

All persons desiring to speak on agenda items are asked to fill out a *Speaker Information Card* and place it at the Staff Table prior to the start of discussion of the agenda item. Each individual speaker will be limited to a presentation total of three (3) minutes per person, per item.

CITY COUNCIL AGENDA

Tuesday, May 7, 2002 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

INVOCATION

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

PUBLIC COMMENTS

This is the time the public may address the Council on items other than those scheduled on the agenda. **PLEASE SPEAK DIRECTLY INTO THE MICROPHONE AND BEGIN BY STATING YOUR NAME AND ADDRESS. EACH PERSON AND SUBJECT IS LIMITED TO A 3-MINUTE DISCUSSION.** Any person or subject requiring more than three minutes may be scheduled for a future Council meeting or referred to committee or staff. Those persons wishing to speak on any item scheduled on the agenda will be given an opportunity to do so at the time that item is being considered.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

If applicable, staff to advise Council of any other item on the agenda that is to be deferred or tabled.

PRESENTATIONS

1. **Recognition of Retiring Fire Chief Doug Hamp** (Mayor Frank Mecham)

NOTICED HEARINGS

2. **Rezone 02-001 (4th and Pine Property)**

R. Lata, Community Development Director

Table the rezone request as the property was rezoned on September 18, 2001 (Ordinance No. 818 N.S., Rezone 01-0005)

OPTIONS:

- a. Table Rezone 02-001 as the property has already been rezoned via Ordinance No. 818 N.S. on September 18, 2001.
- b. Amend, modify, or reject the above option.

ROLL CALL

3. **Easement Abandonment 02-001 (Applicant: Randy Stinchfield)**

R. Lata, Community Development Director

Conduct a public hearing and consider a request filed by Randy Stinchfield to abandon a utility easement. (Proposed abandonment is approximately 100 feet in length and 40 feet wide lying within 17th Street, between the east line of Pine Street and the west boundary of the southern Pacific Railroad right of way. There do not appear to be any public utilities lying in the abandonment area. As a cautionary measure, a recommended condition of approval for the vacation would be that applicant be responsible for relocating any utilities, if found, at his own expense. As street was previously vacated and there is no evidence that the easement is being used for its intended purpose, it appears that this request would be consistent with the General Plan, its elements and the Zoning Code.)

OPTIONS:

- a. In accordance with the conditions of approval, adopt Resolution No. 02-xx approving Easement Abandonment 02-001.
- b. Amend, modify, or reject the above option.

ROLL CALL

4. Non-conformity Status – Code Amendment 2002-003

R. Lata, Community Development Director

Conduct a public hearing to consider the Planning Commission’s recommendation to approve a code amendment that relates to the non-conforming status of private property. (The amendment would have the effect of protecting private property from becoming non-conforming or more non-conforming when the City acquires part of the property for public purposes. Purpose of proposed code amendment would be to avoid adverse impacts on the status of private property as a result of public acquisitions. It is a “hold harmless” type of provision.)

OPTIONS:

- a. Adopt Resolution No. 02-xx approving a Negative Declaration and introduce for first reading an Ordinance No. xxx approving the proposed Code Amendment 2002-003, setting May 21, 2002, as the date for second reading of the Ordinance.
- b. Amend, modify, or reject the above option.

ROLL CALL

CONSENT CALENDAR

ITEMS ON THE CONSENT CALENDAR ARE CONSIDERED ROUTINE, NOT REQUIRING SEPARATE DISCUSSION. However, if discussion is wanted or if a member of the public wishes to comment on an item, the item may be removed from the Consent Calendar and considered separately. Councilmembers may ask questions of clarification without removing an item from the Calendar. INDIVIDUAL ITEMS 5-17 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

- 5. Approve City Council minutes of August 7, 2001*, April 2, April 6 and April 16, 2002.
(*Being submitted to correct clerical oversight in 2001.)
D. Fansler, City Clerk
- 6. Receive and file Advisory Body Committee minutes as follows:
Senior Citizen Advisory Committee meetings of February 11 and March 11, 2002
Paso Robles Youth Commission meeting of March 6, 2002
Parks & Recreation Advisory Committee meeting of March 12, 2002
Library Board of Trustees meeting of March 14, 2002
Citizens Airport Advisory Committee meeting of March 28, 2002
Housing Authority Board meeting of April 9, 2002
- 7. Approve Warrant Register.
M. Compton, Administrative Services Director
- 8. Proclamation – Fibromyalgia Awareness Day, May 12, 2002
Mayor F. Mecham
- 9. Proclamation – National Police Week, May 12-18, 2002
Mayor F. Mecham

