

**COUNCIL MINUTES
CITY OF PASO ROBLES**

ADJOURNED REGULAR MEETING

Tuesday, February 6, 2001 7:30 PM

CALL TO ORDER

The City Council of the City of El Paso de Robles, meeting in regular session at 6:45 p.m. on the above date in the 2nd Floor Large Conference Room, was called to order by Mayor Frank Mecham.

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

CLOSED SESSION

City Attorney Iris Yang announced City Council's authority to go into closed session as stated in the agenda packet. Under discussion were a conference with Labor Negotiator and sale of property at 940 Spring Street.

The City Council thereupon adjourned to Closed Session.

The City Council returned to Regular Session at 7:30 p.m.

REGULAR SESSION

7:30 PM - CONVENE REGULAR MEETING

CALL TO ORDER

The City Council of the City of El Paso de Robles, meeting in regular session at 7:30 p.m. on the above date in the Library/City Hall Conference Center, was called to order by Mayor Frank Mecham.

PLEDGE OF ALLEGIANCE

INVOCATION

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

CLOSED SESSION REPORT

Council went into closed session per Government Code §564957.6 to have conference with Labor Negotiator for un-represented employees, and per Government Code §54954.2(b) to discuss sale of property at 940 Spring Street. City Manager briefed council on status of labor negotiations with management employees and negotiator was given instructions on proposed terms and conditions of property sale.

PUBLIC COMMENTS - None

PRESENTATIONS - None

NOTICED HEARINGS

- 2. **Planning Commission Report on General Plan Consistency, Negative Declaration, and Authorization to Sell Property Located at 406 Spring Street (APN #009-026-002)**

R. Lata, Community Development Director

Consider the sale of property located at 406 Spring Street (taking into consideration the Planning Commission Report on the consistency of the proposed sale with the City's General Plan) and approve a Negative Declaration of environmental impact in regard to the property.

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to accept the Planning Commission's report in the form of the attached Planning Commission resolution, which concludes that sale of the subject property would be in conformity with the City's General Plan, and adopt Resolution No. 01-24 approving a Negative Declaration for sale of the subject property and authorizing the City Manager to execute a property sale agreement in a form to be approved by the City Attorney. Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

Councilmember Nemeth, seconded by Councilmember Finigan, moved to approve the Consent Calendar, waiving the reading of resolutions and ordinances in full.

Those items unanimously approved were as follows:

- 3. **Approve City Council Minutes of December 19, 2000, and January 2 and 16, 2001.**
D. Fansler, City Clerk

4. Approve Warrant Register.
M. Compton, Administrative Services Director
5. Adopt Resolution No. 01-20 amending the City's adopted Conflict of Interest Code to add the positions of Street Superintendent, Water Superintendent, Wastewater Treatment Plant Superintendent and Citizen's Airport Advisory Committee Members to the list of designated personnel required to file yearly conflict of interest statements.
D. Fansler, Management Analyst
6. Adopt Resolution No. 01-22 amending the current Compensation and Benefit Plan (MOU) for the non-represented Emergency Services workers.
D. Fansler, Management Analyst
7. Adopt Resolution No. 01-25 declaring certain City property (office equipment, vehicles and equipment) as surplus and approving the method of disposal
M. Compton, Administrative Services Director
8. Approve an application from Jeff Goldenberg for an owner's permit for the operation of a taxi cab service, contingent upon payment of the fees as required by the municipal code and clearance from the Police Chief when the results of the background review is completed.
M. Compton, Administrative Services Director
9. Approve further continuance to February 20th for awarding the low bid for Niblick Bridge Amenities to Wysong Construction in order to allow for collection of more information regarding any potential corrective work to the Bridge and for receipt of bids for the Public Safety Center. (Item originally continued from the January 2nd meeting.)
J. Deakin, Public Works Director
10. Adopt Resolution No. 01-27 authorizing the City Manager to enter into a Consultant Services Agreement with Associated Transportation Engineers for a not-to-exceed fee of \$10,900 to design the upgrade of the traffic signal at 24th and Spring Streets.
J. Deakin, Public Works Director
11. Adopt Resolution No. 01-28 appropriating funds from various budget accounts to fund several public works projects to be reimbursed through Grants funds.
J. Deakin, Public Works Director
12. Adopt Resolution No. 01-29 authorizing the City Manager to enter into a Consultant Services Agreement with Steve Caminiti, Landscape Architect, for design services for Phase V improvements to the North County Transportation Center.
J. Deakin, Public Works Director
13. Adopt Resolution No. 01-30 awarding the low bid of \$17,000 for the Airport Road Waterline, DPW Project No. 00-23, to D-Kal Engineering of Nipomo, California.
J. Deakin, Public Works Director
14. Adopt Resolution No. 01-31 awarding the purchase of various vehicles and equipment to the qualified lowest bidders.
W. Hatch, Fleet Supervisor
15. Adopt Resolution No. 01-32 appropriating \$135,000 in 1999 CDBG funds to Youth Arts Foundation site acquisition project to enable them to purchase the site for their youth center from the Redevelopment Agency.
R. Lata, Community Development Director

