

CITY COUNCIL MINUTES

Tuesday, July 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 Nicholas 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

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App announced that Agenda Items Nos. 2 and 3 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. Demolition 04-009 – Determination of Historic or Architectural Significance or Non-significance of Existing Unreinforced Masonry Building at 1213 Vine Street for Demolition/Reconstruction Permit Application (Henderson Family Trust)

R. Lata, Community Development Director

Consider continuing the public hearing. (Owner/applicant Alice Henderson Rodriguez has requested that the hearing be continued.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to open and continue the public hearing to the City Council meeting of July 20, 2004.

Motion passed by the following unanimous roll call vote:

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

3. Appeal of Notice and Order for 1234 Pine

R. Lata, Community Development Director

Consider continuing the public hearing. (Christian Iversen, Attorney representing property owner Maria Estrada, has requested that the hearing be continued.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to open and continue the public hearing to the City Council meeting of August 17, 2004.

Motion passed by the following unanimous roll call vote:

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

4. Zone Change 04-001 (Olsen – Annexation No. 86)

R. Lata, Community Development Director

Consider the Planning Commission's recommendation to approve the environmental finding and adopt the proposed pre-zone for annexation to the City. (The Olsen Ranch Annexation area includes approximately 241 acres, under three separate property owners. Properties are located in the County unincorporated area east of the City of Paso Robles, south of Linne Road, west of Hanson Road, and north of an extension of Meadowlark Road.)

Mayor Mecham opened the public hearing. Speaking from the public were Glenn Rider, Dale Gustin, Ray Allen, Jr., Oscar Carballo, Nicole Camacho, Roger Blank, P.J. Lucas, and Chris Bansch. 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 make a finding that there is no need for additional environmental assessment in conjunction with the pre-zone as a part of the annexation process for Annexation No. 86; and introduce for first reading Ordinance No. XXX N.S. establishing a pre-zone consistent with the General Plan (which provides a combination of RSF-4 [Residential Single Family, up to four units per acre]) and RSF-3 [the same up to three units per acre] with up to 95 units of multi-family, all subject to approval of a specific plan, which would be required prior to granting any entitlements for subdivision of properties within the proposed annexation area); and set July 20, 2004, as the date for second reading and adoption of the pre-zone ordinance.

Motion passed by the following roll call vote:

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

5. Appeal of Planning Commission Approval of Amendment to Planned Development PD 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 to modify the existing median to allow for southbound left turn access from Creston Road in and out of 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 were Newlin Hastings, Richard Pool, Dale Gustin, Milt Souza (submitted a petition with over 2,000 signatures in favor of left turn ingress and egress from the East Village Shopping Center), Mary Thomas, Chris Bausch, Julie Des Jardins, Steve Meixner, and Thomas White. There were no further comments from the public, either written or oral.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to continue this hearing to the Council meeting of August 17, 2004.

Motion passed by unanimous voice vote.

Council adjourned for a 10-minute recess at 9:45 PM.

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. 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.

Consent Calendar Items Nos. 6 - 23 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Item No. 048326.

6. Approve City Council minutes of February 12, June 15, and June 24, 2004
D. Fansler, City Clerk
7. Approve Warrant Register: Nos. 48314 – 48457 (6/11/04), 48458 – 48574 (6/18/04) and 45575 – 48767 (6/25/04)
M. Compton, Administrative Services Director
8. Receive and file Advisory Body Committee minutes as follows:
Airport Advisory Committee meeting of May 27, 2004
Housing Authority meeting of June 8, 2004
Library Board of Trustees meeting of May 13, 2004
Pioneer Museum Board meeting of May 13, 2004
Parks & Recreation Advisory Committee meeting of May 11, 2004
Senior Citizens Advisory Committee meeting of May 10, 2004
Transit Advisory Committee meeting of April 7, 2004

