

CITY COUNCIL MINUTES

Tuesday, August 16, 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

- Maralyn Renken expressed dissatisfaction with the current ordinance prohibiting dogs in all City parks. She urged Council to consider allowing leashed dogs in at least one designated park within the City.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

City Manager Jim App clarified that it is only Council's direction on Item No. 1 that is being sought tonight; the item will be brought back to Council for formal action at a future meeting to meet all legal noticing requirements.

PRESENTATIONS - None

PUBLIC HEARINGS

1. **General Plan Amendment of the Circulation Element; Specific Plan Amendment 03-003 of the Union/46 Specific Plan; and Amendment of Tentative Tract 2369 and PD 00-003 Conditions of Approval Proposing to Eliminate the Planned Connection of Street "A" to North River Road (Applicant's Representative: North Coast Engineering for Frank Arciero)**

R. Lata, Community Development Director

Reconsider applicant's request that the Circulation Element, Figure CE-1, and the Union/46 Specific Plan, Map 3.2, be amended to eliminate the planned connection of "A" Street (Montebello Oaks Drive) to North River Road, and other associated planning amendments. (The applicant has proposed a new alternative intended to mitigate the elimination of the "A" Street connection. The Union / 46 Specific Plan covers properties located south of Highway 46 East, west of Prospect Avenue, north of Union Road, and east of North River Road.)

Mayor Mecham opened the public hearing. Speaking from the public were Steve Sylvester, Eric Mattke, Kathy Barnett, Bob Fonarow, and Robert Headley. There were no further comments from the public, either written or oral.

Councilmembers Picanco, Nemeth, and Strong reported that they had an ex parte meeting with Steve Sylvester regarding this matter.

Mayor Mecham reported that he had an ex parte meeting with Steve Sylvester and Frank Arciero to discuss this item.

Councilmember Strong, seconded by Councilmember Heggarty, moved to direct staff to consider the elimination of "A" Street and the necessary mitigation and traffic calming measures to implement that decision (including Agenda Option C1 and C2); and formulate a nexus analysis that would justify moving "A" Street, provided that staff returns with a conclusion that the proposed fee meets or exceeds the mitigation contribution required on Union Road for the project; and to continue action on this item to the Council meeting of September 20, 2005.

Motion passed by the following roll call vote:

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

Council recessed at 9:05, reconvening at 9:13.

CONSENT CALENDAR

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

Consent Calendar Items Nos. 2 – 5 and 8 - 11 were unanimously approved on a single motion by Councilmember Nemeth, seconded by Councilmember Heggarty, with the exception of Items Nos. 6 and 7 being pulled for discussion; and with Councilmember Picanco abstaining on Warrant Register Item No. 056634 and Mayor Mecham abstaining on Warrant Register Item No. 056808 due to possible conflicts of interest.

2. Approve City Council minutes of August 2, 2005
D. Fansler, City Clerk
3. Approve Warrant Register: Nos. 56552 – 56670 (7/29/05) and 56671 – 56828 (8/5/05)
M. Compton, Administrative Services Director
4. Read, by title only, and adopt Ordinance No. 903 N.S. to bring the zoning of the property at 1640 Kleck Road into conformity with the General Plan and amend the Union/46 Specific Plan in a manner consistent with the General Plan. (This code amendment will provide consistency between the General Plan Land Use Map, City Zoning Map, and Union/46 Specific Plan. A development project is not proposed at this time.) 1ST READING AUGUST 2, 2005
R. Lata, Community Development Director
5. Adopt Resolution No. 05-159 approving an appropriation limit of \$31,679,132 for the fiscal year 2005-06 operating and maintenance budget. (The State Constitution requires state and local governments to annually adopt an appropriations limit.)
M. Compton, Administrative Services Director
8. Adopt Resolution No. 05-162 authorizing a reimbursement to Mike Harrod, subdivider of Tract 2422, for the cost of design and installation of a 27-inch sewer line in the amount of \$245,078, a 16-inch water line in the amount of \$175,298, and two 60-inch storm drain lines in the amount of \$215,142. (On August 2, 2005, Council approved reimbursement to Mike Harrod for improvements in South River Road in conjunction with the development of Tract 2422.)
R. Lata, Community Development Director
9. Adopt Resolution No. 05-163 appropriating \$15,200 from General Fund Reserves to pay for contract services related to formation of City's Community Facilities District (CFD); and authorize Director of Administrative Services to establish a reimbursement to the General Fund regarding the \$145,430 costs of establishing the CFD. (In April 2005, Council approved formation of a CFD. The requested appropriation would close out the budget for David Taussig and Associates for the preparation of the CFD.)
R. Lata, Community Development Director
10. Adopt Resolution No. 05-164 rescinding the Water Shortage Emergency. (Subsequent to the December 2003 San Simeon earthquake, the City implemented a Water Conservation Plan to assist in conserving water. The damaged water tanks have now been repaired, and pursuant to the California Water Code, the emergency restriction must now be rescinded.)
D. Monn, Interim Public Works Director
11. Adopt Resolution No. 05-165 authorizing award of a contract in the amount of \$30,057 for engineering services to evaluate pilot study results and prepare pre-design project report for Sherwood water wells. (In response to new EPA regulations regarding acceptable levels of arsenic in drinking water supplies, a Request for Qualifications was issued to pre-qualify vendors interested in supplying the City with arsenic removal equipment. Five equipment suppliers committed to participating in the pilot testing program. Because of their familiarity with the City's needs, Boyle Engineering was asked to provide a proposal to assist in preparation and evaluation of the pre-qualification treatment pilot study.)
D. Monn, Interim Public Works Director

