

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL

Tuesday, May 21, 2002 7:30 PM

CALL TO ORDER – Library/City Hall Conference Center

The City Council of the City of El Paso de Robles, meeting in regular session at 7:30 PM 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 Jim Heggarty, George Finigan, Gary Nemeth, Duane Picanco and Mayor Frank Mecham.

PUBLIC COMMENTS

- Jennifer Langstaff, Co-chair of the Library & Recreation Services' *Midsummer Magic 2002*, announced this year's event, *Treasure Island*, being held at 7:00 p.m on Saturday, June 29th.
- Dale Gustin thanked Council for the new green waste containers being distributed by Paso Robles Waste to all service households in the City.
- Field Gibson, representing the Paso Robles Youth Sports Council and Paso Robles Youth Football, stated interest in reviewing the master plan for Sherwood Park and encouraged holding public workshops on this issue. He expressed the youth organizations' interest in facilitating development of additional fields and facilities at Sherwood Park.
- Library & Recreation Services Director Barbara Partridge introduced REC., Inc., Boardmember Greg Haas, who presented Council with a check for \$15,000. Monies represent net receipts generated from the Duck Derby event held on October 27, 2001, at Sherwood Park. Also present from REC., Inc., were Boardmembers Dana Stroud and Kris Penich.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App announced that Consent Item No. 7 would be heard as Discussion Item No. 15.1.

PRESENTATIONS - None

NOTICED HEARINGS - None

CONSENT CALENDAR

Mayor Mecham called for public comments on Consent Calendar items. 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.

On a single motion by Councilmember Heggarty, seconded by Councilmember Nemeth, Consent Items No. 1 through 10 were unanimously approved, except for Item No. 7 being heard as Discussion Item No. 15.1 and Item No. 8, which was pulled for discussion by Tom Rusch.

Those items approved were as follows:

1. Approve City Council minutes of April 30 and May 7, 2002.
D. Fansler, City Clerk
2. Receive and file Advisory Body Committee minutes as follows:
Library Board of Trustees meeting of April 11, 2002
Parks & Recreation Advisory Committee meeting of April 9, 2002
Pioneer Museum Board meeting of April 11, 2002
Senior Citizen Advisory Committee meeting of April 8, 2002
Youth Commission meeting of April 10, 2002
3. Approve Warrant Register.
M. Compton, Administrative Services Director
4. Proclamation – National Public Works Week, May 19 - 25, 2002
F. Mecham, Mayor
5. Adopt Ordinance No. 825 N.S. amending Chapter 21.00 and related provisions of the Municipal Code (Code Amendment 2002-003 – Non-conformity). (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. First reading held May 7, 2002.)
R. Lata, Community Development Director

6. Adopt Resolution No. 02-89 approving the transfer of State Technology Grant funds from the Citizens Options for Public Safety Fund No. 117 to the General Fund No. 100, and approve a one-time budget appropriation in the amount of \$14,000 to Budget Account No. 100-210-5454-135 and \$19,900 to Budget Account No. 100-210-5212-135. (Funds represent monies received from a State of California law enforcement grant in 2000/2001 specifically for technology improvements. Funds will be used to replace Police Department computer hardware and software.)
D. Cassidy, Chief of Police

9. Dissolve special event ad hoc committee formed on September 4, 2001, for the purpose of reviewing options for funding City staffing of/for community special events. (The Committee's report was presented to Council on May 7, 2002, and the Committee has completed its assignment.)
G. Perruzzi, Recreation Services Manager

10. Extend duration of ad hoc committee formed on July 18, 2001, for the purpose of reviewing proposals and conducting interviews regarding an Airport Terminal restaurant to September 17, 2002. (Additional time is needed to review restaurant operation proposals and negotiate contract terms.)
J. Deakin, Public Works Director

PUBLIC DISCUSSION

11. **General Plan Program Schedule**

R. Lata, Community Development Director

Consider and confirm a proposed approach and schedule for the next six months of the General Plan Update Program. (The General Plan Update Program is scheduled to extend to Fall 2003. Because of noticing requirements and coordination of schedules between Council, Commission, consultants, City staff and the public, firm dates need to be determined for holding workshops and meetings during this time.)

Mayor Mecham 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 Finigan, moved to accept the General Plan Program schedule as recommended by staff, approving Topical Workshop dates of June 6, July 11, July 18, 2002, and Alternatives Workshop dates on August 8, August 15, and August 27, 2002. Motion passed by the following unanimous roll call vote:

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

12. Letter from Ken Munde Regarding Wine Country RV Resort

R. Lata, Community Development Director

Consider a request from Ken Munde for relief in water fees associated with a 210-unit Recreation Vehicle (RV) Park. (Subject property is located northeast of the intersection of Airport Road and Highway 46 East. Applicant is requesting relief from project impact fees.)

