

CITY COUNCIL MINUTES

Tuesday, January 20, 2004 7:30 PM

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

PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR
TO THE MEETING WITH A COPY TO THE CITY CLERK

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENTS

- Barry Kinman (Kinman & Curry) suggested that Council revisit the issue of tenant retrieval plans from red-tagged buildings.
- Mike Arrambide asked Council to investigate the possibility of demolition and shoring up of red-tagged buildings with FEMA financial assistance.
- Barbara Lewin (The Blenders) expressed her concerns over easy accessibility of information.
- Thomas Madden spoke as a representative of the Mastagni family buildings located at 745 and 801 12th Street and brought Council's attention to a letter submitted by David Laurence Phillips (DLP Associates) regarding his recommendation to demolish the buildings.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. Briefing on, and Confirmation of, Continuing Local Emergency

J. App, City Manager

Receive verbal briefing on status of emergency and community recovery. Consider approving a resolution to continue local emergency. (State law requires Council to review the need for continuing the local emergency at its regularly scheduled meetings until the local emergency is terminated. Council is required to proclaim the termination of the local emergency "at the earliest possible date that conditions warrant.")

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-11 determining that a local emergency continues to exist.

Motion passed by the following unanimous roll call vote:

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

PUBLIC HEARINGS - 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. 2 – 5.1 were unanimously approved on a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth.

2. Approve City Council minutes of December 11 and 26, 2003.

D. Fansler, City Clerk

3. Approve Warrant Registers: Nos. 45048 – 45126 (12/31/03) and 45127 – 45287 (1/9/04)

M. Compton, Administrative Services Director

4. Adopt Resolution No. 04-12 awarding a \$203,500 construction contract to low-bidder Newton Construction & Management, Inc. for the Municipal Pool Changing Room Project. (In 2001, 2002 and 2003, the City applied for and obtained Community Development Block Grant funds to perform construction work at the Municipal Pool changing room. A Request for Bids was issued, with two firms responding. Newton Construction & Management, Inc. submitted the low bid and staff finds the bid responsive.)

J. Deakin, Public Works Director

5. Receive and file Annual Transit Report for fiscal year ended June 30, 2003. (The City operates two types of transit services: demand response, commonly referred to as Dial-a-Ride [DAR], and a fixed route system called Paso Robles City Area Transit System [CATS]. Transit operations are funded from Transportation Development Act [TDA] funds and fares. TDA funding is derived from ¼ of 1% of the sales tax rate, distributed on a population basis.)
M. Compton, Administrative Services Director
- 5.1 Read, by title only, and adopt Ordinance No. 870 N.S. amending Title 21 of the Zoning Code of the Municipal Code to approve a zoning map change for 927 and 955 Creston Road (Assessor Parcel No. 009-641-003) from R1 (Single-family Residential) to R2 PD (Duplex/Triplex Planned Development), and set. (The approximately 1.3-acre site is located at the northwest corner of Creston Road and Orchard Drive. The Planning Commission voted on December 9th to recommend approval of the zone change.) 1ST READING JANUARY 6, 2004
R. Lata, Community Development Director

DISCUSSION

6. **Determination of Significance, Modification to Historic Structure at 1245 Park Street (Old Bank of America Building / Ali's)**
R. Lata, Community Development Director

Consider making determination that proposed modifications to the subject property to address earthquake related damage would not be a significant alteration under California Public Resources Code Section 5028. (This building is included in the City's Historic Resources Inventory. The proposed modification to the northern frontage stucco to replace brick veneer on upper story façade of the building appears not to be significant, and it would enhance public safety for pedestrians along 13th Street.)

Mayor Mecham opened the public hearing. Speaking from the public were Ron Rose and Ali Salmanzadeh. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to approve language provided by the City Attorney that the proposed modification to the northern façade of the subject building would not result in the building losing its integrity, historic qualities, or potential to yield information, and, therefore, based on that finding, determine that the proposed modifications to the subject property to address earthquake related damage would thereby not be a significant alteration under California Public Resources Code 5028. (This building is included in the City's Historic Resources Inventory. The proposed modification to the northern frontage stucco to replace brick veneer on the upper story façade of the building appears not to be significant, and it would enhance public safety for pedestrians along 13th Street.)

