

CITY COUNCIL MINUTES

Tuesday, June 7, 2005 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 Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong, and Mayor Frank Mecham

PUBLIC COMMENTS

- Annie Robb introduced Youth Commissioner Rebecca Joynt, who presented a summary of Youth Commission accomplishments in the 2004-2005 year.
- Steve Thayer, Executive Director of *Big Brothers Big Sisters*, introduced Betts Stevenson, a new North County staff person. Council was presented with a plaque in appreciation of their consistent support of this organization.
- Parks & Recreation Advisory Committee member Christie Withers invited the public to attend this year's Midsummer Magic *Old Havana Nights*, the annual fundraiser for the Paso Robles Library Foundation, being held on July 9th.
- Mike Compton, Director of Administrative Services, announced that the City has now completed its utility billing software upgrade and the newly formatted sewer and water billing statements will be mailed out this month. The public was also reminded that effective July 1st, the City will be converting from a bi-monthly to a monthly billing cycle. Additionally, the \$6.00 per month for Nacimiento water goes into effect.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

1. Recognition of San Luis Obispo Collaborative Housing Team

F. Mecham, Mayor

Special recognition of the SLO Collaborative Housing Team for their recent accomplishment in winning the *2005 Bank of America Low-Income Housing Challenge* with their Oak Park Renovation Project. Attending will be faculty advisor D. Gregg Doyle and team members Jaclyn Anderson, Beth Cornett, Gema Cristobal, Sam Dean, Charles Dellinger, Elizabeth FitzZaland, Nathan Gilbert, Irwin Gozali, Sarah Hedger, Joe Karten, Emily Mah, Alexander Meyer, Calvin Patmont, Race Randal, Brian Soland, Megan Tsang and Rosa Zingg.

2. Recognition of Gold Medal Winners - State of California SkillsUSA Competition 2005

F. Mecham, Mayor

Recognition of Paso Robles High School Regional Occupational Program Gold Medal winners in the *State of California 2005 SkillsUSA Competition*. Gold medalists are Kelsey Stewart, Kelly Vargas, Leah Powell and Roseanne Carter *Health Knowledge*; Chris Ritter *Plumbing*; Monique Smaby *Culinary Arts*; Matt Reed *Sheet Metal*; Jesse Dabill *Computer Repair*; Fiona Harris *First Aid/CPR*; Casey Wood *Marine Service Technology*; Lucas Lawson *Residential Writing*; and Ian Sheehy *TIG Welding*. Also being recognized are John Stokes (Coordinator of Regional Occupational Program); Rod Blackner (Director of Food Service, PR Public Schools); Executive Chef Phillip Riccomini *Culinary Arts*; and instructors Todd Olivera *Health*; Bartt Frey *Computers*; and Randy Canaday *Construction*.

Medals were awarded to the Gold Medalists in the State of California SkillsUSA Competition 2005 and recognition given to the Director and staff of the High School Occupational Program for their instruction, preparation, and support of the students.

PUBLIC HEARINGS

3. Appeal of Planning Commission Approval of Planned Development 05-001 - Firestone Winery (Appellant: Caltrans / Applicant: Adam Firestone)

R. Lata, Community Development Director

Consider an appeal filed by the California Department of Transportation (Caltrans). The appeal relates to the Planning Commission's approval of an application for a planned development to construct a 10,000 square foot winery and visitors center. (Project site is 9.58 acres located on the northeast corner of Highway 46 East and Airport Road. Applicant is seeking to construct a winery with wine tasting facility, exhibits, retail sales, a private banquet room, wine storage and bottling area, caretaker's residence, and demonstration garden. The building and area of development is proposed near the southwest area of property and would be accessed from a driveway on Airport Road.)

Mayor Mecham opened the public hearing. Speaking from the public were Mike Gibson (Paso Robles Chamber of Commerce), Rich Krumholz (Deputy District Director of Planning and Local Programs, Caltrans District 5, Dale Gustin, and Adam Firestone (applicant). There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Picanco, seconded by Councilmember Nemeth, moved to uphold the Planning Commission's approval of the subject project by adopting Resolution No. 05-111 approving Planned Development 05-001, subject to findings and subject to standard and site specific conditions.

