



City of El Paso de Robles

"The Pass of the Oaks"

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL MAY 2, 1995

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

Presented by Councilmember Heggarty

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 School District Board Room was called to order by Mayor Walter Macklin.

ROLL CALL VOTE: Councilmember Chris Iversen
Councilmember Steve Martin
Councilmember Duane Picanco
Mayor Pro Tem Jim Heggarty
Mayor Walter Macklin

PRESENTATIONS

1. Proclamation - May 7-13, 1995 as "Be Kind to Animals Week"

Adopt Proclamation designating May 7-13, 1995 as "Be Kind to Animals Week". Mayor Macklin read the Proclamation and made the presentation to Sandra Rakestraw, President of the Board of Directors of the North County Humane Society (see Attachment "A") along with Nancy Grundman, Director at Large.

2. Proclamation - May 14-20, 1995 as "Emergency Medical Services Week"

Adopt Proclamation designating May 14-20, 1995 as "Emergency Medical Services Week". Mayor Macklin presented the Proclamation to Steve Martin on behalf of Twin Cities who read the Proclamation.

3. Proclamation - Head Start

Adopt Proclamation designating May as Head Start Month. Mayor Macklin made a presentation and the read the Proclamation to Bill Kostilanos, President of Head Start Program (E.O.C.).

4. Proclamation - National Police Week

Adopt Proclamation designating May 14-20, 1995 as National Police Week and May 15, 1995 as National Police Memorial Day. Mayor Macklin read this Proclamation and made the presentation to John Nelson, Chief of Police. The Mayor expressed how proud he is of the Police Organization for what they have done and where they are going. John Nelson invited the City Council, members of staff and audience to join the Police Dept. on Wednesday, May 17, 1995 at the Mission San Luis Obispo at 9:00 am to do a memorial service for all the fallen officers who have given the ultimate sacrifice over the years.

(D.Picanco)

Councilmember Picanco has received numerous complaints with skateboarders rights on grass and wanted to bring this matter to Council for discussion only. How the Police can enforce office OP and R30's without having something. John Nelson, Chief of Police, would like to bring to the Councils attention, they have inquiries and complaints about our inability to take any enforcement action as it relates to church property and churches being in other zones areas in the City other than C's. Mayor Macklin also advised Greg Welch of the Public Schools would also like to be included in this discussion. John would offer a recommendation for Council recommendation that a potential avenue or adjustment to the Ordinance be to incorporate a provision which identified any business or facility which was open to the public regardless of zoning, if it was properly posted with signs indicating no skateboarding, that enforcement action may be taken. That would cover all the zones, business and professional zones, churches, and schools, if appropriate posting was visible and it would be the individual property owners decision to enforce. Under current provisions we do have the opportunity to respond to no trespassing, no skateboards, etc., and ask the people to leave, but the situation with any enforcement action beyond that is restrictive. We do not have the tools necessary to keep people from coming back, over and over again.

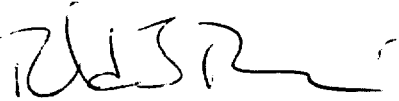
Councilmember Picanco would like to make a motion to add to the agenda the results of the action taken at the previous LAFCO meeting. John Seitz, Deputy City Attorney, advised because this item was not on the agenda, the Council would have to make two findings. One the reason that action is needed arose subsequent to the posting of the agenda and second that there is a need to take immediate action. The alternative would be to set a special meeting within 24 hours.

It was moved by Councilmember Picanco, seconded by Martin, that we add the discussion of action taken by LAFCO at the next City Council meeting. Staff will work with Councilmember Picanco on the action. Motion was unanimously passed on a voice vote of 5/0.

ADJOURNED TO CLOSED SESSION:

Following the closed session, Councilmember Martin moved to authorize the City Manager to file an appeal on behalf of the City regarding the Kleinhammer case. It was seconded by Councilmember Iversen. Motion was passed unanimously.

Respectfully submitted,



Richard J. Ramirez, City Clerk

(Minutes approved 5/16/95)

PUBLIC COMMENT

Loretta Pray, 514 Queeneanne Road, advised she has received two letters from **Stuart Ross**, Director of Community Service and **Richard Ramirez**, City Manager, giving satisfactory explanations as to why petitions were now allowed to be posted in the Senior Center.