10. Adopt Resolution No. 02-xx approving budget appropriations in the total aggregate amount of \$66,400 for fiscal year 2002 and \$33,400 for fiscal year 2003. (These appropriations represent the annual amounts being paid for the commercial lease of computers and related equipment.)
M. Compton, Administrative Services Director
11. Adopt Resolution No. 02-xx approving a sublease assignment to David and Cathy Paine on the Wentworth master lease - Airport Parcel No. 36. (In December 2000, Council approved a sublease between Charles Wentworth and John and Linda Schwamm for Hangar Pad No. 4 on the lease site. In March 2002, John and Linda Schwamm sold their hangar and assigned their interest in the subleased parcel to David and Cathy Paine.)
J. Deakin, Public Works Director
12. Adopt Resolution No. 02-xx amending an airport real estate lease to change lessee name at lessee's request. (In November 1994, the City entered into a 50-year property lease of Parcel 36 of the airport Industrial Park with Charles Wentworth. Lessee requests an amendment to the lease to reflect a name change of lessee to Charles G. Wentworth 1999 Revocable Trust.)
J. Deakin, Public Works Director
13. Adopt Resolution No. 02-xx awarding the construction contract to perform the City's annual street striping work to the low bidder, Safety Striping of Goshen, California. (Street striping is typically performed by an outside contractor selected through the bid process. The City advertised for this project and all bids received by the specified deadline were publicly opened on April 25, 2002. Safety Striping submitted the low bid.)
J. Deakin, Public Works Director
14. Adopt Resolution No. 02-xx directing staff to submit an application for the Bicycle Transportation Account (BTA) Grant for fiscal year 2002-2003 in the amount of \$140,000. (The City's Bikeway Master Plan was adopted in February 2002. The Plan was prepared to meet requirements established by Caltrans in order for the City to qualify for a BTA grant. Notice was received from the State soliciting applications for FY 2002-2003 and applications are due on June 1, 2002.)
J. Deakin, Public Works Director
15. Adopt Resolution No. 02-xx accepting the public improvements of Tract 2223-2 (Sub-phase 1) into the City's maintenance system, and authorizing the partial release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$75,285. The value of the reduction of Payment and Performance bonds is to be based upon the project engineer's cost estimate for Sub-phase 1 construction. (This subdivision is located west of Prospect Avenue and south of Highway 46. The public improvements, which the developer was required to install for this sub-phase, have been completed. City will retain a Maintenance Bond for a period of one year as warranty for the improvements installed.)
R. Lata, Community Development Director
16. Adopt Resolution No. 02-xx accepting the public improvements of Tract 2376 into the city's maintenance system, and to authorize the release of Performance and Payment Bonds upon the posting of a Maintenance Bond in the amount of \$39,100. (This subdivision is located north of Highway 46 East and west of Buena Vista Road. The public improvements, which the developer was required to install, were completed with the exception of several minor items expected to be corrected to the satisfaction of City staff prior to the Council meeting. Should this not occur, it will be requested that this item be continued to a future meeting.)
R. Lata, Community Development Director

17. Adopt Resolution No. 02-xx superceding Resolution No. 02-55 providing a corrected landfill disposal fee schedule. (On April 2, 2002, Council authorized revised landfill disposal [or tipping] fees commencing July 1, 2002. Subsequently, staff discovered an unintended redundancy in the fee table and the new resolution has been prepared to clarify the intended revised fees.)
J. Deakin, Public Works Director

PUBLIC DISCUSSION

18. **Presentation on Oak Tree Disease**

R. Lata, Community Development Director

Presentation by County of San Luis Obispo Agricultural Commissioners' Office on oak tree disease.

OPTIONS:

- a. Receive and file.
- b. Amend, modify or reject the above option.