16. Adopt Resolution No. 01-33 authorizing the Mayor to sign and enter into a Contribution Agreement with Caltrans on behalf of the City to establish areas of responsibility and funding resources for the City entry “gateway” signs on Highways 101 and 46 East.
R. Lata, Community Development Director

ROLL CALL VOTE

Councilmember Heggarty stepped down from the dais and abstained from voting on Item No. 17 due to a possible conflict of interest

PUBLIC DISCUSSION

17. Orchard Bungalow Assessment District

J. Deakin, Public Works Director

Provide direction to staff regarding the disposition of roads in the Orchard Bungalow Assessment District.

Mayor Mecham opened the public hearing. Speaking from the public were Walt Macklin, Larry Werner, Rick Nicholson, Wallace Engle, Phyllis Bollinger, and Dale Gustin. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt a resolution officially adding the Orchard Bungalow Assessment District streets (colored pink on the exhibit map of the staff report) to the official list of public city streets, documenting the accepted level of maintenance pursuant to the standards used in the Plans and Specifications developed by McGlasson & Associates in 1981. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to direct staff to contact the property owners adjacent to and served by the roads colored in green on the exhibit map of the staff report for purposes of determining if they would be willing to dedicate a portion of their property for public road purposes, and to report back to Council. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt a resolution abandoning Vista Grande from Walnut Drive to Union Road, retaining existing utility easements. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, directed staff to return to Council with options for the separate disposition of Ivy Lane and Trigo Lane after consulting with the property owners. Motion passed by the following roll call vote:

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

Council adjourned for a 10-minute recess at 9:15 PM.

18. Request to Extend Deadline of Subdivision Improvement Agreement – Tract 2276 (Bonita Homes, Inc.)

R. Lata, Community Development Director

Consider a request to extend the deadline for construction of Subdivision Improvements for Tract 2276 (Bonita Homes, Inc.) to March 31, 2001.

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-35 extending the deadline for the Subdivision Improvement Agreement for Tract 2276 (Bonita Homes, Inc.) to March 15, 2001. Motion passed by the following roll call vote:

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

19. Economic Incentive Agreement – Lindamar Corporation

R. Lata, Community Development Director

Consider a financial assistance proposal for Lindamar Corporation. Lindamar is relocating their facility to a larger space, which will afford them the opportunity of expanding their operations and employment. The economic assistance package is designed to facilitate this move.

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-36 approving an Agreement with the economic incentives recommended by Council's Fiscal Committee, and authorize the Mayor and City Clerk to execute the Agreement. Motion passed by the following unanimous roll call vote:

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

20. Request to Remove an Oak Tree on Lot 21, Tract 2269

R. Lata, Community Development Director

Consider a request from Richard Shannon of Peabody & PLUM Realtors, Inc. to remove one thirty-six (36) inch diameter oak tree on Lot 21 of Tract 2269, part of a 73-acre industrial park. (This item is continued from the January 16th Council meeting.)