PUBLIC HEARING

4. Code Amendment 94006 (Multiple Family Residential Regulations Update)

Bob Lata, Director of Comm. Development, briefed the Council on the continued public hearing and proposed code amendment which would both streamline the multi-family zone standards and incorporate a linkage factor between density and occurrence of crime based on police reporting districts. Staff is recommending that you proceed with the adoption of the code amendments providing for the streamlining of the multi-family zone standards, but not at this time, include the linkage between crime and density. We would request additional time to study that subject and refine any particular thoughts in that direction and bring something back to the Council at a later date.

Councilmember Iversen asked why is staff now taking the position that this should be looked into further? Is legality a question or is there some other influence at work? **John Seitz**, Deputy City Attorney, advised the legality issue, government code section 65589.5 in staff report, allows the consideration of crime to linkage or nexus between crime and density so there is statutory authority for this process. In talking with **Iris Yang**, City Attorney, the question of the request for delay is to come up with the appropriate formula. The main concern that **Ms. Yang** is working on is that we have a formula that is legally defensible.

Mayor Macklin asked how we process current applications? **Bob Lata** explained it would be evaluated based on the existing Ordinance, and they would look at health and safety factors.

Councilmember Martin has concerns about the valuation of density and streamlining the process. It seems like all we are doing is putting a label on what we currently do now, how would it change after we implement this ordinance? **Bob** advised we would have a more streamlined process in the way the code is written. The code would be clearer and it would lay out standards and criteria for approvals. However, the crime factor is not built into option and we are asking to defer that matter at this time.

Ed Gallagher advised the present code does not have very good descriptions of other development standards in terms of set backs, building separation, open space, etc. In many projects that have gone through in the preceding years, we have had to determine what was appropriate through the public hearing process and that took some of the multi-family projects through several hearings. Developers did not know up front what the expectations were for the development standards. The City was on a case by case determination what they were. In addition, if you adopt the Ordinance as it is presented tonight, there will not be any change in density, there will be a big change in how development standards, such as set backs and those issues will be defined, which will help tremendously.

Mayor Macklin asked if staff has checked with other cities and their codes. **Ed** advised in preparing this document, six or seven city codes were evaluated. He has yet to see any code that has a crime density linkage.

Councilmember Iversen stated the Court of Appeals seems to have validated how we look at

projects and that Council could be subjective to an extent. The City could say that we feel there is some public safety concerns, this is not right for the neighborhood, etc., and the correct process gives more of a lead way to the City.

Public comments:

Dick Wilhoit, Building Industry Association, has received considerable comments and written communications regarding this subject. This document has been drafted on how to deny an event or circumstance in the case of development of multiple family residential housing. After much discussion, he recommends, staff to take back this document and City Council give staff pointed goals on how to create a document to succeed. Have staff prepare a base zone for all three multi-family residential categories R2, R3, R4, and be very definitive in those base zone requirements.

Michael Blank, Attorney with Rural Legal Assistance, representing clients (Espanos Eunidos de Paso Robles), referenced his 3/31/95 letter and discussed crime, more affordable housing, free enterprise. Why is there no other City that has this type of Ordinance. His clients asks you to go along with your staff recommendation and not link crime and density, Option #3.

Tom Taylor, 3141 Spring Street, compliments the City for realizing we have a problem in our community. He feels the City is approaching it from the wrong perspective. He feels that density equals crime is an incorrect assumption. He encouraged new, quality and improved development. He does not want this Ordinance approved. Possibly an Advisory Group, made up of all effected segments of the community, could be formed to consider alternative approaches.

Larry Werner, 741 Orchard Drive, would like to thank staff for working with the public on this document, it has come a long way and has a long way to go. He feels it is unfortunate that he has to be here to address this issue knowing there are fatal flaws in the document and if a few people had not noticed this, raised the flag, this may have walked on through.

Councilmember Iversen asked Mr. Werner if the Council decided to go with Option #1 would he still want to continue with his presentation? Yes. Larry gave a long presentation with graphs, assumption made and flaws in this document. His goal was to show you there is no substance to this document; this will hurt our community, and to tell staff to stop wasting their time on this and the Police Dept. to stop providing information to the Planning Dept. for planning purposes. Contention is there is a direct relationship between density and crime and the fundamental basis of this entire document.

Leonard Roaters, representing Self Help Housing, is in favor of staff recommendation to adopt this Ordinance with the crime and density linkage set aside. They have faith in the City and commends staff in their efforts.