Councilmember Nemeth pointed out that the minutes of the Library Board, Parks & Recreation, and Senior Citizens Advisory state in several places *Comments Noted & Filed*. He asked that, in future, the comments be recorded in the minutes.
9. Read, by title only, and adopt Ordinance No. 878 N.S. amending Chapter 17.18 of the Municipal Code. (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 – FIRST READING JUNE 15, 2004
R. Lata, Community Development Director
10. Read, by title only, and adopt Ordinance No. 879 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. (The Gateway Center development at 1st and Vine Streets is designated in the General Plan for Office Professional land uses and is also in the Office Professional zoning category.) FIRST READING JUNE 15, 2004
R. Lata, Community Development Director

11. Read, by title only, and adopt Ordinance No. 880 N.S. adopting the fiscal year 2004-2005 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.) FIRST READING JUNE 15, 2004
M. Compton, Administrative Services Director
12. Adopt Resolution No. 04-144 requesting Local Agency Formation Commission (LAFCO) to initiate an update of the Sphere of Influence for the City of Paso Robles. (LAFCO is in the process of reviewing materials related to the City's recently updated General Plan and updating the City's Sphere of Influence. Part of the process is for the City to make a formal request for the update.)
R. Lata, Community Development Director
13. Adopt Resolution No. 04-145 accepting the public improvements of Tract 2369-2 (Lots 72-106) into the City's maintenance system, and authorizing release of Performance and Payment Bonds upon the posting of a Maintenance Bond for \$108,590. (This subdivision is located along Skyview Drive and Christina Court, south of Montebello Oaks Drive. All public improvements have been constructed to the satisfaction of the City Engineer.)
R. Lata, Community Development Director
14. Adopt Resolution No. 04-146 accepting recordation of Parcel Map PR 03-0259. (This residential development and subdivision is located at 2918 Oak Street. Applicant is Justin Black.)
R. Lata, Community Development Director
15. Adopt Resolution No. 04-147 accepting the Airport Terminal, Project No. DPW 99-04, for maintenance by the City. (The warranty period associated with this Measure D project is concluded. It is the policy of Council to accept City facilities for on-going maintenance.)
R. Lata, Community Development Director
16. Adopt Resolution No. 04-148 amending an Airport real estate lease to change the lessee name at the lessee's request. (Requested name change is from "Matthew James Andros and Susan Berry Andros" to "Matthew J. Andros and Susan B. Andros, Trustees of the Matt and Sue Andros Family Trust, dated March 4, 2004.)
M. Williamson, Interim Public Works Director
17. Adopt Resolution No. 04-149 rejecting the one bid received for \$106,968 to re-plaster the Municipal Pool. (The budget adopted by Council for this work is \$30,000.)
M. Williamson, Interim Public Works Director
18. As the work of the committee is not yet completed, extend the ad hoc committee formed in April 2003 to review the Sherwood Park Master Plan phasing implementation to December 7, 2004. M. Williamson, Interim Public Works Director
19. As the work of the committee is not yet completed, extend the ad hoc committee formed in August 2003 to work with staff to address formulating appropriate regulations regarding newsracks to October 19, 2004.
R. Lata, Community Development Director
20. As the work of the committee is not yet completed, extend the ad hoc committee formed December 3, 2002, to work with staff to address to address Downtown parking and circulation related issues to December 21, 2004.
R. Lata, Community Development Director

21. As the work of the committee is completed, dissolve the ad hoc committee formed in March 2004 to work with staff to address updating the city's Seismic Safety Ordinance.
R. Lata, Community Development Director
22. As the work of the committee is not yet completed, extend the ad hoc committee formed April 6, 2004, for review and analysis of City-wide user fees to September 7, 2004.
M. Compton, Administrative Services Director
23. As the work of the committee is not yet completed, extend the ad hoc committee formed February 19, 2002, to study funding for art in public places to June 7, 2005.
B. Partridge, Library & Recreation Services Director

DISCUSSION

Mayor Mecham stepped down from the dais and abstained from voting on Item No. 24 due to a possible conflict of interest. Mayor Pro Tempore Heggarty assumed the Chair and presided.