VOICE VOTE

19. **Initiate Proceedings for Annual Levy of Landscape and Lighting District FY 2002-2003**

J. Deakin, Public Works Director

Initiate proceedings for the Landscape and Lighting Levy for fiscal year 2002/2003. (A Landscape and Lighting District was formed in 1989 for the maintenance of streetlights, hardscapes, detention basins, parkways, median islands, open space, slopes, and other appurtenant facilities and operations relating to the District. The annual levy is a two-step process. The first step is for Council to adopt resolutions to initiate the proceedings by scheduling a Public Hearing. Final step takes place at the Public Hearing wherein the City Council would adopt a resolution to approve the final levy report.)

OPTIONS:

- a. Adopt Resolution No. 02-xx initiating proceedings for the annual levy; declare intent to levy and set the date for a public hearing; and approve the preliminary Engineer's Report.
- b. Amend, modify or reject the above option.

ROLL CALL

20. **Letter from Ken Mundee Regarding Wine Country RV Resort**

R. Lata, Community Development Director

Consider letter from Ken Mundee, facts and analysis relevant to Mr. Mundee's concerns. (Subject property is located northeast of the intersection of Airport Road and Highway 46 East. Applicant is requesting relief from project impact fees.)

OPTIONS:

- a. Note and file Mr. Munde's letter of April 22, 2002.
- b. Amend, modify or reject the foregoing option.

ROLL CALL VOTE

21. Utility Discount Policy

M. Compton, Administrative Services Director

Clarify the application of the City's utility discount (water and sewer) policy in cases of multi-family residential situations. (Council adopted the low-income discount program at their December 18, 2001, meeting. Implementation/application of the policy in single-meter multi-family residential situations has prompted some questions and Council review and consideration is requested.)

OPTIONS:

- a. Modify policy to limit eligibility to a single-meter/single-unit; or
- b. Modify policy to apply to master metered multi-family complexes, but limit eligibility to a single owner-occupied unit for both sewer and water; or
- c. Amend, modify or reject the foregoing options.

ROLL CALL VOTE

22. Special Event Ad Hoc Committee Report

Gary Perruzzi, Recreation Services Manager

Consider options for funding City staff support for community special events.

OPTIONS:

- a. Adopt Resolution No. 02-xx rejecting the request to remove the proposed double-trunk (9-inch and 8.5-inch diameters) California Live Oak tree based on the determination of the arborist report that there are tree protection measures and guidelines that could be followed to insure the survivability, health and structure of the subject tree with the construction of the residence.
- b. Adopt Resolution No. 02-xx authorizing the removal of one double-trunk (9-inch and 8.5-inch diameters) California Live Oak as identified in the arborist's report dated 18 March 2002 indicating that site development will have a long term adverse effect on the tree; and requiring two (2) replacement oak trees conforming to Section 10.01.040 (E) of the Municipal Code for each tree removed, either on the subject parcel, or elsewhere in the City at the direction of the Street Superintendent. Said replacement oak trees shall be planted or furnished to the City within 30 days of removal of the tree in question.
- c. Amend, modify or reject the above options.

ROLL CALL VOTE

23. Real Estate Broker Services

M. Compton, Administrative Services Director

Consider extending real estate broker services with Country Real Estate. (The current contract with Country Real Estate expires June 30, 2002. Staff is seeking direction from Council whether to extend the current relationship for another year, distribute Request for Proposals or cease all official ties with any real estate broker for the present time.)

OPTIONS:

- a. Extend the relationship with Country Real Estate for one year; or
- b. Direct staff to distribute Request for Proposals for real estate brokerage services; or
- c. Cease all official representation by real estate brokers as of June 30, 2002; or
- d. Amend, modify or reject the above options.

ROLL CALL

24. Transit Operations Contract – Laidlaw Transit Services

M. Compton, Administrative Services Director

Consider approval of a new contract with Laidlaw Transit Services for the operations of the City's transit system. (The current contract with Laidlaw Transit Services expires June 30, 2002. In February 2002 Council directed staff to negotiate a new contract. Laidlaw has submitted a cost proposal for Council consideration.)

OPTIONS:

- a. Adopt Resolution No. 02-xx approving budget appropriations in the total aggregate amount of \$96,000 for fiscal year 2003.
- b. Amend, modify or reject the above option.