Mayor Mecham opened the public hearing. Speaking from the public Ken Munde and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to uphold the current fee agreement, and receive and file Mr. Munde’s letter of April 22, 2002. Motion passed by the following roll call vote:

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

13. Proposals for Preparation of a Traffic Circulation and Oak Tree Preservation Plan – Blackburn Area

R. Lata, Community Development Director

Consider selecting and funding a proposal to prepare a traffic circulation and oak tree preservation plan for the Blackburn area. (The Blackburn study area is a residential neighborhood in the hillside area bounded on the south by Pacific Avenue and on the north by Hilltop Drive. The area is partially developed and is characterized by an incomplete system of streets. Council directed staff in January 2002 to distribute Requests for Proposals to undertake an analysis of traffic circulation and oak tree related issues in the immediate area before considering any waivers of public improvements and/or street abandonments in the immediate area. Two proposals were received and a third option has been submitted by the City’s contract engineer. How best to complete the system of streets, including an extension of Blackburn Street, is the focus of the study.)

Mayor Mecham opened the public hearing. Speaking from the public were Tom Rusch and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to reject the two proposals received from Associated Transportation Engineers (ATE) and Omni-Means and instead approve Resolution No. 02-91 appropriating \$10,000 for preparation of a Blackburn Area Traffic Circulation and Oak Tree Avoidance Plan to be prepared by the City’s contract engineer. Motion passed by the following roll call vote:

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

14. Recreation Facilities

B. Partridge, Library and Recreation Services Director

Consider long and short-term needs for City’s recreation facilities. (The 1988 Recreation Element of the General Plan provides guidelines for development and maintenance of recreation facilities.)

Mayor Mecham opened the public hearing. Speaking from the public were Greg Haas, Michael Kane and Chris Iverson, and representatives from the North County Women’s Tennis Club: Lynn Toohey, Ruthe Kinnamon and Coralie McMillan (President). There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to go forward with the \$160,00 for rehabilitation of the Municipal Pool bathhouse and the “*Sherwood Forrest*” project at Sherwood Park.

Motion passed by the following unanimous roll call vote:

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

Councilmember Picanco, seconded by Councilmember Nemeth, moved to schedule a public workshop on May 29th at 7:30 to examine and develop long-term and short-term recreation facilities goals.

Motion passed by the following unanimous voice call vote.

City Council adjourned for a 10-minute break at 9:05 PM, reconvening at 9:15 PM.

15. Concession Operation at Barney Schwartz Park

B. Partridge, Library and Recreation Services Director

Consider options for the 2002 summer season concession operations at Barney Schwartz Park. (A Request for Proposals for concession operations at Barney Schwartz Park resulted in a single submission, that of the City’s Oak Park Junior/Senior Leadership Program. Because this is a City-operated program, staff and legal counsel must study its business, program, and financial and legal ramifications. Such a study cannot be completed before the Park’s opening date. Alternative plans for summer 2002 concession operations need to be considered.)

Mayor Mecham opened the public hearing. Speaking from the public were Crystal Nevosh (Executive Director of NCI Affiliates, Inc.) 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 Heggarty, moved to authorize the use of City recreation staff to operate concessions for the 2002 summer season and direct staff to re-advertise Request for Proposals for a permanent concession operator. Motion passed by the following roll call vote:

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

15.1 Old Airport Terminal Building Project – Reject All Bids

J. Deakin, Public Works Director

Reject all bids and re-advertise for Old Airport Terminal Building, Re-roofing and Rehab of Heating, Ventilation and Air-conditioning System, DPW Project No. 02-03. (Bids for this project were opened on May 9, 2002. Staff prepared a report recommending award of the contract to the apparent low bidder, Vanguard Construction, Inc., of Arroyo Grande. Upon further review, it was determined that Vanguard does not have a Class A contractor's license as required by the published specifications.)

Mayor Mecham 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 Picanco, moved to adopt Resolution No. 02-92 rejecting all bids received for DPW Project No. 02-03 and direct staff to re-advertise. Motion passed by the following unanimous roll call vote:

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

Council, by general consent, approved moving Item No. 24 ahead of Item No. 16.