Motion passed by the following unanimous roll call vote:

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

4. 2-Year Operating Budget and 4-Year Financial Plan - Fiscal Year 2005-06 to 2008-09

J. App, City Manager, and M. Compton, Administrative Services Director

Consider adoption of the 2-year operating budget and 4-year financial plan, including Capital Improvement Projects budget. (Council held two public budget workshops to review the proposed budgets. Council's ad hoc budget committee and staff have undertaken a lengthy review of the preliminary financial plan, operating budget, and capital improvement projects budget.)

Mayor Mecham opened the public hearing. Speaking from the public was Kathy Barnett and Gerald Rioux (Executive Director of the SLO County Housing Trust Fund). There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Strong, seconded by Councilmember Picanco moved to incorporate an additional \$3,000 in funding for private schools to offset watering costs for school play fields used by the community.

Motion passed by unanimous voice vote.

Councilmember Nemeth, seconded by Councilmember Strong, moved to adopt Resolution No. 05-112 approving the 2-year operating budget, 4-year capital improvement projects budget, and 4-year financial plan for fiscal year 2006 through 2009

Motion passed by the following roll call vote:

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

Council adjourned for a 10-minute recess at 9:05 PM.

5. Water User Fees – Rate Restructuring

M. Compton, Administrative Services Director

Consider introduction and first reading of an ordinance modifying the rate structure for water consumption, or *user*, fees. (The City’s current bi-monthly billing for water consumption is based upon a flat, or fixed, rate for water up to and including the first 20 units consumed (1 unit = 748 gallons). Council’s ad hoc committee recommends “no flat rate/no minimum consumption” or a “pay-as-you-go” option. This proposed rate re-structuring is intended to be “revenue neutral,” i.e., the City would realize no financial gain or loss.)

Mayor Mecham opened the public hearing. Speaking from the public were Dale Gustin, Matt Masia, Kathy Barnett, and Chip Tamagni. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Strong, seconded by Councilmember Heggarty, moved to introduce for first reading revised Ordinance No. XXX N.S. modifying water rate structures; and set June 21, 2005, as the date for adoption of said Ordinance.

Motion passed by the following roll call vote:

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

6. Annual Levy Report for the Landscape & Lighting District

D. Monn, Interim Public Works Director

Consider adopting resolutions to order collection of assessments for the Landscape and Lighting District (L&L District) for fiscal year 2005-2006. (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 L&L District. Adoption of the Engineer’s Levy Report to allow assessment occurs between April and June of each year, and it is forwarded to the County by the end of June, so that it can be included in property tax assessments.)

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

Councilmember Nemeth, seconded by Councilmember Heggarty, moved to (1) adopt Resolution No. 05-113 approving the Engineer’s Annual Levy Report; and (2) adopt Resolution No. 05-114 ordering the levy and collection of assessments.

Motion passed by the following unanimous roll call vote:

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

CONSENT CALENDAR

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.

Consent Calendar Items Nos. 7 – 16 were unanimously approved on a single motion by Councilmember Strong, seconded by Councilmember Heggarty; with Councilmember Picanco abstaining on Warrant Register Item No. 055504 and Mayor Mecham abstaining on Item No. 055405.

