



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

CITY COUNCIL MINUTES

Tuesday, November 21, 2006 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

The meeting was called to order by Mayor Pro Tem Heggarty.

PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Patrick Sheean

ROLL CALL Gary Nemeth, Duane Picanco, Fred Strong, Frank Mecham, and Mayor Pro Tem Jim Heggarty

PUBLIC COMMENTS - None

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. **Peoples' Self-Help Housing Corporation**
Jeanette Duncan, Executive Director

Canyon Creek Apartments progress report, including completion timelines, construction costs, and funding closing dates.

PUBLIC HEARINGS

1.1 Appeal of Planning Commission Approval of PD 05-016, Tract 2772 (Erskine)

R. Whisenand, Community Development Director

Consider opening and continuing a noticed public hearing on this item to allow city staff additional time to research the grounds for the appeal and to provide staking of the project boundaries at the project site.

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

By unanimous voice vote, Council approved to continue the noticed public hearing to December 5, 2006.

CONSENT CALENDAR

Mayor Pro Tem Heggarty 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.

2. Approve City Council minutes of November 7, 2006.
3. Approve Warrant Register: Nos. 66138—66237 (11/03/06) and 66238—66377 (11/09/06).
4. Receive and file Advisory Body Committee minutes for Senior Citizen's Advisory Committee meeting of October 9, 2006, and Youth Commission meeting of October 4, 2006.
5. Adopt Resolution No. 06-213 approving a budget appropriation in the amount of \$125,100 from the Economic Incentive Fund pursuant to an agreement with Paso Robles GMC Truck. This payment represents the final payment under the terms of the agreement.
6. Adopt Resolution No. 06-214 annexing PR 06-0035 into the Landscape and Lighting District, No. 1, Subarea 114 (Sylvester). On October 17, 2006 City Council accepted Parcel Map PR 06-0035 for recordation, and consistent with Council policy, a resolution annexing the property into the district is required.
7. Adopt Resolution No. 06-215 establishing the Pine Street Alley Sewer Reimbursement Agreement with Keith Belmont for the City to collect reimbursable amounts on his behalf to a total aggregate amount of \$8,895. The sewer line and other appurtenances, serving the area generally described as the alley west of Pine Street, south of 11th Street and north of 10th Street qualify for reimbursement pursuant to Title 14 Section 14.08.070 M1b of the Municipal Code.
8. Adopt Resolution No. 06-216 accepting and authorizing recordation of the Grant Deed provided by BH Development of a parcel of land in and adjacent to a stream bed west of Arciero Way. The Deed will connect a small portion of private property to the City-owned open space dedicated with Tract 2571, which was approved for recordation on November 16, 2004. The open space in Tract 2571 is maintained by the Landscape and Lighting District.

9. Adopt Resolution 06-217 certifying and adding Parcel Map 05-0318 (Ferreira), a 2-lot subdivision, located at 540 Oak Street, to CFD No. 2005-1 for public services, and adopt Resolution No. 06-218 accepting the recordation of Parcel Map PR-05-0318, tentatively approved by the Planning Commission on February 14, 2006, and all conditions imposed have been satisfied.
10. Adopt Resolution No. 06-219 authorizing an upgrade to the Police Department's current computer aided dispatching system to include Geographic Information System (GIS) software for mapping public safety for service. The department applied and was approved for state GIS funding of \$30,000.

Consent Calendar Items Nos. 2 - 10 were approved on a single motion by Councilmember Nemeth, seconded by Mayor Mecham, with Councilmember Picanco abstaining on Warrant Register Items Nos. 066200, 066328 and 066366.

Motion passed by the following unanimous roll call vote:

AYES: Mecham, Nemeth, Picanco, Strong, and Heggarty

NOES:

ABSTAIN:

ABSENT:

DISCUSSION

11. **Proposed Legislation – Conjunctive Labeling:
Paso Robles Wine Grape Appellation – American Viticultural Area (AVA)**
J. App, City Manager

To consider joining the Paso Robles AVA Committee and Wine Country Alliance in urging the adoption of State conjunctive labeling legislation to establish and market Paso Robles wine globally.