Public comments closed

Councilmember Picanco asked staff what their disposition and thoughts on the comments made as far as discrimination, private amenities, open space, tot lots, and those comments, etc.

Bob Lata advised there is absolutely no discrimination as to income in the document. The development standards apply across the board. They do not differentiate between income levels. There is a faulty assumption as to the park fees - they are linked to the Quimby Act which means a subdivision of land. The City does not receive Quimby Act fees if it is not a subdivision of land, hence air space, condominiums, and rental units do not pay Quimby Act fees so we do not get park fees and

is part of the problem we are facing. The City is not getting adequate parks and open space areas and you can look at the north end of the City and see the legacy of the inadequate open space and living standards created by that. There is no urgency Ordinance here. We are talking about a normal adoption of the code.

Bob Lata advised it would need to be tied to the nature of the unit. We need to build in some flexibility so the Planning Commission and if it goes to the Council, that the Council could look at the situation and call out for what the needs are. If you are right next to a public park, you are not going to need the kind of facilities that you would if you were six blocks from the nearest piece of green and open space. Situations are going to vary a lot and you are going to need to have the discretion you have on the plan development process to tailor the development conditions to the situation you are facing. That is what we are implying here. Linking to a specific number of tot lots is probably something we should not have in the document so you have the flexibility to address across the board the needs as they arise.

In terms of fundamental basis for the whole document, the crime density linkage is an element which staff suggests (options) you not include in tonight's consideration. Hence, I do not see it as a fundamental basis for the whole document. I think the fundamental basis is the zoning code and the general plan of the City. You need to have some form of plan development or some form of discretionary review if you do not have it, it is a cart blanc. Unfortunately, you have people asking for cart blanc in multi-family development. Staff would recommend you retain some degree of discretion to be able to sort out what is a good quality development and what is not.

Councilmember Iversen applauds staff for its attempt to try and deal with the crime situation, it is unfortunate it has taken so long, and it is good we are trying to deal with this now, but it certainly was not staff's intent, or Council's intent, to get involved in any form of discriminatory process, traditional or based upon income. My feeling is lower income people need space to live in just like people of increased income. A goal is provide better neighborhoods, housing and hopefully if we can't do it through this type of a process, we can approach it and accomplish it another way. The inclusionary zone concept which I am strongly in favor of would require each new development to carry its share of various incomes and so forth, that hasn't been accepted by the City or Council at this point. I have some strong feelings about going against the hands off approach because I was on the Planning Commission when all that was rezoned at the north end of town and basically the development community was given a free hand to build apartments.

It was moved by Councilmember Iversen, seconded by Picanco, to Adopt Resolution 95- Approving a Negative Declaration for Code Amendment 94006 (Multiple Family Residential Zoning Regulations Update) #1 proposed Ordinance N.S. without density, reductions linked to crime and adopting the attached Resolution No. 95-50, approving a Negative Declaration for the proposed Ordinance.

Mayor Macklin opened public comment on the Negative Declaration - none received.

It was moved by Councilmember Iversen, seconded by Picanco, to read by title only the Ordinance, amending the zoning code to revise regulations for R2, R3, and R4 Multiple Family Zone. Effective date will be 5/2/95. Motion passed on the following roll call vote:

AYES: Heggarty, Picanco, Macklin, Iversen, Martin
NOES: None
ABSENT: None

Break 9:15-9:30 p.m.

5. Code Amendment 95003 Amending Chapter 8 (Animal Control) of the Municipal Code - City Initiated (R. Lata, Director of Comm. Dev.)

Bob Lata advised per the Councils direction, staff has come back with a proposed Ordinance that incorporate standards for various types of pets, both indoor and outdoor, referring to chart, limiting six pets per household, with a use permit this amount can be increased which involves a public hearing.

Councilmember Picanco wanted to know why the issue of cats was not addressed? We have had previous occasions where owners have caused significant problems and in one case we were able to get the matter mitigated and was a lengthy battle we should not have to go through, nor should the neighbors have to tolerate. There is yet another that has not been solved yet. Feels the cat issue can get out of hand, there should be some regulation on cats and should be addressed. Bob Lata advised in checking with other agencies, this area is the least often regulated because it seems very controversial and worthy of a separate analysis.