24. **Use of Septic System and Private Well for Domestic Purposes at 4025 Dry Creek Road (Canady)**
R. Lata, Community Development Director

Consider approving construction of a septic tank and leach field to serve the conversion of a shop building into a secondary residential unit, and to allow continued use of a private well to serve the existing single-family residence, as well as the remodel. (Pursuant to the City's Municipal Code, construction of any septic tank, cesspool, seepage pit or other facility intended or used for the disposal of sewage may be permitted only if sewer is not available. The nearest available sanitary sewer main is at the intersection of Dry Creek Road and Airport Road, approximately one mile to the west of the property. Adjacent lots in this area are serviced by septic systems.)

Mayor Pro Tem Heggarty opened the public hearing. Speaking from the public was Randy Canady. 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. 04-150 authorizing continued use of a septic system for an existing single-family residence at 3580 Airport Road (APN 025-431-081/Wilson) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K 4 "Conditions."; and adopt Resolution No. 04-151 authorizing continued use of a well to serve an existing single family residence and proposed secondary residence remodel at 4025 Dry Creek Road.

Councilmember Finigan withdrew his second. Motion failed for lack of a second.

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-xx authorizing continued use of a septic system for an existing single-family residence at 4025 Dry Creek Road (APN 025-431-068/Canady) subject to Conditions "a" through "k" as stated in Municipal Code Section 14.08.070 K 4 "Conditions"; and adopt Resolution No. 04-xx authorizing continued use of a well to serve an existing single-family residence and proposed secondary residence remodel at 4025 Dry Creek Road, excluding provisions "a" and "b" in Section 2 in the resolution. (CLERK'S NOTE: THE STAFF REPORT FOR THIS ITEM IN THE 7-6-04 AGENDA REFLECTED AN INCORRECT APN AND ADDRESS. APN AND RESIDENCE ADDRESS HAVE BEEN CORRECTED HERE TO AGREE WITH THE RESOLUTION AND ACTION OF THE COUNCIL.)

Motion passed by the following roll call vote:

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

Mayor Mecham returned to deliberations and re-assumed the Chair.

25. Award Contract for Repair of Water Tanks at Golden Hill Road

M. Williamson, Interim Public Works Director

Consider awarding a contract to repair the damaged water tanks at Golden Hill Road. (The two 4-million gallon steel reservoirs sustained damages in the San Simeon earthquake in December 2003. At the bid opening on June 24, 2004, five bids were received, ranging from \$754,551 to \$1,099,383. Staff reviewed the low bid submitted by MGE Underground and found it to be 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 Finigan, moved to adopt Resolution No. 04-152 awarding the contract to repair the two damaged water tanks at Golden Hills Road to low bidder MGE Underground for \$754,551.

Motion passed by the following unanimous roll call vote:

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

26. Award Contract for Design Services Associated with Rehabilitation of Carnegie Library

M. Williamson, Interim Public Works Director

Consider accepting a proposal to provide retrofit and rehabilitation assessment and design services for the Carnegie Library following damages sustained in the San Simeon earthquake of December 2003. (Requests for Qualifications for design services were forwarded to over forty design firms in March 2004. Eleven responses were received and reviewed by the Council ad hoc committee. Three firms, Architectural Resources Group, Garavaglia Architecture, and Rachlin Architects, were selected to provide cost proposals. The "not to exceed" proposals submitted were for \$191,130, \$199,750, and \$250,640.)

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 Finigan, moved to adopt Resolution No. 04-153 awarding the contract for design services for rehabilitation of the Carnegie Library to Architectural Resources Group for \$191,130.

Motion passed by the following unanimous roll call vote:

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

27. Award Contract for Repair of Senior Center

M. Williamson, Interim Public Works Director

Consider awarding a contract to repair damages to the Senior Center sustained in the December 203 San Simeon earthquake. (In response to notification by FEMA that the City's bid document format needed revision if the City is to receive maximum reimbursement for these repairs, Council rescinded the original bid award for this project and issued revised bid documents. Two bids were received, one for \$59,157 and one for \$49,740. The low bid submitted by Newton Construction was reviewed and found to be 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 Finigan, moved to adopt Resolution No. 04-154 awarding the contract to repair the Senior Center to low bidder Newton Construction for \$49,740.