7. Approve City Council minutes of May 17, 2005
D. Fansler, City Clerk
8. Approve Warrant Register: Nos. 55113 – 55267 (5/13/05), 55268 – 55425 (5/20/05) and 55426 – 55537 (5/27/05)
M. Compton, Administrative Services Director
9. Receive and file Advisory Body Committee minutes as follows:
Airport Advisory Committee meeting of April 28, 2005
Library Board of Trustees meeting of April 24, 2005
Pioneer Museum Board meeting of April 14, 2005
Senior Citizen Advisory Committee meeting of April 11, 2005
Youth Commission meeting of March 2, 2005
10. Proclamation – Special Olympics – Law Enforcement Torch Run Days
F. Mecham, Mayor
11. Read, by title only, and adopt Ordinance No. 901 N.S. establishing additional standards for underground storage tank facilities to protect public drinking water supplies and limited ground water resources. (This ordinance is consistent with recent amendments of the County Code and facilitates consistent administration of underground tank installations by County Environmental Health.) 1ST READING MAY 17, 2005
D. Monn, Interim Public Director
12. Adopt Resolution No. 05-115 authorizing the recordation of Tract 2521 and authorizing execution of the Subdivision Improvement Agreement for Tract 2521 guaranteeing the construction of the subdivision improvements, with an established deadline of June 7, 2007, to complete these improvements; and adopt Resolution No. 05-116 annexing Tract 2521 into the Landscape and Lighting District (L&LD). (Applicants: John and June Bertoni. Tract 2521 is a 9-lot subdivision of an 11.9-acre site located along the north side of the westerly extension of 21st Street. Applicants have signed a petition and voted in favor of annexation into the L&LD.)
R. Lata, Community Development Director
13. Adopt Resolution of Intent No. 05-117 to consider abandoning the 80-foot wide right-of-way of Oak Street from 3rd Street to 4th Street (as shown on Exhibit A); and setting July 5, 2005, in the Paso Robles City Hall, 1000 Spring Street, for public hearing for all persons interested or having objection to the proposed closing. (Abandonment request was submitted by Dick Morris and Joe Cardinale for the purpose of expanding residential use of the parcels adjacent to the abandoned area.)
R. Lata, Community Development Director

14. Adopt Resolution No. 05-118 appropriating \$15,000 from the Building Education Reserve Fund 114 to cover the cost of education of Building Division personnel for fiscal year 2005. (The State Health and Safety Code requires jurisdictions to provide continuous education of Building Division personnel. The Building Division collects development fees specifically earmarked to cover the cost of this state mandated program.)
R. Lata, Community Development Director

15. Extend duration of the City Council transit issues ad hoc committee (Mayor Mecham and Councilmember Picanco) to October 4, 2005.
A. Robb, Interim Library & Recreation Services Director

16. Adopt Resolution No. 05-119 appropriating \$16,800 to cover the cost of electronic archiving for fiscal year 2005. (The State Health and Safety Code requires jurisdictions to archive copies of building plans associated with commercial, industrial, and multi-family development. The City's Building Division contracts this work to an outside vendor and the cost collected from the developer. At the end of each budget year, an allocation is required to cover the cost of electronic archiving for that year.)
R. Lata, Community Development Director

ROLL CALL VOTE

DISCUSSION

17. **Downtown Alley Closure – 801 12th Street (Mastagni)**
R. Lata, Community Development Director

Consider authorizing the closure of a portion of the alley located behind (north of) 801 12th Street for seven days, between Monday, June 13th, and Monday, June 27th. (Request for alley closure by J. W. Design & Construction is made for the installation of shoring, which will allow for safe excavation of building foundations and underground utilities.)

Mayor Mecham opened the public hearing. Speaking from the public were Sam Spruill (J.W. Design & Construction, Inc.), Mike Gibson (Chamber of Commerce) and Dale Gustin. 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 authorize the issuance of an encroachment permit by the Public Works Department and authorize the City Engineer to approve the request for closure of a portion of the alley north of 801 12th Street.

Motion passed by the following unanimous roll call vote:

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

18. Displays and Art in the Library

A. Robb, Interim Library & Recreation Services Director

Consider Art Policy and Guidelines recommended by the Library Board of Trustees. (In response to increased requests for art and display space, the Library Board of Trustees developed and recommends a policy and guidelines for art and displays in the Library. The Library is considered a limited public forum and, as such, is subject to First Amendment provisions.)

Mayor Mecham 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 Councilmember Heggarty, moved to approve the Paso Robles Public Library Policy & Guidelines for Selection of Art and Displays.

Motion passed by the following unanimous roll call vote:

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

19. Arborist Report Guidelines

R. Lata, Community Development Director

Consider approving Oak Tree Preservation Report Guidelines establishing standard requirements to be included in Arborist Reports for projects in the City limits. (The intent of the Guidelines is to require arborists to prepare reports that would have minimum standard content and form.)

