



# CITY OF EL PASO DE ROBLES

*"The Pass of the Oaks"*

## CITY COUNCIL MINUTES

**Tuesday, February 6, 2007 7:30 PM**

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL  
CONFERENCE CENTER, 1000 SPRING STREET**

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**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 John Hamon Gary Nemeth, Duane Picanco, Fred Strong, and Frank Mecham

### **PUBLIC COMMENTS**

- Ann Robb introduced Will Dahlen, member of the City's Youth Commission.
- Mayor Mecham thanked the community for the large turnout for the February 3rd Goal Setting Workshop
- Chuck Miller, announcing the Estrella Warbird Museum event on Friday February 23, 2007.

**AGENDA ITEMS TO BE DEFERRED (IF ANY)** – City Manager Jim App announced that Agenda Item No. 10 is being recommended for continuance.

### **PRESENTATIONS**

#### **1. Boy Scouts of America**

Presentation of Boy Scouts of America programs in the Paso Robles community by Ingrid Olsen, District Executive, Los Padres Council, Del Norte District. Also speaking were Scouts George Major, Troup 16, and Will Hicks, Troup 60.

## **PUBLIC HEARINGS**

Councilmember Hamon recused himself from voting on Item No. 2 and left the dais until deliberations were concluded.

### **2. Rescind Appeal of Tentative Tract Map 2772 (Owner: Mondo Appellant: Erskine)**

R. Whisenand, Community Development Director

**CONTINUED FROM DECEMBER 19, 2006.** The City Council held a Public Hearing on December 5, 2006 and approved an appeal of the Planning Commission's approval of a tentative tract map for Doug Mondo at the southwest corner of Airport and Dry Creek Roads. At their meeting of December 19, 2006 members of Council voiced their concerns with their understanding of the actions taken at the December 5<sup>th</sup> meeting, and in a 3-1 vote, requested that the item be brought before the Council for reconsideration. Since December 19, the parties to the appeal have reached an accord.

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 Strong, moved to adopt Resolution No. 07-024 rescinding the action (Resolution No. 06-226) of the City Council at its meeting of December 5, 2006, an upholding the Planning Commission's decision to approve Tentative Tract 2772.

Motion passed by the following unanimous roll call vote:

AYES: Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN: Hamon

ABSENT:

Councilmember Hamon returned to his seat at the dais.

## **CONSENT CALENDAR**

Mayor Mecham called for public comments on Consent Calendar items. There were no comments from the public, either written or oral, and the public discussion was closed.

3. Approve City Council minutes of January 16, 2007 and January 25, 2007
4. Approve Warrant Register: Nos. 67491—76750 (01/17/07), 67651—67787 (01/19/07), 67788-67904 (01/26/07), and Other Payroll Services
5. Receive and file Advisory Body Committee minutes as follows:  
Citizen's Airport Advisory Committee meeting of December 14, 2006  
Parks and Recreation Committee meeting of December 12, 2006  
Youth Commission meeting of December 6, 2006
6. Read, by title only, and adopt Ordinance No. 926 N.S. by title only, authorizing an amendment to amend Title 21, Zoning of the Municipal Code, adding a definition of Medical Marijuana Dispensaries to Chapter 21.08, and to add Chapter 21.33, prohibition of Medical Marijuana Dispensaries. (FIRST READING JANUARY 16, 2007)

7. Read, by title only, and adopt Ordinance No. 927 N.S. by title only, authorizing an amendment to Section 5.04.290 of the Municipal Code, adding the classification of amusement centers/parks. (FIRST READING JANUARY 16, 2007)
8. Approve the Paso Robles Housing Authority Board Conflict of Interest Code. The Housing Authority is subject to the Political Reform Act (Government Code § 81000 et seq.), and must adopt a conflict of interest code. Because the City Council appoints members of the Housing Authority, it has the responsibility to approve their conflict of Interest Code.
9. The Sherwood Forest Park landscape contractor has completed the specified maintenance period for the project. Adopt Resolution No. 07-025 accepting the landscape maintenance of the completed project and deeming DPW 01-25 complete.
10. **Continued No Action.** Awarding a construction contract and appropriating funds to install arsenic treatment at Sherwood Wells No. 9 and No. 11 to D-Kal Engineering in the amount of \$1,351,548. The City received 12 bids in response to the prepared plans and specifications to install arsenic treatment facilities, an approved Capital Improvement Project.
11. Adopt Resolution No. 07-026 authorizing the use of a septic system for the Nunno industrial buildings located at 3500 Dry Creek Road (APN 025-431-006), with conditions. The Planned Development was approved by the Planning Commission on 02/22/2005, and is consistent with other airport lease sites and private properties along Dry Creek Road. The nearest available sanitary sewer main is approximately one mile west of the intersection of Dry Creek Road and Airport Road.