Motion passed by the following unanimous roll call vote:

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

28. Award Contract for Repair of Veterans Center

M. Williamson, Interim Public Works Director

Consider awarding a construction contract to repair damages to the Veterans Center sustained in the December 2003 San Simeon earthquake. (In response to notification by FEMA that the City's bid document format needed revision if the City is to receive maximum reimbursement for these repairs, Council rescinded the original bid award for this project and issued revised bid documents. Two bids were received at the bid opening on June 11, 2004, one for \$15,653 and one for \$29,260. The low bid submitted by Newton Construction was reviewed and found to be 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 Finigan, seconded by Councilmember Heggarty, moved to adopt Resolution No. 04-155 awarding a construction contract to repair earthquake damages to the Veterans Center to Newton Construction for \$15,653.

Motion passed by the following unanimous roll call vote:

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

29. Award Contract for Fire Station #2 Rehabilitation

M. Williamson, Interim Public Works Director

Consider awarding a contract to prepare plans and specifications for the rehabilitation of Fire Station #2. (Fifteen Requests for Qualifications were mailed to architectural firms in February 2004. Three responses were received. After review by the Council ad hoc committee, Requests for Cost Proposals were issued to two firms, Vitetta and BFGC. Both firms submitted proposals, one for 29,825 and the other for \$40,670.)

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 Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-156 awarding a to prepare plans and specifications for the rehabilitation of Fire Station #2 to Vitetta Architecture for \$29,825.

Motion passed by the following unanimous roll call vote:

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

30. Installation of Additional Air Conditioning at Public Safety Center Computer/Communications Room

M. Williamson, Interim Public Works Director

Consider authorizing the installation of additional air conditioning at the Public Safety Center computer/communications room using Measure D funds remaining from the original construction 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 Heggarty, seconded by Councilmember Finigan, moved to authorize staff to secure bids and install additional air conditioning at the Public Safety Center Computer/Communications room using Facilities Repair Funds rather than Measure D funds.

Motion passed by the following unanimous roll call vote:

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

ABSTAIN: None
ABSENT: None

CITY MANAGER

City Manager App stated that Councilmember Nemeth suggested convening a Nacimiento Water Workshop prior to the July 20th Council meeting. Council directed staff to see if a workshop could be arranged prior to the 15th.

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

31. San Luis Obispo County Sales Tax Ballot Measure

J. App, City Manager

Consider reaffirming opposition to the Countywide, limited term, ¼ cent sales tax to fund libraries. (The County Board of Supervisors has authorized a library sales tax measure for the November 2004 ballot. The measure includes Paso Robles [even though the City Council opposes the tax] and, if passed, will increase sales tax by ¼ cent per dollar for five years. Council may reaffirm its opposition to this tax through submission of a formal ballot measure opposition argument.)

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 direct preparation of an opposition argument for signature by all five Councilmembers.

Motion passed by the following unanimous roll call vote:

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

COUNCIL COMMENTS

- Councilmember Finigan asked staff to return to Council with water metering suggestions.
- Councilmember Nemeth asked City Librarian Annie Robb to provide particulars about the national recognition awarded to the Paso Robles Library by the National Library Association for best marketing materials for a library event in 2003.
- Councilmember Nemeth expressed concern that the skate park rules are not being followed. He suggested that this be brought forward for discussion by Council at a future meeting.

- Councilmember Nemeth cautioned that the trees growing along 12th Street (between Pine and Spring) and Pine Street (between 12th and 13th) need landscaping attention. Mayor Mecham concurred.

PUBLIC COMMENT ON CLOSED SESSION - None

City Attorney Iris Yang 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 10:50 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 11:48 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 items, and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 11:50 PM.

ADJOURNMENT: to CLOSED SESSION MEETING AT 6:30 PM ON THURSDAY, JULY 8, 2004, AT THE 2ND FLOOR CONFERENCE ROOM, CITY HALL, 1000 SPRING STREET; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 20, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: August 3, 2004