CONSENT ITEMS PULLED FOR DISCUSSION:

6. Adopt Resolution No. 05-xx approving a lease-purchase agreement and various related documents with Municipal Finance Corporation for the purchase of a heavy rescue vehicle and authorize the Director of Administrative Services/City Treasurer to execute any and all documents associated with said financing. (Requests for quotes for lease-purchase financing were distributed to 12 firms. Municipal Finance Corporation quoted the lowest interest cost at 3.67% with no additional fees or charges and a \$1 buy-out at expiration date.)
M. Compton, Administrative Services Director

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

7. Adopt Resolution No. 05-xx authorizing the City Treasurer to execute a lease contract with Sympro for investment management software. (The City currently manages its investment portfolio manually with spreadsheet software. It is expected that software specifically designed for investment management will be more efficient and yield increased interest income to the City.)
M. Compton, Administrative Services 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 adopt Resolution No. 05-160 approving a lease-purchase agreement and various related documents with Municipal Finance Corporation for the purchase of a heavy rescue vehicle and authorize the Director of Administrative Services/City Treasurer to execute any and all documents associated with said financing (Item No. 6); and adopt Resolution No. 05-161 as amended authorizing the City Treasurer to execute a lease contract with Sympro for investment management software (Item No. 7).

Motion passed by the following unanimous roll call vote:

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

DISCUSSION

12. **Request to Remove Two Oak Trees – PD 02-016, South Vine Street**
R. Lata, Community Development Director

Consider a request to remove two oak trees (a 32-inch diameter valley oak and a 25-inch diameter Blue Oak) to accommodate pavement widening on South Vine Street. (The oak trees proposed for removal are within the existing right-of-way of South Vine Street, and are in conflict with the future widening of South Vine Street. An arborist report describes the trees as being in poor health.) CONTINUED FROM JULY 5, 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 Nemeth, seconded by Councilmember Strong, moved to adopt Resolution No. 05-166 approving the request to remove two oak trees in the South Vine Street right-of-way predicated on the facts that the trees are in direct conflict with planned improvements to South Vine Street and that both trees are in poor health; and requiring the developer of the adjacent property to mitigate the loss of the trees by planting a replacement ratio of trees equivalent to 14 inches in diameter (7 two-inch trees, for example) to be planted in locations that are appropriate for the species as determined by a horticulture professional.

Motion passed by the following unanimous roll call vote:

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

13. Request to Remove Two Oak Trees – Tentative Tract 2654

R. Lata, Community Development Director

Consider a request to remove two oak trees (a 50-inch diameter valley oak and a 42-inch diameter valley oak) to accommodate improvements to South River Road. (The oak trees proposed for removal are within the existing right-of-way of South Vine Street and are in conflict with plans for widening South River Road in accordance with Arterial Standard A-1. An arborist report describes the trees as being in poor health.)

Mayor Mecham opened the public hearing. Speaking from the public were Kathy Barnett and Mike Menath. 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. 05-167 approving the request to remove two valley oak trees in the South River Road right-of-way predicated on the facts that the trees are in direct conflict with planned improvements to South River Road and that both trees are in poor health; and requiring the developer of the adjacent property to mitigate the loss of the trees by planting a replacement ratio of trees equivalent to 24 inches in diameter (12 two-inch trees, for example) to be planted in locations that are appropriate for the species of tree as determined by a horticulture professional. Council further directed staff to write a letter to utility companies regarding the trimming of oak trees in utility easements within the City, asking for their cooperation in our effort to preserve oak trees.

Motion passed by the following unanimous roll call vote:

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

14. Water User Fee Ordinance – Rate Restructuring

M. Compton, Administrative Services Director

Consider adoption of an ordinance modifying the rate structure for water 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.) FIRST READING JUNE 7, 2005

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

Councilmember Strong, seconded by Councilmember Heggarty, moved to read by title only, and adopt Ordinance No. 904 N.S. to modify the water rate structure.

Motion passed by the following roll call vote:

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

15. Salinas River Corridor

A. Robb, Interim Library & Recreation Services Director/M. Williamson, Assistant to the City Manager

Receive status report of Salinas River grant project and design workshop efforts. (In December 2004, Council directed several actions for the planning and enhancement of the Salinas River corridor: River Parkway Project and Follow the River/Follow the Dream Design Workshop.)