AD HOC COUNCIL BUSINESS

24. Request to Install American Flags on Veterans Memorial Bridge

J. Deakin, Public Works Director

Consider a request by the Kiwanis Club to install American flags at the Veterans Memorial Bridge. (Kiwanis Club wishes to install brackets on the ornamental light fixtures along the Bridge to display American flags on Memorial Day, Flag Day, Independence Day, Labor Day, September 11th and Veterans Day.)

Mayor Mecham opened the public hearing. Speaking from the public Barbara MacGregor (President of the Morning Kiwanis Club). 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 approve installing brackets and flags on the ornamental light fixtures on the Veterans Memorial Bridge, and facilitate flag postings on Memorial Day, Flag Day, Independence Day, Labor Day, and Veterans Day. Motion passed by the following unanimous roll call vote:

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

16. Joining the Integrated Waste Management Authority (IWMA)

J. Deakin, Public Works Director

Consider joining the Integrated Waste Management Authority (IWMA) of San Luis Obispo County. (In April 2002, the City Council approved joining the IWMA and directed staff to negotiate agreement terms. The City Attorney and an IWMA attorney jointly developed a resolution to facilitate the City's membership.)

Mayor Mecham 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 Picanco, seconded by Councilmember Nemeth, moved to adopt Resolution No. 02-93 authorizing the Mayor to execute the Integrated Waste Management Authority Memorandum of Agreement (MOA) and Joint Powers Agreement (JPA) of May 1994. Motion passed by the following unanimous roll call vote:

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to appoint Councilmember Heggarty as City Council representative to the IWMA Board of Directors. Motion passed by unanimous voice vote.

Councilmember Picanco, seconded by Councilmember Finigan, moved to dissolve the solid waste issues ad hoc committee. Motion passed by unanimous voice vote.

17. Utilities Engineer Staff Position

J. Deakin, Public Works Director

Consider adding a Utilities Engineer to manage water, wastewater and solid waste utilities. (The City needs to elevate its attention to utility services to address regulatory changes and manage City resources, personnel and contractors.)

Mayor Mecham opened the public hearing. Speaking from the public was Susan Harvey. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty moved to defer this item until after the next budget review in July 2002. Motion failed due to lack of a second.

Councilmember Nemeth, seconded by Councilmember Finigan, moved to authorize adding a position to the staffing allocation, providing a Utilities Engineer in the Public Works Department. Motion passed by the following roll call vote:

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

Councilmember Nemeth, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-94 appropriating \$120,000 in fiscal year 2002/2003 to provide funds for salary, benefits, and equipment for the position. Motion passed by the following roll call vote:

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

18. Revision to the Street Tree Master List (MISC 02-001)

R. Lata, Community Development Director

Consider proposed revisions to the City's Master Street Tree List for approval. (Section 10.04.030 of the Municipal Code requires the City to develop and maintain a Street Tree Master List and the Planning Commission is required to adopt the Street Tree Master Plan by resolution. The current list was adopted by Council in 1996 and contains some species that have proven unsuitable for use as street trees due to their growth habits or characteristics; other species were omitted from the list that have proven to be excellent performers in this climate zone. Recommendations for modifications to the current list were and submitted to the Planning Commission on May 14, 2002.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Mike Menath and Kathy Barnett. 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. 02-96 approving the revised Street Tree Master List. Motion passed by the following unanimous roll call vote:

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

19. Continued Funding for Building Division Front Counter Contract Staff

R. Lata, Community Development Director

Consider a request to extend the contract for front counter customer service staff funding for the Building Division. (The potential need for extending the front counter contract position was anticipated by Council’s Fiscal Committee during deliberations over the 2001-2003 budget. The level of activity, as reflected in building permits for both residential and commercial projects, warrants continued staffing.)

Mayor Mecham opened the public hearing. Speaking from the public was Kathy Barnett. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-95 appropriating \$35,000 for an extension of the Building Division’s front counter contract position. Motion passed by the following unanimous roll call vote:

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

20. Participation in Funding Geographic Information System (GIS) Purchase

R. Lata, Community Development Director

Consider whether to participate with the San Luis Obispo Council of Governments (SLOCOG) and other agencies in purchasing a Geographic Information System (GIS). (Geographic Information Systems consist of computer software and data and provide an opportunity to store, retrieve, analyze and present any information that has a spatial/geographic component, i.e., mapping, distribution of population, General Plan land uses, zoning, and hazardous materials. The County of San Luis Obispo entered into an agreement with Barklay Map Company to provide parcel map information, which is a critical component of GIS and has offered to assist the cities of SLO County to have the same parcel level mapping. Draft agreements with Barklay have been negotiated by the County. Joining with other cities in the County affords the most cost-effective way of establishing GIS capabilities for the City.)

