

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
DECEMBER 16, 1997

CALL TO ORDER

PLEDGE OF ALLEGIANCE

The City Council of the City of El Paso de Robles, meeting in regular session at 7:30 p.m. on the above date, in the Library/City Hall Conference Center was called to order by Mayor Duane Picanco.

ROLL CALL VOTE: Councilmember Iversen (absent)
Councilmember Macklin
Councilmember Lee Swanson
Mayor Pro Tem Tom Baron
Mayor Duane Picanco

PUBLIC COMMENTS

Mayor Picanco announced that the following students would be allowed to express their comments on Item 20, due to the lateness of this item on the agenda. Kelly Nemeth and Todd Lawsmith spoke to the Council regarding use of CDBG funds for an outdoor skate park.

PRESENTATIONS & CELEBRATIONS

PUBLIC HEARINGS

1. General Plan Amendment 97-04A & Rezone 97008 (Cagliero)

Mayor Picanco announced it was the time and place for the public hearing on General Plan Amendment 97-04A to change the land use designation for 32 acres from Residential Single Family to Residential Multiple; Rezone 97008 to rezone 32 acres from Single Family Residential to Duplex/Triplex Planned Development.

Bob Lata, Director of Community Development, stated the applicant has requested this item be continued.

Mayor Picanco opened the public hearing. Robert L. Peterson spoke in opposition of the rezone. There being no further comments either written or oral, Mayor Picanco closed the public hearing.

RIMC Code:
Date: 12/16/97
File Plan/GE Cat.:
Subject: Minutes
Location: City Clerk
Retention: Permanent
Other

It was moved by Councilmember Macklin, seconded by Councilmember Swanson **to table consideration of application until such time that the request is brought back by the applicant.** Motion passed by the following roll call vote:

AYES: Baron, Macklin, Swanson and Picanco
NOES: None
ABSENT: Iversen

Councilmember Iversen arrived at 7:40 p.m. and took his seat at the dias.

2. General Plan Amendment 97-04B & Rezone 97009 (Cagliero)

Mayor Picanco announced it was the time and place for the public hearing General Plane amendment 97-04B to change the land use designation for 4.8 acres located on the east side of South River Road from Residential Multiple to Neighborhood Commercial or Regional Commercial; Rezone 97009 to rezone same 4.8 acres from Single Family Residential to Regional Commercial.

Larry Werner, North Coast Engineering spoke on behalf of the applicant. Mr. Werner, addressing concerns of Councilmember Iversen regarding park open space, bike paths, etc., stated that the location of the bike path (currently shown from a location on South River Road to Nicholas Street) is not the best location and nothing is cast in stone and they would entertain having a bike path. **not in the best location, not cast in stone, could locate bike path at a later date,**

Mayor Picanco opened the public hearing. There being no business either written or oral, Mayor Picanco closed the public hearing.

It was moved by Councilmember Baron, seconded by Councilmember Macklin, to **Adopt Resolution No. 97-150, Approving a Negative Declaration for General Plan Amendment 97-04B & Rezone 97009.** Motion passed on the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

It was moved by Councilmember Baron, seconded by Councilmember Macklin to **Adopt Resolution No. 97-151, Approving General Plan Amendment 97-04B.** Motion passed on the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

It was moved by Councilmember Baron, seconded by Councilmember Macklin, to **Introduce Ordinance Amending the Zoning Map, Section 21.12.020 of the Zoning Code, Title 21, Rezone 97009 and set January 6, 1998 for adoption.** Motion passed on the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

3. Streamlining the Development Review Process ~ Zoning Code Amendment 97-004

Mayor Picanco announced it was the time and place for the public hearing on Zoning Code Amendment 97-004 to consider a Zoning Code Amendment regarding permitted and conditionally permitted land uses in an effort to streamline the development review process.

Mayor Picanco opened the public hearing. There being no comments, either written or oral, the public hearing was closed.