Consent Calendar Items Nos. 3–9, and 11 were approved on a single motion by Councilmember Nemeth, seconded by Councilmember Strong, with Councilmembers Nemeth and Strong abstaining on Warrant Register No. 067840, and Councilmember Picanco abstaining on Warrant Register Items Nos. 067597, 067598, 067743, 067865 and 067892.

Motion passed by the following unanimous roll call vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham  
 NOES:  
 ABSTAIN:  
 ABSENT:

## DISCUSSION

### 12. Dogs in Parks

A. Robb, Parks & Recreation Director

For the City Council to consider placing a park-specific suspension on enforcement of prohibiting dogs in city parks. Parks-4-Pups submitted a proposal to designate walking paths at Centennial and Turtle Creek parks as “on leash” dog walking areas. The Parks and Recreation Advisory Committee voted 5-3 at the May 2006 meeting to recommend the Parks-4-Pups proposal. A petition submitted by Sierra Bonita Village Homeowners’ Association recommends denial of the use of Turtle Creek Park. Additional material submitted by Parks-4-Pups was distributed by A. Robb at the meeting.

Mayor Mecham opened the public hearing. Speaking from the public was Paula O'Farrell, representing Parks-4-Pups, who announced the association had withdrawn the Turtle Creek Park request. Also speaking was, Pete Jenny, Rob Nash, Kathy Barnett, Kathy Kropp, Emily Beebee, Tom Hardwick, Teresa Allan, Jody Jacobson, and Carol Still. There were no further comments from the public, either written or oral, and the public discussion was closed.

City Attorney Yang recommended minor changes to the proposed resolution. Councilmember Strong, seconded by Councilmember Hamon, moved to adopt a revised Resolution No. 07-027 to suspend enforcement of §8.08.055 of the Municipal Code, Dogs in Public Places, on walking paths in Centennial Park for a period of one year beginning March 1, 2007.

Motion passed by the following roll call vote:

AYES: Hamon, Nemeth, Strong, and Mecham  
NOES: Picanco  
ABSTAIN:  
ABSENT:

***Council adjourned for a short break to allow some members of the audience to withdraw from the conference room.***

**13. Reimbursement for Installation of Traffic Signal & Storm Drain at 4<sup>th</sup> and Spring Streets**

R. Whisenand, Community Development Director

For the City Council to consider authorizing a partial reimbursement of \$550,000 to Pacific Management and Development (PMD), developer of PD 03-020, for the installation of a traffic signal and storm drain at the intersection of 4<sup>th</sup> and Spring Streets, as recommended in the report prepared by Associated Transportation Engineers, dated 08/28/2006. The traffic signal and storm drain at this intersection are considered citywide improvements, and were both included on the AB 1600 Needs List, adopted October 2006. A copy of the proposed reimbursement agreement was distributed at the meeting.

Mayor Mecham opened the public hearing. Speaking from the public was Greg Jaeger, representing North Coast Engineering. 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. 07-028 authorizing a reimbursement agreement with PMD, the developer of PD 03-020, to reimburse the cost of installation of a traffic signal and storm drain at the intersection of 4th and Spring Streets in the amount of \$550,000.

Motion passed by the following unanimous roll call vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham  
NOES:  
ABSTAIN:  
ABSENT:

**14. Paso Robles Transit Services "Branding" Alternatives**

M. Compton, Administrative Services Director

For the City Council to consider transit system branding alternatives pursuant to the adopted Marketing Plan adopted by Council in August 2006. Selena Barlow, of Transit Marketing LLC, presented a new branding strategy.

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.

None of the alternatives presented were acceptable to Council. By Voice Vote, Council appointed Councilmembers Hamon and Picanco to an ad hoc committee to review the re-branding proposal, which is included in the adopted Marketing Plan.

**15. Gateway Design Standards Contract**

R. Whisenand, Community Development Director

For the City Council to consider allocating additional funds to expand the Work Scope for the Gateway Design Standards project.

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.

The expanded Work Scope was not accepted by Council. By Voice Vote, on a motion by Councilmember Strong, seconded by Councilmember Nemeth, Council referred the discussion of Gateway Design Standards back to the ad hoc committee.

**16. Storm Water Management**

D. Monn, Public Works Director

The EPA in 1999 required municipalities with populations of 25,000 or more to submit Storm Water Management Plans to regional boards. The plan drafted by the City was submitted to the Regional Water Quality Control Board in January 2005 as part of the annual report. The Board noted the following items for additional work:

- Expand public outreach efforts
- Adopt an ordinance addressing storm water quality
- Increase outreach/education to contractors regarding storm water quality
- Develop monitoring and reporting of City insecticide and fertilizer use in parks.

