



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

CITY COUNCIL MINUTES

Tuesday, December 15, 2009 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 John Hamon Nick Gilman, Ed Steinbeck, Fred Strong, and Mayor Duane Picanco,

PUBLIC COMMENTS

- **Christie Withers** – reminded everyone that the Carnegie Library is open and mentioned the hours of operation.

AGENDA ITEMS TO BE DEFERRED

- City Manager, Jim App
 - 1) noted that Item No. 3 is recommended for continuance;
 - 2) there is an addendum to the Consent Calendar (Item 15b) regarding road reimbursement agreement for the Nacimiento Water Pipeline.

PRESENTATIONS - None

PUBLIC HEARINGS

1. Bicycle Master Plan

R. Whisenand, Community Development Director

That the City Council adopt the Bicycle Master Plan and the associated Negative Declaration.

Ron Whisenand introduced Susan DeCarli who presented the staff report.

Mayor Picanco Opened the public hearing. Speaking from the public were Dorothy Johnson, Tom Hardwick, Mike Duffy, Kathy Barnett, Dan Rivoire, Geiska Velasquez, Dale Gustin, Steve Fleury, and Lindsey Collinsworth. There were no further comments from the public, either written or oral, and the public discussion was closed.

Council member Hamon, seconded by Councilmember Steinbeck, moved to approve Resolution No. 09-158, with the addition of language requested by the San Luis Obispo County Air Pollution Control District, adopting the Negative Declaration for the Bicycle Master Plan.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

Council member Hamon, seconded by Councilmember Steinbeck, moved to approve Resolution No. 09-159 to adopt the Bicycle Master Plan with requested language added from the California Public Utilities Commission.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

ADJOURN TO REDEVELOPMENT AGENCY

ROLL CALL Agency Members Nick Gilman, Duane Picanco, Ed Steinbeck, Fred Strong and Chairman John Hamon

2. RDA – Compliance with AB 4x 26 – State Take-away

J. Throop, Administrative Services Director

For the City Council and Redevelopment Agency to adopt resolutions approving findings that, due to existing obligations, the Paso Robles Redevelopment Agency will be unable to pay the full amount determined by the state Director of Finance to the Supplemental Educational Revenue Augmentation Fund ("SERAF").

Chairman Hamon opened the public hearing. There being no comments from the public, either written or oral, the public discussion was closed.

Agency member Strong, seconded by Agency member Gilman, moved that the Redevelopment Agency adopt Resolution RA 09-010 making certain findings regarding its inability to make the full amount of the payment to SERAF, as determined by the state Director of Finance.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

Council member Strong, seconded by Council member Gilman, moved that the City Council adopt Council Resolution No. 09-160 making certain findings regarding the Agency's inability to make the full amount of the payment to SERAF, as determined by the state Director of Finance.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

3. Redevelopment Implementation Plan for the period 2010-2014.

R. Whisenand, Community Development Director

Chairman Hamon opened the public hearing. Speaking from the public was John Borst. There were no further comments from the public, either written or oral, and the public discussion was closed.

Agency member Steinbeck, seconded by Agency member Gilman, moved that the Redevelopment Agency continue the public hearing for the project to January 19, 2010

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

ADJOURN TO CITY COUNCIL MEETING

Item No. 7 was pulled from the Consent Calendar by Kathy Barnett and added to the end of the meeting for public discussion. Council member Strong, seconded by Councilmember Hamon, moved to amend the Consent Calendar to add the County Road Reimbursement as Item No. 15b. Motion was passed unanimously by voice vote. Item was then pulled by Dale Gustin and added to the end of the meeting for public discussion.