It was moved by Councilmember Macklin, seconded by Councilmember Swanson to **Adopt Resolution No. 97-152, Granting Negative Declaration status for Zoning Code Amendment 97-004 (Permit Streamlining)**. Motion passed on the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

It was moved by Councilmember Macklin, seconded by Councilmember Swanson to **Introduce Ordinance Amending the Zoning Code with regards to streamlining the Development Review Process and set January 6, 1998 for adoption**. Motion passed on the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

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**ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY,  
REDEVELOPMENT AGENCY & CITY COUNCIL AT 7:58 P.M.**

**CALL TO ORDER** Agencymembers Tom Baron, Chris Iversen, Walt Macklin, Duane Picanco, and Chairman Lee Swanson

**PUBLIC HEARING**

**4. Low & Moderate Income Housing Fund Options**

Chairman Swanson announced it was the time and place for the public hearing on Low & Moderate Income Housing Fund Options to consider options for use of Redevelopment Fund money.

Chairman Swanson opened the public hearing. Those persons speaking on this item were: Tom Rusch, Donald Dana, Jeanette Duncan, Miguel Donoso and Reverend Ruben Tate.

There being no further comments, either written or oral, the public hearing was closed.

It was moved by Agencymember Baron, seconded by Agencymember Iversen and passed unanimously by a voice vote of 5/0 to **continue this item to a meeting in February, 1998 with recommendations from PAC**.

***Councilmember Baron stated he had an exparte conference with Jeanette Duncan on December 16, 1997.***

**5. Redevelopment Plan & Implementation Plan**

Mayor Picanco announced it was the time and place for the public hearing to consider a recommendation from the Project Area Committee to amend the Implementation Plan regarding priorities for spending Low and Moderate Income Housing Funds.

Mayor Picanco opened the public hearing. There being no comments, either written or oral, the public hearing was closed.

Deputy City Attorney, Jon Seitz recommended the Resolution be amended with the following changes: strike out in its entirety the first "Now, therefore be it resolved...", which establishes its priorities, and commencing with the second "Be it resolved, adopt items 1 and 2, add item 3 which will refer items 1 and 2 to PAC for any recommended changes which are to be brought before the City Council in February, 1998.

It was moved by Agencymember Iversen, seconded by Agencymember Picanco, to **Adopt Resolution No. RA97-02, as amended, adopting a status report on the Redevelopment Plan and the Implementation Plan.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Picanco and Swanson  
NOES: None  
ABSENT: None

*It was moved by Agencymember Picanco, seconded by Agencymember Macklin and passed unanimously by voice vote to adjourn back to the City Council meeting at 8:53 p.m..*

### **ADJOURN TO CITY COUNCIL MEETING**

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CONSENT CALENDAR

The **Consent Calendar** was approved upon motion by Councilmember Baron, seconded by Councilmember Swanson, together with the recommendations and findings as set forth therein, waiving the reading of resolutions and ordinances in full. Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

Those items approved are as follows:

6. **Approve City Council Minutes of December 2 and December 3, 1997** (Madelyn Paasch, City Clerk)
7. **Approve Warrant Register** (M. Compton, Dir. Of Admin. Svcs.)
8. **Adopt Resolution No. 97-153, Authorizing the sale of a .22 acre City owned parcel to the Sierra Bonita Homeowners Association ~ Parcel #009-706-037** (S. Ross, Dir. of Comm. Svc.)
9. **Adopt Resolution No. 97-154, Approving an agreement with SLO County for the Reallocation of County Pool Sales Tax Revenues ~ Diablo Canyon** (M. Compton, Dir. of Admin. Svc.)
10. **Adopt Resolution No. 97-155, Granting permission to file development applications in advance of preparing Airport Specific Plan (Crist & Hwy 46 Partners)** (R. Lata, Dir. of Comm. Dev.)

DISCUSSION ITEMS

11. Paso Robles Landfill - Options for Operations

Jim App presented for the Council's consideration various options for landfill operations.