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 receive and file.

Motion passed by unanimous voice vote.

16. Workforce Housing Grant - Confirmation of Projects

R. Lata, Community Development Director

Identify eligible projects to be accomplished or assisted with Workforce Housing (WFH) Grant funds. (In June 2005, the State Department of Housing and Community Development awarded the City \$258,634 in WFH Grant funds. Projects to be funded and/or assisted with WFH funds must be completed within 3 years.)

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 Strong, moved to approve the following list of eligible projects, and their relative priorities, to be accomplished or assisted with up to \$258,634 in WFH funds

1. Install curbs, gutters, sidewalk, street light on 28th Street, in front of Oak Park Senior Housing Project \$167,000
2. Install LED-lighted crosswalks at several locations \$140,000
3. Install curbs, gutters, sidewalk adjacent to Fairgrounds parking lot \$295,000
4. Install paving, curbs, gutters, sidewalk (one side) on Vine Street, between Marion Avenue and 36th Street..... \$365,000

Motion passed by the following unanimous roll call vote:

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

Making a declaration of conflict (the landfill being one of the Councilman’s business accounts), Councilmember Picanco recused himself from voting on Item No. 17 and left the room until deliberations were concluded.

17. Landfill Engineering Services Contract

Brad Hagemann, Water Resources Manager

Consider awarding a contract for Landfill Engineering Services. (In March 2005, Requests for Proposals for engineering services at the City landfill were circulated. Eight responsive proposals were received and reviewed. Council’s ad hoc committee reviewed the top proposals and recommends awarding the contract to SCS Engineers.) CONTINUED FROM AUGUST 2, 2005

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 (1) dissolve the Council ad hoc committee formed to review the RFP’s for engineering services at the landfill; (2) adopt Resolution No. 05-168 authorizing the City Manager to enter into a contract with SCS Engineers to provide engineering services at the City Landfill; and (3) approve a base budget appropriation from General Fund Reserves in the amount of \$125,000 to Budget Account No. 100-310-5224-167 with an offsetting revenue adjustment to Revenue Account No. 100-000-4637-000.

Motion passed by the following roll call vote:

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

Councilmember Picanco returned to his seat at the dais.

18. Bid Award – Transit Shelters Repairs

D. Monn, Interim Public Works Director

Consider awarding a contract to Wysong Construction Company for the repair of four City transit shelters and appropriating funds from Transit Operations Fund (Transportation Development Act funds) to cover the costs. (Bids were solicited for painting and repairs of four transit stop shelters. One bid was received. Staff reviewed the bid submitted by Wysong Construction and finds it to be responsive.)

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 Strong, moved to adopt Resolution No. 05-169 awarding a contract to Wysong Construction in the amount of \$12,500; authorizing the City Manager to execute said contract; and approving a budget allocation of \$12,500 from the Transit Operations Fund.

Motion passed by the following unanimous roll call vote:

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

19. Bid Award – Monthly Cleaning of Transit Stops

D. Monn, Interim Public Works Director

Consider awarding a contract to NCI Affiliates, Inc. for the monthly cleaning of all City transit stops. (Bids were solicited, with two bids received and opened on July 14, 2005. Staff reviewed the low bid submitted by NCI Affiliates and finds it to be responsive.)

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 Nemeth, seconded by Councilmember Heggarty, moved to adopt Resolution No. 05-170 awarding a contract to NCI Affiliates, Inc. in the amount of \$10,900 per year; authorizing the City Manager to execute said contract; and approving a budget allocation from the Transit Operations Fund (Transportation Development Act funds) to Budget Account No. 206-140-5221-131.

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 - None

COUNCIL COMMENTS - None

PUBLIC COMMENT ON CLOSED SESSION - None

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

Council moved to adjourn from regular session at 10:15 PM. Motion passed by unanimous voice vote.

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 11:24 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

Deputy City Attorney Jon Seitz announced no reportable action was taken.

By unanimous voice vote, Council moved to adjourn from regular session at 11:25 PM.

ADJOURNMENT:

- **PURPLE BELT STAKEHOLDERS MEETING** AT 1:00 PM ON THURSDAY, AUGUST 18 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- **RIVER PARKWAYS WORKSHOP** 5:30-7:30 PM ON MONDAY, AUGUST 22 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- **COST OF SERVICES WORKSHOP** AT 7:00 PM ON WEDNESDAY, AUGUST 24 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- **OLSEN/BEECHWOOD SPECIFIC PLAN DESIGN CHARETTE** SUNDAY, AUGUST 28, 3:00-9:00 PM AND MONDAY - THURSDAY, AUGUST 29 - SEPTEMBER 1, 8:30 AM - 10:00 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- **REGULAR MEETING** AT 7:30 PM ON TUESDAY, SEPTEMBER 6, 2005, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

Sharilyn M. Ryan, Deputy City Clerk
Approved: September 6, 2005