resolution No. 04--132 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 2, 2004, for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law cities.  
 D. Fansler, City Clerk
12. Adopt Resolution No. 04-133 requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 2, 2004, with the Statewide General Election to be held on the date pursuant to §10403 of the Elections Code.  
 D. Fansler, City Clerk
13. Adopt Resolution No. 04-134 adopting regulations for candidates for elective office pertaining to candidate statements submitted to the voters at an election to be held on Tuesday, November 2, 2004.  
 D. Fansler, City Clerk
14. As the work of the committee is completed, dissolve the ad hoc committee formed in November 2003 to assist with the development and preparation of the budget for fiscal year 2005.  
 M. Compton, Administrative Services Director
15. As the work of the committee if not yet completed, extend the ad hoc committee to review sewer and water user and impact fees to September 21, 2004.  
 M. Compton, Administrative Services Director

16. Adopt Resolution No. 04-135 setting an ad valorem tax rate beginning July 1, 2004, to pay debt service on the general obligation bonds. (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.)  
M. Compton, Administrative Services Director
17. Introduce and hold first reading of Ordinance No. XXX N.S. adopting the fiscal year 2005 operating budget for the Redevelopment Agency. (The adopted RDA plan requires the annual operating budget be adopted by ordinance rather than by resolution. The budget is identical to the current year's budget except for debt service. As in prior years, all unallocated tax increment revenues are dedicated to repay the City for debt service on City Hall/Library.)  
M. Compton, Administrative Services Director
18. Adopt Resolution No. 04-136 accepting a Negotiated Exchange of Property Tax Revenue and Annual Tax Increment between the County of San Luis Obispo and the City regarding Annexation No. 86 – Olsen. (The subject property is approximately 241 acres along the City's easterly boundary, located south of Linne Road, west of Hanson Road, and north of an extension of Meadowlark Road. As a prerequisite to any jurisdictional change, Revenue & Taxation Code Section 99 requires the affected jurisdictions to negotiate an exchange of property tax revenue.)  
R. Lata, Community Development Director
19. Adopt Resolution No. 04-137 approving an appropriation limit of \$29,205,317 for fiscal year 2004-05. (State Constitution requires state and local governments to annually adopt an appropriations limit.)  
M. Compton, Administrative Services Director

## ROLL CALL VOTE

## DISCUSSION

### 20. Housing Element Amendment

R. Lata, Community Development Director

Consider comments on the December 2003 Housing Element made by the State Department of Housing and Community Development (HCD). (On December 16, 2003, Council adopted an Update to the General Plan, which included an updated Housing Element. After HCD review, the City was notified that there were issues in the draft Housing Element to be amended.)

Mayor Mecham opened the public hearing. There were no 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 Housing and Community Development's letter of December 12, 2003, with the understanding that staff will be preparing and submitting a draft amendment to HCD at the same time that draft contents are being reviewed with the Planning Commission and City Council.

Motion passed by unanimous voice vote.

**21. CDBG-funded In-roadway Crosswalk Signal System – Reject all Bids**

R. Lata, Community Development Director

Consider rejecting all bids received for the installation of an in-roadway signal system (LED-lighted crosswalk) at the intersection of 24<sup>th</sup> and Oak Streets. (Lump-sum bids from Lee Wilson Electric of Arroyo Grande and Templeton Engineering Contractors were received and opened on May 18<sup>th</sup>, with Lee Wilson Electric the apparent low bidder. A bid protest was filed by Templeton Engineering related to the disclosure of the manufacturer of the In-Roadway Signal System. Subsequent to the bid opening, the advisability of continuing to pursue installation of the LED-lighted crosswalk was questioned, as the City plans to install a traffic signal at the intersection of 24<sup>th</sup> and Vine Streets during FY 2005.)

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. 04-138 to reject all bids for the In-roadway signal system project and, subject to Council confirmation of whether the system should be located at the intersection of 24<sup>th</sup> and Oak Streets (preliminarily scheduled for discussion on July 6, 2004), direct staff to revise the contract documents to clarify the need to identify manufacturers and re-bid the project.

Motion passed by the following roll call vote:

AYES:

NOES:

ABSTAIN:

ABSENT: Heggarty

**22. Centennial Park Upgrades**

M. Williamson, Interim Public Works Director

Consider rejecting the bid received for the Centennial Park Upgrades. (Following award of a Roberti-Z'Berg Harris Grant for \$500,000, in May 2003, Council approved preparation of plans and specifications for the upgrade and refurbishment of Centennial Park. Only one bid was received at the Bid Opening on May 20, 2004, which significantly exceeded the budget allocated for the project. As the terms of the grant require that the City accomplish each of the project elements described in the grant application, it is necessary to seek direction from the State to determine which parts of the project items may be eliminated and still qualify for the grant.)

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 Nemeth, moved to adopt Resolution No. 04-139 rejecting the bid received for the upgrades/refurbishing at Centennial Park and directing staff to re-advertise for bids once State direction is confirmed.