Mike Hoover spoke on behalf of Chicago Grade Landfill. He presented material to the Council to support his proposal. Those speaking in favor of continuing with the current landfill operator were Dale Gustin and Jim Heggarty.

Councilmember Baron stated he had an exparte conference with Jim Heggarty on December 15, 1997.

It was moved by Councilmember Macklin, seconded by Councilmember Iversen, to **Continue current operation and explore a long term agreement with the current landfill operator, USA Waste Services, Inc..** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco

NOES: None
ABSENT: None

Mayor Picanco called for a recess at 9:30p.m. The meeting reconvened at 9:45 p.m.

12. Huer Huero Golf Course Oak Tree Removal

Consider approving the removal of Oak trees for the Huer Huero Golf Course project

John McCarthy asked that this item be continued.

Dale Gustin spoke in favor of preserving the Oak trees.

It was moved by Councilmember Iversen, seconded by Councilmember Swanson **to continue this item.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

13. Improvements to George Stephan Center

Consider a request from the Housing Authority Board for the City to pay a portion of unanticipated construction expenses related to the expansion of the George Stephan Center.

It was moved by Councilmember Iversen, seconded by Councilmember Baron to **approve Appropriating George Stephan Center Maintenance Funds to assist in the expansion of the George Stephan Recreation Center.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

14. New Library Hours of Operation

Consider increasing the Library's public hours by eight hours weekly commencing February 1, 1998. Dale Gustin spoke in favor of the new schedule.

It was moved by Councilmember Macklin, seconded by Councilmember Swanson, to **Approve the schedule recommended by the Library Board of Trustees.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

15. Old Train Depot Building

Consider utilizing California Youth Authority work crews to remove the fire damaged portion of the old Southern Pacific train depot building. George Finnegan spoke in favor of preserving the supports on the east side of the building.

It was moved by Councilmember Iversen, seconded by Councilmember Macklin, and passed unanimously by a voice vote of 5/0 to **Authorize Public Works Director to work with CYA to demolish and remove the fire damaged part of the old Southern Pacific train depot structure on Pine Street.**

16. Funding for Contract Building Inspector

Consider continued funding for Contract Building Inspector position for the remainder of the Fiscal Year.

It was moved by Councilmember Swanson, seconded by Councilmember Baron, to **Adopt Resolution No. 97-156, Appropriating Funds for Contract Building Inspection Services.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

17. San Luis Obispo Council of Governments Grant Applications

Consider submitting projects for potential funding through SLO Council of Governments.

Dale Gustin stated Dr. Bryant's proposal to eliminate signalization at the intersection of 1st and Spring.

It was moved by Councilmember Swanson, seconded by Councilmember Macklin to **Direct staff to Expand the 13th Street Study to qualify as a PSR for a not-to-exceed fee of \$5,000 funded from Unreserved General Fund.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

With sales tax proceeds from the company's first year of business activity to be directed to the Ec Incentive Fund

It was moved by Councilmember Swanson, seconded by Councilmember Macklin to **Submit to SLOCOG an application to fund the expansion of the 13th Street Bridge in the amount of \$5.0 million dollars.**

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

It was moved by Councilmember Swanson, seconded by Councilmember Macklin to **Meet with Caltrans to postpone the seismic retrofit work so that it can be included in the bridge expansion.**

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

18. Sonic Cable Television Franchise ~ Ownership Transfer

Consider approving the transfer of the franchise agreement with Sonic Cable Television for cable television services to Charter Communications (Sonicvest).

It was moved by Councilmember Macklin, seconded by Councilmember Swanson to **Adopt Resolution No. 97-157, to transfer the control of the non-exclusive cable franchise from Sonic Cable Television of San Luis Obispo to Sonicvest.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

Addendum Item:

18B. Cal West Rain Request for City Assistance (R. Lata, Dir. of Comm. Dev.)