Motion passed by the following unanimous roll call vote:

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

7. Public Works Construction – Post Earthquake

J. Deakin, Public Works Director

Consider options for contracting earthquake damage repairs on City facilities. (Some City facilities damaged in the San Simeon earthquake need immediate repairs. The City can avail itself of the Uniform Public Construction Cost Accounting Act [UPCCAA] process for projects under \$100,000. This process is streamlined from the Public Works Construction Act, and can lead to quicker project execution.)

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

Councilmember Heggarty, seconded by Councilmember Finigan, moved to direct staff to preserve the City options to have re-pairs reimbursed by disaster relief agencies, by using established procurement procedures for construction projects and adopt Resolution No. 04-13 exempting the City from the City Purchasing and Payment Procedures for acquiring professional services related to earthquake repair projects.

Motion passed by the following unanimous roll call vote:

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

8. Atascadero Automatic Aid Agreement

K. Johnson, Emergency Services Chief

Consider an automatic aid agreement with the City of Atascadero. (Automatic aid provides for the immediate dispatching of resources for emergencies where their use can be reasonably anticipated. This agreement would provide a faster response of Paso Robles ladder truck for fires in commercial and multi-family buildings in Atascadero, and Paso Robles would receive an expedited dispatch of an Atascadero fire engine for commercial or multi-family buildings and wild land fires.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to continue this item to a future date.

Motion passed by unanimous voice vote.

9. Ladera Reservoir Design Contract

J. Deakin, Public Works Director

Consider awarding a design contract to Boyle Engineering for the Ladera reservoir. (In November 2003, the Council adopted a revised Water Facilities Capital Improvement Project, with the Ladera water storage tank construction listed as a top priority project.)

Mayor Mecham opened the public hearing. Speaking from the public was Mike Menath. There being no further comments from the public, either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 04-14 authorizing the City Manager to enter into a Service Agreement with Boyle Engineering to design a 4-8 million gallon reservoir Ladera Tank Reservoir in the amount of \$232,780.

Motion passed by the following unanimous roll call vote:

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

Council took a 10-minutes break, reconvening at 9:05 p.m.

- 10.** Chandler Ranch Area Specific Plan – Notice of Preparation, Environmental Scoping Session, and Modeling Workshop
R. Lata, Community Development Director

Consider authorizing issuance of a Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Chandler Ranch Area Specific Plan, setting a date for a public “Scoping Session” for the DEIR, and setting a joint meeting with the Planning Commission to discuss the status of modeling of grading for the Chandler Ranch Area Specific Plan. (Issuance of the NOP is a routine matter, consistent with the California Environmental Quality Act [CEQA]. The purpose and intent of a modeling, grading, and/or land form modification is to ensure a clear understanding of the nature and extent of topographic changes proposed within the Chandler Ranch Area Specific Plan.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to authorize issuance of a Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) on the Chandler Ranch Area Specific Plan, and set Thursday, February 12, 2004, at 7:00 PM (or another acceptable date) for a joint Planning Commission - City Council workshop that would combine a Scoping Session on the DEIR with a public workshop and discussion regarding modeling of grading and landform modification.

Motion passed by the following unanimous roll call vote:

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

11. Presentation Regarding Community Facilities Districts

R. Lata, Community Development Director

Receive a presentation from David Taussig of David Taussig & Associates regarding the potential uses of Community Facilities Districts (CFDs), and consider directing staff to bring back a report outlining options for Council consideration at a later date. (Used in conjunction with Development Impact Fees, Specific Plan Fees, and other tools, CFDs can be used to help insure "fiscal neutrality" in relation to the cost of serving new development.)

David Taussig of David Taussig & Associates conducted a visual presentation on public services financing programs for new development in the City.

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to direct staff to receive presentation from David Taussig, pose any related questions or information needs that would assist the Council in determining how CFDs may be valuable in implementing the policies of the City's General Plan, and direct staff to return with a set of CFD related options for Council consideration. (No formal action is sought at the January 20, 2004, Council meeting; options for Council evaluation will be presented at a subsequent Council meeting.)

Motion passed by the following unanimous roll call vote:

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

12. Extension of David Taussig & Associates Agreement

R. Lata, Community Development Director

Consider extending the contract with David Taussig & Associates to assist with development mitigation financing related to implementation of the updated General Plan.

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to authorize the extension of the Contract Services Agreement with David Taussig & Associates on a "Time and materials" basis up to \$40,000, with funding to be charged to the General Plan program contingency budget.

