

# **CITY COUNCIL MINUTES**

**Tuesday, November 2, 2004 7:30 PM**

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

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**7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

**PLEDGE OF ALLEGIANCE**

Led by Scout Kevin Alexander, Boy Scouts of America, Troop 101

**INVOCATION**

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

*Mayor Mecham turned the meeting over to Councilmember Finigan at this time. Councilmember Finigan assumed the Chair and presided for the remainder of the meeting.*

**PUBLIC COMMENTS**

- Fred Strong complimented City staff for their assistance to all candidates during the election campaign.
- Virginia Harris, speaking on behalf of the *November 2004 Toy Bank*, encouraged the public to donate toys for the children this holiday season and expressed thanks for the community's generosity in past years.
- Michael Kane asked for clarification of the Closed Session listing in the agenda.
- Steve Brown, Coast Hills Federal Credit Union, presented Frank and Deb Mecham with a \$1000 check for being winners of the mayoral dance contest at the *Red Sock Hop* held last week. Mayor and Mrs. Mecham re-designated their winnings to the Paso Robles Children's Museum.
- Kathy Barnett stated her views on campaign literature and the need for candidate attendance and participation in Council and Planning Commission meetings and workshops on a regular basis, rather than just during the immediate months prior to an election.
- Pastor Pat Sheean asked that Walnut Street be striped to clearly show traffic lanes for vehicles traveling in both directions.
- Dale Gustin expressed good wishes to all candidates running for City office.

**AGENDA ITEMS TO BE DEFERRED (IF ANY) - None**

**PUBLIC HEARINGS**

1. **Amendment of 2002 and 2004 Annual Action Plans for the Community Development Block Grant (CDBG) Program**  
R. Lata, Community Development Director

Consider amending the 2002 and 2004 Annual Action Plans for the City's 2004 CDBG Program. (The proposed amendment would enable a portion of 2004 CDBG funds and unused 2002 CDBG funds to be reprogrammed to the LED-lighted Crosswalk Project at 24<sup>th</sup> and Oak Streets.)

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

Mayor Mecham, seconded by Councilmember Heggarty, moved to continue this item to December 21, 2004, and directed staff to bring back further options to consider.

Motion passed by the following unanimous roll call vote:

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

**CONSENT CALENDAR**

Councilmember Finigan 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. 2 - 11 were approved on a single motion by Councilmember Nemeth, seconded by Mayor Mecham, with Councilmember Heggarty abstaining on Agenda Item No. 11 due to a conflict of interest (his residence being in the Orchard Bungalow district); and with Councilmember Picanco voting no on Agenda Items Nos. 7 and 11.

2. Approve City Council minutes of September 30 and October 19, 2004  
D. Fansler, City Clerk
3. Approve Warrant Register: Nos. 50874 – 51010 (10/15/04) and 51011 – 51160 (10/22/04)  
M. Compton, Administrative Services Director
4. Receive and file Advisory Body Committee minutes as follows:  
Library Board meeting of September 16, 2004  
Parks & Recreation Advisory Committee meeting of September 14, 2004  
Pioneer Museum meetings of September 9 and 30, 2004  
Senior Citizen Advisory Committee meeting of September 13, 2004  
Youth Commission meetings of September 1 and 8, 2004
5. Proclamation for Toy Bank Month, November 2004
6. Read, by title only, and adopt Ordinance No. 887 N.S. amending the Zoning Title of the Municipal Code to allow veterinary offices within the Gateway Center and along the Creston Road corridor in the Office Professional [OP] zone, and all areas of the General Retail [C-1] and Neighborhood Commercial [CP] zones subject to approval of a Conditional Use Permit.  
1ST READING OCTOBER 19, 2004  
R. Lata, Community Development Director
7. Read, by title only, and adopt Ordinance No. 888 N.S. amending 12.00 et seq. and related provisions of the Municipal Code (Code Amendment 2001-004 regulating commercial vehicle parking.) 1ST READING OCTOBER 5, 2004  
R. Lata, Community Development Director
8. Adopt Resolution No. 04-236 accepting the recordation of Parcel Map PR 01-0479, a 2-lot residential subdivision located at 2022 Vine Street, north of 20<sup>th</sup> Street. (Applicants: Jolie and Josh Cazier. Planning Commission tentatively approved the parcel map in March 2002 and all conditions imposed have been satisfied.)  
R. Lata, Community Development Director
9. Adopt Resolution No. 04-237 amending the contract for Associated Pacific Constructors in an amount of \$47,680. (Additional costs associated with installing a well casing at the sulfur spring in the Library/City Hall parking lot.)  
M. Williamson, Interim Public Works Director
10. Adopt Resolution No. 04-238 accepting DPW 98-17 for maintenance by the City and approving the settlement agreement between the City and S.C. Anderson Company. (The City has been occupying the Public Safety Center since February 2003. However, it was not in the City's interest to declare the project complete and accept it for maintenance until the warranty period was concluded. The contractor's warranty period has now expired. A settlement agreement and mutual release have been signed by both parties. The Agreement provides for a reimbursement of the City of \$180,979 for delays in completion and a reduction of \$5,030 in the contract price as a credit for work deleted from the contract.)  
M. Williamson, Interim Public Works Director

11. Adopt Resolution No. 04-239 accepting streets shown on Exhibit A into the City's maintenance system. (Streets in the Orchard Bungalow Tract which were paved with Assessment District funds were accepted into the City's maintenance system in February 2003. For those portions constructed and paved with private funds to be incorporated into the City's system, a Quiet Title Action was required to be filed. The Action has now been completed.)  
M. Williamson, Interim Public Works Director

## DISCUSSION

12. **Parking Restrictions and Traffic Controls in the Vicinity of Vendels Circle and North Ramada Drive**  
M. Williamson, Interim Public Works Director

Consider new parking restrictions at the 1380 block of Vendels Circle, near Firestone Walker Brewery and Nu-Way Cleaners. (Staff met with the business owners on Vendels Circle and determined proposed changes to existing parking restrictions [red curbs], traffic controls [stop signs], and addition of new parking restrictions agreeable to all. The Streets and Utilities Committee reviewed the changes at their meeting in October and voted 2-0 to recommend approval.)