Consider request from Cal West Rain for City financial assistance to establish an irrigation related service business. The subject site is at the northerly terminus of Tuley Court, south of Highway 46 East.

It was moved by Councilmember Swanson, seconded by Councilmember Macklin, to **Provide financial assistance to Cal West Rain in two parts, the first part by a write-down of City related fees and charges up to \$8,500**

at this time, and the second part being up to \$14,150 in sales tax collected from this company after its first year (reflecting a total of \$22,650. in City building and impact related fees) , with additional sales tax generated by this land use to go directly back into the Economic Incentive Fund. Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

CITY MANAGER

WRITTEN COMMUNICATIONS

19. Request Concerning Templeton Sewer Connector Line (F. Strong/Creekside Ranch, CGC, Inc.)
Fred Strong addressed the Council on this item as the representative of Creekside Ranch. Mr. Strong indicated that it was not the intent of his clients to have any indemnity clause removed at this time. **Mr. Strong intent of client not to remove indemnity clause**

It was moved by Councilmember Macklin, seconded by Councilmember Swanson and passed unanimously by a voice vote of 5/0 **to receive and file.**

ADVISORY BODY COMMUNICATION

20. Planning Commission Recommendation for Use of 1998 CDBG Funds
Consider the Planning Commission's recommendation regarding use of Community Development Block Grant (CDBG) Funds to construct a Skate Park.

It was moved by Councilmember Macklin, seconded by Councilmember Iversen and passed unanimously by a voice vote of 5/0 **to Direct staff to include a Skate Park as one of the options for consideration at the January 6, 1998 Council meeting.**

21. Planning Commission Appointments
It was moved by Councilmember Baron, seconded by Councilmember Swanson to **Confirm Appointments of Gary Nemeth & Ed Steinbeck for one year terms and George Finigan & Valerie Warnke for three year terms to the Planning Commission.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

22. Receive and File Minutes for the Following Advisory Meetings:

- a. **Project Area Committee Minutes of October 6, 1997; and**
- b. **Housing Authority Minutes of November 18, 1997**

It was moved by Councilmember Macklin, seconded by Councilmember Swanson and passed unanimously by a voice vote of 5/0 to receive and file.

AD HOC COUNCIL BUSINESS

23. Set Date for Nacimiento Project EIR Comment Workshop (January 14, 21, or 22, 1998)

It was moved by Councilmember Macklin, seconded by Councilmember Baron to set January 14, 1998, as the meeting date. Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco
NOES: None
ABSENT: None

It was moved by Councilmember Macklin, seconded by Councilmember Baron to adjourn to closed session at 10:55 p.m.

CLOSED SESSION:

- a) Pursuant to Government Code §54956.7 ~ Anticipated litigation
Conference with legal Counsel
Significant exposure to litigation (Facts & circumstances not known)
Number of Cases: One

Attny directed to send letter.

- b) Pursuant to Government Code §54954.5(b) ~ Property Acquisition
Property: 260 acres south of Niblick Bridge; adjacent to easterly side
of railroad (APN 009-811-001, 002, 003, 004; 009-631-003,
004; 009-301-004)
Negotiating Parties: Anderson
City of Paso Robles
Under Negotiation: Terms and Conditions

Councilmember Iversen did not participate
No action taken.

- c) Pursuant to Government Code §54954.5(b) ~ Property Acquisition
Property: 3201 Spring Street ~ 28,650 sq. ft. on the north side of 32nd
Street between Spring and Oak Streets (APN 008-032-010;
008-032-011)
Negotiating Parties: Stephen Dorsi representing Ernie Ball, Inc.
City of Paso Robles
Under Negotiation: Terms and Conditions

No action taken.

ADJOURNMENT: to THE REGULAR CITY COUNCIL MEETING ON TUESDAY, JANUARY 6, 1998, 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Respectfully submitted,

Madelyn Paasch, City Clerk

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORDS UNTIL APPROVED BY THE CITY COUNCIL AT THEIR NEXT REGULAR MEETING.