ROLL CALL

25. Annual Audit Contract Extension

M. Compton, Administrative Services Director

Consider extending the expired audit contract with Moss, Levy & Harzheim for one year. (Council previously awarded a five-year contract to ML&H for annual auditing services and preparation of various annual State Controller reports. The contract expired with the completion of the audit and reports for the fiscal year ended June 30, 2001. Reporting components of the Governmental Accounting Standards Board Pronouncement No. 34 (GASB 34) will be implemented starting with the current fiscal year ending June 30, 2002, and staff believes that the transition to the new reporting format will be easier if the relationship with the current auditor is extended for one year.)

OPTIONS:

- a. Adopt Resolution No. 02-xx approving a one-year contract extension with Moss, Levy & Hartzheim per their engagement letter, dated 19 April 2002.
- d. Amend, modify or reject the above options.

ROLL CALL

26. Pool Disinfection System Upgrades

J. Deakin, Public Works Director

Consider appropriating funds to purchase and install replacement pool disinfection systems for three pools - Municipal Pool, Therapy Pool and Centennial Pool. (The County Health Department requires pool operators to maintain a constant chemical residual at all times to assure effective disinfection and the disinfection systems currently used in all three City pool locations need either repairs or replacement. The two-year (fiscal years 2001-2002 and 2002-2003) approved budget goes not currently provide for replacing or repairing these critical disinfection systems.)

OPTIONS:

- a. Adopt Resolution No. 02-xx approving a budget appropriation for the purchase and installation of three "Pulsar" disinfection systems.
- d. Amend, modify or reject the above option.

ROLL CALL

27. Budget Appropriation for Additional Monitoring

J. Deakin, Public Works Director

Consider appropriating funds from Water Reserve Fund to Water Operations Budget for required laboratory testing. (The United States Environmental Protection Agency [EPA] implemented the Unregulated Contaminant Monitoring Regulation [UCMR]. The UCMR requires water systems serving more than 10,000 people to monitor for 11 specified contaminants. The State of California Department of Health Services [CA-DOHS] implemented their own version of the UCMR rule, adding contaminants to monitor. In addition, the EPA randomly selected 120 large water systems from the U.S. requiring them to monitor for 13 additional contaminants. Paso Robles was one randomly selected water system. Testing results will help insure that future decisions on drinking water are based upon data, helping provide a scientific approach to additional regulations aimed at drinking water.)

OPTIONS:

- a. Authorize the sampling program required by both the EPA and CA-DOHS and adopt Resolution No. 02-xx approving a one-time appropriation of funds for required laboratory testing.
- d. Amend, modify or reject the above option.

ROLL CALL

CITY MANAGER

28. Schedule Date for Applicant Interviews/Appointments – Housing Authority

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Housing Authority advisory committee.

2 vacancies / 6 applicants: 1 appointment to complete Frank Schuh's term expiring 2/28/03; and 1 regular appointment for term ending 2/28/06.

Applicants:

Don Durfee	Lawrence Foelker
Joe Dutra (incumbent)	Steven Meixner
Leo Fisher	David Rouff

VOICE VOTE

29. Schedule Date for Applicant Interviews/Appointments –Project Area Committee

J. App, City Manager

Select date for conducting interviews and making appointments for vacancies on the Project Area Committee.

6 vacancies / 7 applicants: 1 appointment to complete vacated term (Marvin Cowley) expiring 12/31/02; 1 appointment to complete vacated term (Marie Payne) expiring 12/31/03; and 4 regular appointments for terms ending 12/31/04.

Applicants:

Andrew Davis	Marti Kemper
Douglas Card	Harmina Sauberman
Nick Gilman (incumbent)	Larry Werner (incumbent)
Anthony Horzen (incumbent)	

VOICE VOTE

CORRESPONDENCE – None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

COUNCIL COMMENTS

PUBLIC COMMENT ON CLOSED SESSION

Public comments limited to Closed Session items only.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

a. Public Employee Performance Evaluation

Government Code Section 54957

Title: City Manager

b. Pursuant to Government Code Section 54956.8 – Property Acquisition

Property: 8.42 acres north of Union Road, east of Barney Schwartz Park

Parties: Owner/Negotiator: Steven Meixner
 City Negotiator: James L. App, City Manager

Under Negotiation: Terms of Acquisition

ADJOURNMENT: to THE PLANNING COMMISSION MEETING AT 7:30 PM ON TUESDAY, MAY 14, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING ON TUESDAY, MAY 21, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS MAY 10, 2002