Councilmember Finigan 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 Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-240 approving the parking restriction (red curb) modifications and additional traffic controls (stop sign and street painting) at Vendels Circle and North Ramada Drive.

Motion passed by the following unanimous roll call vote:

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

13. **Law Enforcement Challenge Award**  
D. Cassidy, Chief of Police

The State and National Law Enforcement Challenge awards show case excellence by the Paso Robles Police Department Traffic Program. Special recognition is given to Ofc. Eric Mattke for his special contributions and commitment to the program. (The team is managed by Lt. Lisa Solomon, with Sgt. Clint Wenter as the operating supervisor, and Officers Eric Mattke and Dan Hackett executing the daily work and coordinating all associated special programs.)

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

Mayor Mecham, seconded by Councilmember Nemeth, moved to receive and file.

Motion passed by the following unanimous roll call vote:

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

**14. Sherwood Park Master Plan – Phase 1A Playground Structures**

M. Williamson, Interim Public Works Director

Consider supplementing the budget to complete Phase 1A of the Sherwood Park Master Plan to replace, relocate, and expand the playground structures. (A Master Plan to improve and enhance Oak Creek and Sherwood Park was adopted in September 2003. Council direction to appropriate additional funds for completing Phase 1A is required.)

Councilmember Finigan opened the public hearing. Speaking from the public were Dale Gustin, Kathy Barnett, and Tom Hardwick. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty , seconded by Councilmember Picanco, moved to continue this item to the Council meeting of December 21, 2004.

Motion passed by the following unanimous roll call vote:

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

**15. Water & Wastewater Operations: Expert Quality Assurance and Transition Assistance**

J. App, City Manager

Consider continuation of expert water and wastewater system quality assurance and management transition assistance. (Due to key staff vacancies, outside expertise is required to provide technical engineering advice and interagency coordination concerning Nacimiento Water Project implementation, groundwater basin management, and strategic water and wastewater planning issues.)

***Mayor Mecham stepped down from the dais and abstained from voting on Item No. 15 due to a possible conflict of interest (Ms. Halley being a client).***

Councilmember Finigan opened the public hearing. Speaking from the public were Michael Kane and Kathy Barnett. There were no further 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. 04-241 authorizing the City Manager to engage Christine Halley of TJ Cross Engineers on a time and materials basis, and appropriating up to \$25,000 from Water and Wastewater funds as needed.

Motion passed by the following roll call vote:

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

*Mayor Mecham returned to his seat at the dais.*

**CITY MANAGER** – None

**CORRESPONDENCE** – None

**ADVISORY BODY COMMUNICATION** – None

**AD HOC COUNCIL BUSINESS** – None

**COUNCIL COMMENTS**

- Mayor Mecham commended all candidates running for office.
- Councilmember Finigan expressed his appreciation for the opportunity he has had to serve on the City Council for the past four years.

**PUBLIC COMMENT ON CLOSED SESSION** – None

*Deputy City Attorney Jon Seitz announced Council's authority to go into closed session pursuant to Government Code Section 54956.9(c) Anticipated Litigation to review the City's options regarding the North American Jet Charter (NAJC) Lease and the City's Claims of Default .*

*Council moved to adjourn from regular session at 9:05 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 9:20 PM.*

## RETURN TO OPEN SESSION

The Council meeting was reconvened, and Deputy City Attorney Jon Seitz announced that on a 5-0 vote the City Council approved a Settlement Agreement resolving the City's Claims of Default related to the NAJC Lease. Key terms of the Agreement are as follows:

- On or before January 1, 2005, NAJC shall base no less than three (3) gas turbine engine, fixed-wing aircraft at the airport such that no less than fifty percent (50%) of the taxable value of said aircraft is collected by the County of San Luis Obispo.
- On or before 4:30 p.m. Wednesday, November 3, 2004, NAJC shall deliver to the City Manager's office, the amount of thirty-five thousand dollars (\$35,000) as payment to the City for Claims of Default related to the basing of three (3) aircraft at the airport.
- On or before November 15, 2004, NAJC shall conduct the following activities and provide the following services in compliance with Section 4.1 of the Premise Lease:
  - A. Provide Aircraft Storage, as set forth in Section 14 of the Minimum Standards;
  - B. Provide Aircraft Maintenance and Repair, as set forth in Section 7 of the Minimum Standards
  - C. Conduct activities which are complimentary to the services provided by NAJC under the Services Lease.
- The Settlement Agreement is a public record.

*By unanimous voice vote, Council moved to adjourn from regular session at 9:25 PM.*

**ADJOURNMENT:** to THE UCSB COUNTY ECONOMIC FORECAST AT 7:00 AM ON FRIDAY, NOVEMBER 5, 2004, AT THE PERFORMING ARTS CENTER AT CAL POLY, 1 GRAND AVENUE, SAN LUIS OBISPO; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 16, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: November 16, 2004