Mayor Pro Tem Heggarty opened the public hearing. Speaking from the public was Justin Baldwin, of Justin Winery, Mike Gibson, Paso Robles Chamber of Commerce, Norma Moye, Paso Robles Main Street Association, 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 Strong, moved to authorize the Mayor to formally urge the State of California to adopt the Proposed Conjunctive Labeling Law.

Motion passed by unanimous voice vote.

12. **Municipal Pool – Joint Use Agreement and Land Lease**
D. Monn, Public Works Director

To consider updating a Joint Use Agreement and Land Lease with the Paso Robles Joint Unified School District for the municipal pool located at 28th & Oak Streets.

Mayor Pro Tem Heggarty 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 Mayor Mecham, moved to adopt Resolution No. 06-220 authorizing the City Manager to negotiate a contract with the School District establishing:

- i. A ground lease and first right of refusal or equivalent for the property and improvements associated with the municipal pool, and;
- ii. That the District's cost shall be based on actual hours used at 25% of the cost of lap pool maintenance (electricity, natural gas, chemicals and maintenance labor excluding the Therapy Pool) to be collected at the end of each fiscal year starting with the amount due for fiscal year 2005/2006, and
- iii. That the District will agree to a similar pricing policy for its subcontractor, North County Aquatics (NCA).

Motion passed by the following unanimous roll call vote:

AYES: Mecham, Nemeth, Picanco, Strong, and Heggarty
NOES:
ABSTAIN:
ABSENT:

13. Water Operations: Public/Private Schools Irrigation, Water Supervisor, and Additional Utility Billing Personal

D. Monn, Public Works Director

To consider amending the authorized reimbursement for community use of School District and Private School play fields, conversion of an existing vacant water division maintenance position to supervisor, and add 1.5 utility billing staff.

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

Councilmember Strong, seconded by Mayor Mecham, moved to adopt Resolution No. 06-221 authorizing the broadening of the reimbursement policy for use of School District turf areas and private school play fields, conversion of a budgeted water maintenance position to a water supervisor and the addition of 1.5 utility billing persons and approving a budget appropriation for all components.

Motion passed by the following unanimous roll call vote:

AYES: Mecham, Nemeth, Picanco, Strong, and Heggarty
NOES:
ABSTAIN:
ABSENT:

14. Intersection Improvements – 13th Street/Riverside Avenue

D. Monn, Public Works Director

Consider removing temporary traffic flow changes at 13th and Riverside Avenue.

Mayor Pro Tem Heggarty opened the public hearing. Speaking from the public was Dale Gustin and Tom Hardwicke. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Strong, moved to accept a recommendation from the Streets & Utilities Committee to make the following changes at the 13th and Riverside Avenue intersection:

- i. Remove the turn restrictions at 13th and Riverside Avenue, and;
- ii. Re-stripe the eastbound lanes as recommended by the traffic engineer, and;
- iii. Install "Do Not Block" pavement markings at the intersection.

Motion passed by the following unanimous roll call vote:

AYES: Mecham, Nemeth, Picanco, Strong, and Heggarty
NOES:
ABSTAIN:
ABSENT:

15. Union Pacific Flagging Invoice

D. Monn, Public Works Director

To consider appropriating funds to pay a 2006 invoice from Union Pacific Railroad (UPRR) for flagging, inspection, and signal installation costs associated with the 24th Street Bridge seismic retrofit project completed in 2000.

Mayor Pro Tem Heggarty 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 Strong, moved to adopt Resolution No. 06-XXX appropriating a one-time amount of \$22,100 from the Gas Tax Fund to pay UPRR for flagging, inspection, and signal installation costs for the 24th Street Bridge seismic retrofit.

Motion failed by the following roll call vote:

AYES: Nemeth, Strong
NOES: Mecham, Picanco, and Heggarty
ABSTAIN:
ABSENT:

Following discussion, Mayor Mecham, seconded by Councilmember Picanco, moved to continue the item and place on the December 5, 2006 City Council Agenda, under Closed Session.