Motion passed by the following unanimous roll call vote:

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

13. Adjustments to Rincon Consultant Contract

R. Lata, Community Development Director

Consider a request from Rincon Consultants for an adjustment to their contract for assisting the City in preparation of the General Plan update.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to authorize staff to utilize contingency funds to pay Rincon the requested adjustment of \$28,642 regarding their scope of work for the General Plan Update Program.

Motion passed by the following unanimous roll call vote:

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

14. Street Lights on Dallon Drive

R. Lata, Community Development Director

Consider re-appropriating a portion of Measure D funds budgeted for a Cuesta College infrastructure project. (As part of the current Capital Improvement Project budget, Council approved an appropriation of \$450,000 to widen the east side of Buena Vista Drive from Experimental Station Road to Dallons Drive. Cuesta College does not have adequate funds in their budget to provide street lights along Dallons Drive (in conjunction with their new permanent building construction). It is proposed that \$30,000 be taken from the Buena Vista Drive widening project to purchase and install six light standards.)

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

Councilmember Finigan, seconded by Heggarty, moved to forward this item to a future date to allow staff to return with additional information.

Motion passed by unanimous voice vote.

15. Fire Station No. 2 Rehabilitation

K. Johnson, Emergency Services Chief

Consider updating Fire Station No. 2 to accommodate four firefighters and two emergency response vehicles. (Fire Station No. 2, built in 1960, was not constructed as a full-time work location; however, community growth and prolonged response times east of the Salinas River have necessitated firefighters operating from that location. The current arrangement of vehicle, equipment, and sleeping quarters is inefficient and the restroom and work areas are deficient.)

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

Councilmember Heggarty, seconded by Mayor Mecham, moved direct staff to proceed with the station remodel option for rehabilitation of Fire Station No. 2 and authorize the preparation and distribution of bid plans and specifications.

Motion passed by the following roll call vote:

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

16. Firefighter Health and Safety

K. Johnson, Emergency Services Chief

Consider accepting a federal grant to improve firefighter health and safety. (The City has been successful in winning approval for \$84,375 in federal grant monies to initiate this program and install an exhaust removal system at Fire Station No. 2.)

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

Councilmember Heggarty excused himself to address a personal issue and did not return until the beginning of Agenda Item No. 18.

Councilmember Finigan, seconded by Mayor Mecham, moved to adopt Resolution No. 04-15 accepting award of a federal grant for a diesel exhaust system, physical fitness equipment, and professional services to increase firefighter health and safety and making the corresponding budget appropriation.

Motion passed by the following unanimous roll call vote:

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

17. Investment Policy – Annual Review

M. Compton, Administrative Services Director

Undertake annual review of the City's Investment Policy. (The City has an approved investment policy to guide the investment of surplus City funds. Legislation requires that the treasurer or chief fiscal officer annually render to the legislative body of the local agency a statement of investment policy, which the legislative body shall consider at a public meeting. Council appointed an ad hoc committee to serve as the Investment Policy Review Committee for the annual review. After reviewing the investment policy and investment portfolio, the Committee recommended a change in the policy to provide longer term investments, from five to seven years.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to approve the attached revised Investment Policy providing that 40% of the City's total portfolio may be invested in U.S. government agencies, of which 15% may be invested in securities with maturities ranging from five to seven years.

Motion passed by the following unanimous roll call vote:

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

18. Bond Counsel Services Contract

M. Compton, Administrative Services Director

Consider approving a professional services agreement for bond counsel services. (Robert Haight has provided bond counsel services on all City long-term financings since 1999—three general obligation bonds, one tax allocation bond issue and one installment sale sewer revenue bond issue.)

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 04-16 approving a professional services contract with Robert Haight for bond counsel services.

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

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

By unanimous voice vote, Council moved to adjourn from Regular Session at 10:42 PM.

ADJOURNMENT: to OFFICE OF EMERGENCY SERVICES APPLICANT BRIEFING, ELECTED OFFICIAL OVERVIEW, AT 9:00 A.M. ON THURSDAY, JANUARY 22, 2004, AT THE ATASCADERO PAVILLION ON THE LAKE, 9315 PISMO AVENUE, ATASCADERO; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, FEBRUARY 3, 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved:

**THESE MINUTES ARE NOT OFFICIAL OR A PERMANENT PART OF THE RECORDS
UNTIL APPROVED BY THE CITY COUNCIL AT THE NEXT REGULAR MEETING.**