CONSENT CALENDAR

ITEMS ON THE CONSENT CALENDAR ARE CONSIDERED ROUTINE, NOT REQUIRING SEPARATE DISCUSSION. However, if discussion is wanted or if a member of the public wishes to comment on an item, the item may be removed from the Consent Calendar and considered separately. Councilmembers may ask questions of clarification without removing an item from the Calendar. INDIVIDUAL ITEMS ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

4. Approve City Council minutes of December 1, 2009
D. Fansler, City Clerk
5. Approve Warrant Register: Nos. 87845-87943 (11/25/09) and 87944–88068 (12/04/09)
J. Throop, Administrative Services Director
6. Receive and file Advisory Body Committee minutes as follows:
Paso Robles Youth Commission Minutes of November 4, 2009
8. Adopt Resolution No. 09-161 accepting the recordation of Parcel Map PR 08-0098, a two lot residential subdivision located at the northeast corner of 3rd and Vine Streets.
R. Whisenand, Community Development Director
9. Adopt Resolution No. 09-162 accepting the recordation of Parcel Map PR 06-0272, a three lot multi-family residential subdivision located at 1450 Golden Hill Road.
R. Whisenand, Community Development Director
10. Adopt Resolution No. 09-163 accepting the recordation of Parcel Map PR 07-0003, a two lot commercial subdivision located at the southwest corner of Tractor Way and Combine Street.
R. Whisenand, Community Development Director
11. Adopt Resolution 09-164 accepting the offer of dedication of an open space parcel comprising the Huer Huero Creek land adjacent to the Paso Robles Motorcoach Resort.
R. Whisenand, Community Development Director
12. Adopt Resolution 09-165 accepting the Grant of Avigation Easement from Paso 160, LLC for the land within the Paso Robles Motorcoach Resort located at the north end of Golden Hill Road, north of Highway 46E.
R. Whisenand, Community Development Director
13. Adopt Resolution 09-166 awarding a contract to Pacific Solutions Construction, Inc. for the quoted price of \$6.90 per ton for a two year contract, and authorize the City Manager to sign the contract on behalf of the City.
D. Monn, Public Works Director
14. Receive and file the Redevelopment Agency Annual Report for fiscal year 2009.
J. Throop, Administrative Services Director
15. Adopt Resolution No. 09-167, establishing a Notice of Intent to hold a public hearing to consider the annual renewal of Levy for the Paso Robles Tourism and Lodging Promotions Business Improvement District (BID).
M. Williamson, Assistant City Manager

- 15A.** Adopt Resolution No. 09-168 accepting an Energy Efficiency Conservation Block Grant (EECBG) Program/American Recovery and Reinvestment Act (ARRA) grant in the amount of \$156,082.55.
D. Monn, Public Works Director

Consent Calendar Items No's. 4-6 and 8-15A were approved on a single motion by Council member Steinbeck, seconded by Council member Strong, with Council member Hamon abstaining on Items No. 87892 and 88002 of the warrant register.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

DISCUSSION

- 16. FY 2010-2013 General Fund financial forecast/budget update**
J. App, City Manager and J. Throop, Administrative Services Department

Mayor Picanco opened the public discussion. Speaking from the public was John Borst. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Strong, seconded by Councilmember Steinbeck, moved to approve receive and file the December 2009 financial report as presented.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

- 17. Alternative water rate structure**
D. Monn, Public Works Director

Consider scheduling a public workshop to discuss water rates.

Mayor Picanco opened the public discussion. Speaking from the public was Dale Gustin, John Borst, and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Strong, seconded by Councilmember Hamon, moved to set Wednesday, January 6, 2010 at 6:30 pm as the date and time for a public workshop on alternative water rate structure.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

18. Residential self-regenerating water softeners

D. Monn, Public Works Director

Discuss options to reduce salinity in wastewater by reducing use of self-regenerating water softeners in residences.

Mayor Picanco opened the public discussion. Speaking from the public was Justin Hurst, Steve Davis of Davis Water Conditioning, Kathy Barnett, Tom Hardwick and Caroline Fergota. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Strong, seconded by Councilmember Steinbeck, moved to direct staff to draft an Ordinance pursuing the medium level of control and require installation of low-salt use unit when property owner replaces; to be effective 30 days after the Regional Water Quality Control Board makes a finding that control of residential salt discharges will contribute to the achievement of water quality objectives.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

19. Union and Golden Hill Roads Roundabout

R. Whisenand, Community Development Director

Consider a grant to fund, and authorize, design of a roundabout at the intersection of Golden Hill and Union Roads.