Motion passed by the following roll call vote:

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

*Councilmember Picanco stepped down from the dais making a declaration of conflict (item concerns a family member).*

**23. Thunderbird Wellfield – Water Transmission Main (DPW 01-13)**

M. Williamson, Interim Public Works Director

Consider upholding, in part, the bid protest filed by Arthurs' Contracting, rejecting the apparent low bid from MGE Underground, Inc., as nonresponsive, rejecting bids 2 - 9 as nonresponsive, and awarding the contract for the Thunderbird Waterline Project to the 10<sup>th</sup>-lowest bidder, Becka Construction, Inc.

Mayor Mecham opened the public hearing. Speaking from the public was Michaeljoe Goldstein (President, MGE Underground). 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 revised Resolution No. 04-140 rejecting all bids and directing staff to re-advertise for bids.

Motion passed by the following roll call vote:

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

*Councilmember Picanco returned to deliberations.*

*City Manager Jim App suggested and Council concurred that Items Nos. 24 and 26 be discussed concurrently, as both items pertain to the same issue.*

**25. Youth Commission – Change in Bylaws**

B. Partridge, Library & Recreation Services Director

Consider changing the Youth Commission bylaws to include one-year terms for incoming seniors and changing number of alternates from two to three. (At its May 5<sup>th</sup> meeting, the Youth Commission approved changes in their bylaws for terms of incoming seniors and adding an additional alternate position to ensure a quorum at each meeting.)

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-143 to change the Paso Robles Youth Commission bylaws to include one-year terms reserved for incoming seniors only and change the number of alternates from two to three.

Motion passed by the following roll call vote:

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

**24. Repair Design Options – City Hall/Library Parking Lot**

M. Williamson, Interim Public Works Director

Consider alternatives for pipe installation and parking lot repair. (One option requires additional information collection and adds three to five weeks to the construction repair schedule. The second relies on empirical data and requires no immediate modification to the schedule.)

**26. Retention of FSB Energy to Assist in Mitigation of the Sulfur Spring at 1000 Spring Street**

M. Williamson, Interim Public Works Director

Consider funding consultant services associated with mitigation of the sulfur spring at 1000 Spring Street. (To facilitate repairs to the City Hall parking lot following damages from the December earthquake, design of a casing system to capture the spring and deliver it to the City storm drain system is necessary. In an attempt to minimize costs, staff recommends expanding upon a similar design already in place at the Paso Robles Inn.)

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

Councilmember Finigan, seconded by Councilmember Nemeth, moved to continue Item No. 24 to a future meeting and to adopt Resolution No. 04-141 authorizing the City Manager to enter into a contract with FSB Energy to provide assistance in mitigating the sulfur spring at 1000 Spring Street, for a not-to-exceed fee of \$10,000.

Motion passed by the following roll call vote:

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



**27. Seismic Safety Ordinance Update**

R. Lata, Community Development Director

Consider an update to the City’s Seismic Safety Ordinance. (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.) CONTINUED FROM JUNE 1, 2004

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 introduce for first reading Ordinance No. XXX N.S. amending Chapter 17.18 of the Municipal Code; and set July 6, 2004, as the date for adoption of said ordinance.

Motion passed by the following roll call vote:

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

**Agreement for Enforcement Services**

M. Williamson, Interim Public Works Director

Consider a revised Memorandum of Agreement (MOA) with the California Integrated Waste Management Board (CIWMB) for enforcement services at the City’s landfill. (The CIWMB wishes to incorporate all enforcement services for San Luis Obispo County into one MOA rather than maintain independent contracts. The modified MOA will result in a three-party agreement to provide enforcement services to landfills within the County and to the City of Paso Robles.)

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. 04-142 authorizing the City Manager to enter into a modified Memorandum of Agreement with the California Integrated Waste Management Board for enforcement services at the Paso Robles landfill.

Motion passed by the following roll call vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT: Heggarty

**CITY MANAGER - None**

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS** – None

**COUNCIL COMMENTS**

- Councilmember Nemeth suggested initiating an employee recognition award in memory of Dick Avery, a long-term employee of the City and involved community resident.
- Councilmember Finigan apologized for his absence from the last Council meeting and announced his recent retirement from PG&E.

**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 9:00 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

*Council returned to Regular Session at 9:39 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 9:40 PM.*

**ADJOURNMENT:** to THE CHAMBER OF COMMERCE ECONOMIC UCSB FORECAST AT 8:30 AM ON WEDNESDAY, JUNE 16, 2004, AT THE PASO ROBLES INN, 1103 SPRING STREET; TO THE CANYON CREEK GROUNDBREAKING CEREMONY AT 10:00 AM ON TUESDAY JUNE 22, 2004, AT 400 OAK HILL ROAD, PASO ROBLES; TO THE ADVISORY COMMITTEE INTERVIEWS AT 7:00 PM ON THURSDAY, JUNE 24, 2004 AND MONDAY, JUNE 28, 2004 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 6, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

---

Sharilyn M. Ryan, Deputy City Clerk  
Approved: July 6, 2004