There is no current appropriation to accomplish these tasks. Another \$51,000 is required to engage the services of Wood Rodgers to assist staff in implementing the City's adopted Storm Water Management Plan, ensuring compliance with the Water Board's interpretation and enforcement requirements.

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 Strong, moved to adopt Resolution No. 07-029 to:

- 1) Appropriate \$51,000 to fund the implementation of the City's Storm Water Management Program;
- 2) Transfer \$17,000 each from Sewer Operations, Water Operations, and the General Fund (Landfill); and
- 3) authorize the City Manager to engage Wood Rodgers to assist the implementation of the Storm Water Management Plan in the amount of \$41,500;

Motion passed by the following unanimous roll call vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

**17. Award Rehabilitation of Borchardt Well No. 5, Sherwood Well No. 11, and Thunderbird Well No. 17**

D. Monn, Public Works Director

In order to extend life of the water wells and to ensure efficiency in providing water service to the community, the City periodically rehabilitates its wells. For 2007, the Capital Improvement Program budgeted \$100,000 for the Sherwood Well No. 11 rehab, but a review of pumping data showed that work on two additional wells was required to ensure productivity during peak demand this summer. The rehab for these additional wells requires an acceleration of a \$65,000 appropriation.

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

Councilmember Hamon, seconded by Councilmember Nemeth, moved to adopt Resolution No. 07-030:

- 1) Approving a one-time supplemental budget appropriation of \$65,000 from the Water Operations Fund; and
- 2) Awarding the contract to rehabilitate the three wells to Aqua Engineering in the amount of \$157,778.65.

Motion passed by the following unanimous roll call vote:

AYES: Hamon, Nemeth, Picanco, Strong, and Mecham

NOES:

ABSTAIN:

ABSENT:

**18. City Council Policies and Procedures**

J. App, City Manager

For the City Council to consider updating written Council policies and procedures to incorporate recent Council actions.

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.

By General Consent, Council agreed to review draft update of Council Policies & Procedures Manual and provide edits to the Deputy Clerk by February 28, 2007.

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION –**

**19. Housing Authority Board of Commissioners – 2007 Scheduled Vacancies**

R. Whisenand, Community Development Director

For the City Council to consider candidates for the Housing Authority Board of Commissioners. A recruitment notice for the Housing Authority vacancies was placed in Paso Robles Magazine and posted on the City's website. The application deadline was January 31, 2007. The City has received two applications from incumbents for the two vacancies.

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

By General Consent, Raymond Hampson and Richard Willhoit were appointed to four-year terms, effective March 1, 2007

**AD HOC COMMITTEE COMMUNICATION**

**20. Ad Hoc Committee Formation – Review Consultant Proposals for Design of the City's Nacimiento Treatment Plant**

D. Monn, Public Works Director

Consider forming an ad hoc committee to assist in the process of reviewing consultant proposals associated with the design of the Nacimiento Water Treatment Plant.

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

By General Consent, Mayor Mecham and Councilmember Hamon were appointed to the ad hoc committee.

**COUNCIL COMMENTS (Including oral reports on conferences attended) - None**

**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.*

*It was the consensus of Council to adjourn from regular session at 9:45 PM.*

*The City Council thereupon adjourned to Closed Session in the 2<sup>nd</sup> floor Large Conference Room.*

**CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor

**a. Public Employment**

Government Code Section 54957

Title: Public Official Retirement, Appointment, Termination – Police Chief

*The City Council returned to Regular Session at 10:30 PM.*

**RETURN TO OPEN SESSION**

**CLOSED SESSION REPORT**

*City Attorney Iris Yang announced that no reportable action was taken.*

*By unanimous voice vote, Council moved to adjourn from regular session at 10:35 PM.*

**ADJOURNMENT:** to

- To NEW PARTNERS CONFERENCE, WEDNESDAY, FEBRUARY 7 TO SATURDAY, FEBRUARY 10, 2007, BONAVENTURE HOTEL, LOS ANGELES,
- THE CALIFORNIA MID-STATE FAIR ANNUAL DINNER, FRIDAY, FEBRUARY 9, 2007, 6:30 PM AT THE SLO PAVILLION – PASO ROBLES EVENTS CENTER
- TO THE SAN LUIS OBISPO EDUCATION FORECAST, THURSDAY, FEBRUARY 15, 2006, 7:30 AM AT THE CARLTON HOTEL, 6005 EL CAMINO REAL, ATASCADERO
- TO THE 2007 GOALS WORKSHOP, THURSDAY, FEBRUARY 15, 2006, 7:00 AM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- THE REGULAR MEETING AT 7:30 PM ON TUESDAY, FEBRUARY 20, 2007, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

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Deborah D. Robinson, Deputy City Clerk  
Approved: February 20, 2007