Mayor Mecham opened the public hearing. Speaking from the public was Chip Tamagni, Mike Menath, and Kathy Barnett. 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 adopt Resolution No. 05-120 adopting the Oak Tree Preservation Report Guidelines establishing standard requirements to be included in arborist reports in the City of Paso Robles, adding the requirement that the cause of death of any tree be provided in the arborist report and that the valuation of the worth of any tree requested for removal or that may be impacted by a development also be included in the report.

Council also directed staff to (1) establish a procedure for verifying that City-approved arborists carry current professional liability insurance coverage; and (2) require that arborist certification be verified at the time a business license is issued and annually thereafter.

Motion passed by the following unanimous roll call vote:

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

20. Award Change Order to Relocate Booster Pump and Telemetry at Water Yard

D. Monn, Interim Public Works Director

Consider approving a change order to the Whitaker Contractors contract for the 13th Street Bridge Widening Project in order to relocate the water booster pump and telemetry at the Water Yard to the east side of the Salinas River. (The new location will be in an area that is to be improved as part of the 13th Street Bridge project. The final design was submitted to Whitaker Contractors to provide the cost to perform the work under a Change Order to their contract.)

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

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-121 authorizing a Change Order to the 13th Street Bridge contract to Whitaker Contractors in the amount of \$643,549.70.

Motion passed by the following unanimous roll call vote:

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

21. Executive Search – Community Development Director

J. App, City Manager

Consider engaging outside assistance to conduct a statewide search for a Director of Community Development. (The City's current Director plans to retire in December 2005.)

Mayor Mecham opened the public hearing. Speaking from the public was Kathy Barnett. 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 City Manager to execute a contract with Avery & Associates for executive search services, and appropriate funds if/as needed.

Motion passed by the following unanimous roll call vote:

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

CITY MANAGER - None

CORRESPONDENCE - None

ADVISORY BODY COMMUNICATION - None

AD HOC COUNCIL BUSINESS

22. Ad Hoc Committee Formation – Pacific Waste Services Revenue Sharing Increase Request

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to assist in the review of Pacific Waste Services' (PWS) request for a revenue sharing increase. (The current contract provides that under certain circumstances, PWS may request an adjustment in the revenue distribution formula.)

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

Council, by general consensus, appointed Councilmembers Heggarty and Nemeth to an ad hoc committee to review and make recommendations regarding the request by Pacific Waste Services to increase their share of landfill revenues; and report back to the full Council by August 2, 2005.

23. Ad Hoc Committee Formation – Review of Requests for Proposals for Engineering Services at the Paso Robles City Landfill

B. Hagemann, Water Resources Manager

Consider appointing an ad hoc committee to review the Request for Proposals and staff's recommendations prior to review and award of a contract.

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

Council, by general consensus, appointed Councilmembers Heggarty and Nemeth to an ad hoc committee to review the Request for Proposals for engineering services at the Paso Robles Landfill; and report back to the full Council by August 2, 2005.

COUNCIL COMMENTS

- Councilmember Strong provided Council with Serenade development handouts for information purposes only; explaining that the brochure is handed out to prospective buyers for Serenade and Deer Park at the original time of sale and includes two maps which are filed with each deed on every property sold in Deer Park.

PUBLIC COMMENT ON CLOSED SESSION - None

City Attorney Iris Yang announced Council's authority to go into closed session to discuss the item listed on the agenda.

Council moved to adjourn from regular session at 10:55 PM and thereupon adjourned to Closed Session. Motion passed by unanimous voice vote.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

The City Council returned to Regular Session at 11:30 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced that Council received an update from the City's negotiator on the Closed Session item, and there was no reportable action.

By unanimous voice vote, Council moved to adjourn from regular session at 11:32 PM.

ADJOURNMENT: to CREEKSIDE GARDENS GROUND BREAKING AT 1000 AM ON FRIDAY, JUNE 10, 2005, AT 401 OAKHILL ROAD; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JUNE 21, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: June 21, 2005