Mayor Mecham opened the public hearing. Speaking from the public were Richard Shannon (Peabody & PLUM Realtors, Inc.), Jeannie Eberle, Mike Menath and Dale Gustin. There being no further comments either written or oral, the public discussion was closed.

Councilmember Finigan, seconded by Mayor Mecham, moved to approve the removal of the thirty-six inch diameter oak tree on Lot 21 of Tract 2269. Motion failed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Picanco, moved to adopt Resolution No. 01-37 denying the removal of the thirty-six inch diameter oak tree on Lot 21 of Tract 2269. Motion passed by the following roll call vote:

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

21. Recommendation to Install All-way Stop – Intersection of Riverglen Drive and Via Camelia

R. Lata, Community Development Director

Consider adoption of a resolution to install an all-way stop at the intersection of Riverglen Drive and Via Camelia.

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 01-38 designating the intersection of Riverglen Drive and Via Camelia as a STOP intersection, and authorize staff to install a stop sign and pavement markings on the northbound approach of the Riverglen Drive/Via Camelia intersection. Motion passed by the following unanimous roll call vote:

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

22. Measure D-98 Project Update

J. App, City Manager

Receive a Measure D-98 Project Status Report.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to continue this item to the Council meeting of February 20th. Motion was approved by unanimous voice vote.

23. Development Impact Fee Study

M. Compton, Administrative Services Director

Consider whether or not to proceed with a comprehensive development impact fee study.

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to direct staff to prepare and distribute a Request for Proposal (RFP) for (1) existing development impact fees, (2) traffic mitigation impact fees and any other impact fees desired, and (3) economic impact analysis. Motion passed by unanimous voice vote.

24. Construction Work Occurring Without Permits

R. Lata, Community Development Director

Consider providing direction to staff to incorporate increased penalties for work performed without building or other required permits.

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to continue this item to the Council meeting of February 20th. Motion passed by unanimous voice vote.

25. Caltrans Transportation Concept Report for Highway 46 East

R. Lata, Community Development Director

Consider making comments on the Draft Caltrans Transportation Concept Report, dated January 2001.

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin and Gregg Albright (Caltrans). There being no further comments either written or oral, the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Finigan, moved to authorize a comment letter to Caltrans based on the contents of attached memo R. Lata to J. App, dated January 12, 2001. Motion passed by unanimous voice vote.

Council adjourned for a 10-minute recess at 11:00 PM.

26. Status of Ordinance Restricting Food Sales

R. Lata, Community Development Director

Consider revocation of Ordinance No. 766 N.S., which places restrictions on the sale of “non-taxable merchandise” (generally food) in commercial buildings of 90,000 or greater square feet of gross floor area.

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

Councilmember Heggarty, seconded by Councilmember Picanco, moved to direct staff to initiate a Zoning Code Amendment designed to revoke City Council Ordinance No. 766 N.S. Motion passed by the following role call vote:

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

27. Transit Operations

M. Compton, Administrative Services Director

Consider disposition of Transportation Development Act (TDA) funds as it relates to transit operations.

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to continue this item to the Council meeting of March 6th and suggested that it be placed near the beginning of the Discussion Section due to senior citizen interest. Motion passed by unanimous voice vote.

28. Authorize Staff to Substitute a Project for an Approved Budget Appropriation: Pave New Public Parking Area at Fire Station No. 1

J. Deakin, Public Work Director

Adopt a resolution authorizing substitution of a project from an approved budget appropriation.

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

Councilmember Picanco, seconded by Councilmember Nemeth, moved to adopt Resolution No. 01-39 substituting the construction of a parking lot at Oak Street in the amount of \$25,000 from Budget Account No. 100.100.5235.101. Motion passed by unanimous voice vote.