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

Councilmember Strong, seconded by Councilmember Gilman, moved to adopt Resolution No. 09-169 authorizing the City Manager to enter into an agreement with the San Luis Obispo County Air Pollution Control District for the conceptual design of a roundabout at the intersection of Union and Golden Hill Roads.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

Councilmember Strong, seconded by Councilmember Gilman, moved to authorize the City Manager to execute a contract with Whitlock and Weinberger Transportation, Inc. (W-Trans) not to exceed the amount of \$42,700, to prepare a conceptual roundabout design for the intersection of Union and Golden Hill Roads. The tasks will include a public workshop and a presentation to the City Council.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

20. California First Program (Assembly Bill 811)

D. Monn, Public Works Director

Consider participating in a County-wide program that would allow property owners to access public financing for residential solar power installation.

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

Councilmember Hamon, seconded by Councilmember Strong, moved to adopt Resolution No. 09-170 authorizing the California Statewide Communities Development Authority to accept applications from property owners, conduct contractual assessment proceedings and levy contractual assessments within the City of Paso Robles, and moved to adopt Resolution No. 09-171 authorizing San Luis Obispo County to apply for State Energy Program Funds on behalf of the City.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

21. Temporary placement of building amenities in the public right-of-way at 705 Pine Street

R. Whisenand, Community Development Director

Mayor Picanco opened the public discussion. 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 Hamon, seconded by Councilmember Strong, moved to authorize the mayor to enter into an agreement to place the building amenity in the public right-of-way subject to the condition that the encroachment is temporary and will be removed at the request of the City at any time.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

22. Awarding a contract to install a restroom facility at the North County Transportation Center (NCTC).

D. Monn, Public Works Director

Consider awarding a contract for this grant-funded project to construct a restroom at the NCTC.

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

Councilmember Steinbeck, seconded by Councilmember Strong, moved to adopt Resolution No. 09-172 upholding bid protests against the low bid from Sierra Pacific Commercial Construction, denying

protests of the bid submitted by JTS Construction, and awarding the contract to the second lowest bidder, JTS Construction, in the amount of \$165,000 for construction of the NCTC Restroom Facility.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

CONSENT CALENDAR

7. Read, by title only, and adopt Ordinance No. 964 N.S. an amendment to the Zoning Code to establish a Landscape and Irrigation Ordinance to be in compliance with the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881). (First Reading Date: December 1, 2009)

R. Whisenand, Community Development Director

Mayor Picanco called for public comments on Consent Calendar Item 7. 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.

A motion was made by Councilmember Gilman, and seconded by Councilmember Hamon, to read by title only Ordinance No. 964.N.S. Amending the Zoning Code to establish a Landscape and Irrigation Ordinance to be in compliance with the Water Conservation in Landscaping Act of 2006 (Assembly Bill 1881).

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

- 15B. Authorize the mayor to sign a Reimbursement Agreement with the County of San Luis Obispo for street paving by the City of Paso Robles on the Nacimiento Pipeline Project

D. Monn, Public Works Director

Mayor Picanco called for public comments on Consent Calendar Item 15B. 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.

A motion was made by Councilmember Strong and seconded by Councilmember Steinbeck, authorizing the mayor to execute the Reimbursement Agreement.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSTAIN:
ABSENT:

COUNCIL COMMENTS (Including oral reports on conferences attended)

CLOSED SESSION

a. Conference with Legal Counsel – Anticipated Litigation

Government Code Section 54956.9(c)

Number of cases: One

ADJOURNMENT:

- JOINT PLANNING COMMISSION/CITY COUNCIL BREAKFAST ON FRIDAY, DECEMBER 18, 2009 AT 7:00 AM AT TOUCH OF PASO RESTAURANT
- CHAMBER OF COMMERCE BOARD OF DIRECTORS HOLIDAY RECEPTION ON THURSDAY, DECEMBER 17, 2009 AT 5:00 PM AT LA BELLASERA HOTEL
- THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JANUARY 5, 2010 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

Lonnie Dolan, Deputy City Clerk
Approved: January 5, 2010