Motion passed by the following unanimous roll call vote:

AYES: Mecham, Nemeth, Picanco, Strong, and Heggarty
NOES:
ABSTAIN:
ABSENT:

16. Highway 101/46 West Interchange – Special Tax Consulting Services

M. Compton, Director of Administrative Services

To consider a contract with Koppel and Gruber Public Finance (KG) to prepare special tax reports required for the proposed Highway 101/46 West community facilities district (CFD).

Mayor Pro Tem Heggarty 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 Strong, moved to adopt Resolution No. 06-222 approving a contract with Koppel and Gruber Public Finance for special tax consulting services and authorize the Director of Administrative Services to execute said contract.

Motion passed by the following unanimous roll call vote:

AYES: Mecham, Nemeth, Picanco, Strong, and Heggarty

NOES:

ABSTAIN:

ABSENT:

17. Annual Transportation Development Act Funding Claim

M. Compton, Director of Administrative Services

To consider approving the annual Transportation Development Act (TDA) claim for Fiscal Year 2007. TDA Funds may be used for two purposes: transit operations and/or street and road construction/maintenance.

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

Councilmember Strong, seconded by Mayor Mecham, moved to adopt Resolution No. 06-223 approving the annual claim for Transportation Development Act Funds, in the amount of \$1,028,191 for the Fiscal Year ending June 30, 2007.

Motion passed by the following unanimous roll call vote:

AYES: Mecham, Nemeth, Picanco, Strong, and Heggarty

NOES:

ABSTAIN:

ABSENT:

18. Employee Retirement (PERS) Contract Revision – Local 4148 I.A.F.F.

M. Williamson, Assistant City Manager

To consider amending the Public Employees' Retirement System (PERS) retirement contract for the Local 4148 I.A.F.F. (Firefighters) to include an Alternative Pre-Retirement Death Benefit.

Mayor Pro Tem Heggarty 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 Strong, moved to:

- i. Adopt Resolution of Intention No. 06-224 establishing the City Council's intention to approve an amendment to the Contract between the Board of Administration of the California Public Employees' Retirement System and the City; and
- ii. Introduce for first reading, by title only, Ordinance No. XXX N.S., authorizing an amendment to the Contract between the City of El Paso Robles and the Board of Administration of the California Public Employees' Retirement System, and set December 19, 2006 for second reading of said ordinance.

Motion passed by the following unanimous roll call vote:

AYES: Mecham, Nemeth, Picanco, Strong, and Heggarty

NOES:

ABSTAIN:

ABSENT:

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION

19. **Schedule Date for Applicant Interviews/Appointments –Planning Commission**
R. Whisenand, Community Development Director

Select date for conducting interviews and making appointments for vacancies on the Planning Commission (2 vacancies – 3-year regular terms expiring December 31, 2009). Twenty-three applications were accepted through the closing date, November 17, 2006.

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

By unanimous voice vote, Council moved to set both Monday, December 11, 2006 and Wednesday, December 13, 2006 at 6:00 PM for interviews with appointments to be made on Wednesday following the final interview.

COUNCIL COMMENTS (Including oral reports on conferences attended) - None

PUBLIC COMMENT ON CLOSED SESSION – None

City Attorney Seitz announced Council's authority to go into closed session to discuss the items listed on the agenda.

It was the consensus of Council to adjourn from regular session at 8:45 PM

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 10:00 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Seitz announced that there was no reportable action was taken

By unanimous voice vote, Council moved to adjourn from regular session at 10:05 PM.

ADJOURNMENT:

- TO THE CITY'S EMPLOYEE CHRISTMAS PARTY AT 6:00 PM ON FRIDAY, DECEMBER 1, AT THE PASO ROBLES INN, 1103 SPRING STREET
- TO THE CHRISTMAS LIGHT PARADE AT 6:00 PM ON SATURDAY, DECEMBER 2, DOWNTOWN CITY PARK;
- TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 5, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

Deborah D. Robinson, Deputy City Clerk
Approved:

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