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

Councilmember Picanco, seconded by Councilmember Finigan, moved to adopt Resolution No. 02-97 appropriating \$10,000 for the City to begin a Geographic Information System program in conjunction with SLOCOG and authorize the City Manager to enter into an agreement with SLOCOG and/or Barklay Map Company to provide the described work. Motion passed by the following unanimous roll call vote:

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

21. Professional Services Agreement for Incorrect Reduction Claims

M. Compton, Administrative Services Director

Consider approving a professional services agreement with Maximus, Inc. (The State legislature established the Incorrect Reduction Claim [IRC] as the method to challenge the State Controller’s Office’s reduction of any amount claimed by a local governmental agency. These claims must be filed with the Commission on State Mandates within three years and the statute of limitations will expire this fall. IRC claims are very complicated and require substantial amounts of time by staff. In addition to being the original preparer of the City’s claims, Maximus, Inc., has the expertise and ability to represent the City throughout the claim process.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to continue this item to a future date. Motion passed by unanimous voice vote.

22. GASB 34 Infrastructure Inventory and Valuation Project Contract Award

M. Compton, Administrative Services Director

Consider approval of a professional services agreement for a Governmental Accounting Standards Board Statement Number 34 (GASB 34) Infrastructure Inventory and Valuation Project. (Council allocated monies in the current budget for GASB 34 compliance assistance; the remaining funds were earmarked for infrastructure inventory and valuation services. A Request for Proposals to perform infrastructure inventory and valuation services was distributed to 13 firms; 4 responses were received.)

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

Councilmember Picanco, seconded by Councilmember Heggarty, moved to adopt Resolution No. 02-98 awarding project to perform infrastructure inventory and valuation services to Conrad Business Services of Irvine, California. Motion passed by the following unanimous roll call vote:

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

PULLED DISCUSSION ITEMS

- 8. Adopt Resolution No. 02-90 awarding a contract to install improvements and upgrade Lift Station No. 2 to R. Baker, Inc., of Arroyo Grande. (The 1993 Sewer Master Plan recommends repairing and rehabilitating Lift Station No. 2, located in the southern portion of the City, near Ramada Drive’s northern terminus. As part of the 4-year Capital Improvement Plan, the Council budgeted monies to replace Interceptor Reaches 2 and 4 and to rehabilitate Lift Station No. 2. Seven bids were received for this project; the low bid was submitted by R. Baker, Inc.)

J. Deakin, Public Works Director

Mayor Mecham 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 Heggarty, moved to approve Consent Item No. 8. 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

23. Project Area Committee Vacancies

D. Fansler, City Clerk

Consider options for filling vacancies on the Project Area Committee (PAC).

Mayor Mecham 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 Picanco, moved to appoint Nick Gilman to fill term expiring 12/31/02; Andrew Davis to fill term expiring 12/31/03; and Douglas Card, Anthony Horzen, Hermina Sauberman and Larry Werner to fill terms expiring 12/1/04. Motion passed by the following unanimous voice vote.

AD HOC COUNCIL BUSINESS

25. Vehicle Purchasing Ad Hoc Committee Report

J. Deakin, Public Works Director

Review the process for City-purchased vehicles and equipment, and receive a report from the ad hoc committee formed on March 19, 2002, to review the City's purchasing procedures.

Mayor Mecham opened the public hearing. Speaking from the public was Mike Menath. 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 receive and file the report from the ad hoc committee regarding vehicle and equipment purchases, and extend the committee to October 30, 2002. Motion passed by unanimous voice vote.

COUNCIL COMMENTS - None

PUBLIC COMMENT ON CLOSED SESSION - None

Council moved to adjourn from regular session at 11:00 PM and re-adjourn to Closed Session. Motion passed by unanimous voice vote.

Deputy City Attorney Jon Seitz announced Council's authority to go into closed session to discuss the items listed on the agenda. He noted that Item (b) was cancelled.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room at 11:02 PM.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 1:00 AM on Wednesday, May 22, 2002.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Seitz announced no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 1:05 AM on Wednesday, May 22, 2002.

ADJOURNMENT: to THE JOINT COUNCIL MEETING WITH THE PARKS/RECREATION ADVISORY COMMITTEE AT 7:30 PM ON WEDNESDAY, MAY 29, 2002, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING ON TUESDAY, JUNE 4, 2002, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: June 18, 2002