29. Budget Appropriation for FAA Reimbursable Agreement – Facilities Relocation

J. Deakin, Public Work Director

Consider authorizing a budget appropriation for expenses incurred under a Reimbursable Agreement between the City and the FAA to relocate communications equipment associated with the Airport Terminal construction.

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

Councilmember Finigan, seconded by Councilmember Picanco, moved to adopt Resolution No. 01-40 appropriating \$38,900 from the General Fund reserve. Motion passed by the following unanimous roll call vote:

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

30. Airshow Financial Support Guarantee

J. Deakin, Public Work Director

Adopt a resolution approving a guarantee of \$15,000 support funding for the annual airshow.

Mayor Mecham opened the public hearing. Speaking from the public were Richard Morton (Chairman of the Citizens Airport Advisory Committee), Chuck Miller, Betty Miller and Dale Gustin. There being no further comments either written or oral, the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Picanco, moved to adopt Resolution No. 01-34 authorizing financial guarantee. Motion passed by the following unanimous roll call vote:

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

31. Phase II – Office Equipment Replacement

M. Compton, Administrative Services Director

Consider method of office equipment replacement.

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 01-23, as revised, authorizing the establishing of an office equipment replacement fund and providing for a budget appropriation. Motion passed by the following roll call vote:

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

CITY MANAGER

- 32.** Select date for conducting interviews for vacancies on the Airport Advisory Committee. (5 vacancies - 2-year terms; 14 applicants – 4 of which are incumbents)

The Council, by general consensus, set the interview date for Airport Advisory Committee applicants for Monday, February 19th at 6:30 PM.

CORRESPONDENCE

- 33.** AGP Video proposal to provide video production and tape distribution services for City Council meetings.

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

The Council, by general consensus, directed staff to write a response letter to AGP Video declining their proposal at this time.

ADVISORY BODY COMMUNICATION

- 34.** Receive and file minutes for the following meetings:

- a.** Parks and Recreation Advisory Committee meeting of December 12, 2000
- b.** Housing Authority advisory committee meeting of January 9, 2001
- c.** Public Library Board of Trustees meeting of January 11, 2001
- d.** Transit Advisory Committee meeting of December 6, 2000
- e.** Paso Robles Senior Advisory Committee meeting of December 11, 2000
- f.** Citizens Airport Advisory Committee meeting of November 16, 2000

Councilmember Picanco, seconded by Councilmember Finigan, moved to receive and file the above minutes. Motion passed by unanimous voice vote.

AD HOC COUNCIL BUSINESS

- 35.** Modification to City Personnel Policy

Consider modifying the City personnel policy pertaining to employment of relatives.

Mayor Mecham opened the public hearing. Councilmember Gary Nemeth offered comment in the capacity of a private citizen. There being no further comments either written or oral, the public discussion was closed.

Councilmember Nemeth abstained from voting on Item No. 35 due to a conflict of interest.

Councilmember Finigan, seconded by Councilmember Picanco, moved to amend the City's Employment Policy, Section 10.05 *Appointment of Relatives* as drafted by City Attorney Iris Yang with a change to the wording in the draft provided adding a new subsection under "C" to read *iii. The dependent child, previously qualified for and was employed in a similar position prior to the City Official being elected or appointed*; and authorize the City Manager to meet and confer with affected employee groups. Motion passed by the following roll call vote.

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

It was moved by Councilmember Finigan, seconded by Councilmember Nemeth, and passed by unanimous voice vote to adjourn from regular session at 12:05 a.m.

ADJOURNMENT: to A TOUR OF PUBLIC WORKS FACILITIES & CAPITAL IMPROVEMENTS PROJECT, MEETING ON MONDAY, FEBRUARY 12, 2001, AT 9:00 A.M. AT THE CITY HALL PARKING LOT, 1000 SPRING STREET; TO THE COMMUNITY WORKSHOP ON MONDAY, FEBRUARY 12, 2001, 7:00 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND THE REGULAR CITY COUNCIL MEETING ON TUESDAY, FEBRUARY 20, 2001, 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: March 20, 2001