Public comments opened

Tim Gearhart, 208 Rosemary Drive, was very impressed upon the first reading on the amount of work gone into the code change done. He hopes this amendment goes through but has concern about the conditional use permit which would cost approx. \$290, which that amount is out of the range for youth to pay if they want to increase the size of their 4-H projects for more than six. Would it be possible to waive or reduce this fee for the youth if they were a member of a youth organization. Congratulations to staff on a job well done.

Councilmember Heggarty would like to thank Mr. Gearhart for the letter he wrote to Council.

Barbara Waugh, 228 Rosemary Drive, applauds Council on this proposed Ordinance and this will preclude the commercial breeding of animals in our small neighborhood.

Cindy Rankin, 306 Rosemary Drive, advised it was nice to be in agreement with everyone tonight, this is a wonderful, comprehensive Ordinance, good compromise solution and deals with just about everything and flexibility to allow children to have pets and 4-H projects in residential neighborhoods. Also allowing people on large lots the flexibility of having more animals. She feels waiving the conditional use permit fees and procedures might be opening a pandora's box for people who do live in housing tracts. As the Ordinance is written, it is fair, flexible and comprehensive and applauds the effort and supports as written.

Public comments closed

Councilmember Picanco discussed the issue of cat regulations. Martin suggested we add cats to the small animals, household pets and no restriction because they are kept inside. Only restriction would be health and safety consideration. Heggarty feels there should also be a restriction of cats.

Bob Lata would like to clarify under household pets indoors, there is no limitations on the numbers indoors.

Richard Ramirez, City Manager, point out the language you would add on page 2 of the document under Animals (small) you would add cats; on page 4 , item #5, you would take out "There is no limit on number of cats" and make the reference on item #4 that it includes cats. Identify household pets such as cats.

Councilmember Heggarty advised the intent in this document is "per household" and would like this added. John Seitz, Deputy City Attorney, suggested adding on page 4, item #5 change it to read any combination of small animals, not to exceed six animals total. Also add the warning about pigmy goats. Bob Lata suggested we could add to the definition female, or neutered female pigmy goat and it does provide for flexibility of other similar animals that do not exceed 24 inches in height.

Councilmember Martin asked about the environmental finding. Richard Ramirez indicated this would be category exempt under SEQA as administrative act, which is why there is not a Negative Declaration. Bob Lata concurred with the City Manager.

It was moved by Councilmember Martin, seconded by Picanco, to introduce and read by title the Ordinance as amended. Motion was unanimously passed on the following roll call vote:

AYES: Heggarty, Picanco, Macklin, Iversen, Martin
NOES: None
ABSENT: None

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Councilmember Picanco, seconded by Heggarty, with the exception of Items #6 and Item #10, pulled for discussion. Motion was passed by the following roll call vote:

AYES: Heggarty, Iversen, Martin, Picanco, Macklin
NOES: None
ABSENT: None

Those items approved are as follows:

- ITEM 7. Approve the Pre-Check Register (M. Compton, Dir. of Admin.Svcs.)
- ITEM 8. Adopt Resolution No. 95-51. Authorizing an Appropriation from Unappropriated General Fund Reserves to Fund the Federal Grant/Community Oriented Policing Program (J. Nelson, Police Chief)
- ITEM 9. Adopt Resolution No. 95-52. Supporting the Central Coast Regional Technology Alliance (D. Sheeley, Economic Development Mngr.)
- ITEM 11. Adopt Resolution No. 95-54. Authorizing an Appropriation of \$5,000 from Unappropriated General Fund Reserves to Deposit in a 60-Day Escrow Account for the Acquisition of Real Property (APN: 015-041-037) (J.App, Assistant City Manager)

Those items pulled for discussion are as follows:

- ITEM 6. Approve City Council Minutes of February 21,1995, March 21,1995, April 4,1995 and April 18,1995 (R. Ramirez, City Clerk)

APRIL 4, 1995:

Dawn Zmugg, Spanish Camp, we have some trouble with April 4 and April 18 Minutes. On April 18, page 6-45, paragraph two, she did not question whether action was taken in closed session by the City regarding Southern Pacific. She specifically said, refer to tape, "we had purchased in the staff packet, a agenda packet item, under an amended agenda for our Item #13-B Munari/Santa Ysabel Ordinance, on the front of that document was hand written on our copy, Add to Close Session, and I specifically asked you whether anything had been added or discussed in closed session on Munari/Santa Ysabel", since it was not referenced in the Minutes. R. Ramirez indicated no action was taken on that time either.

It was moved by Councilmember Picanco, seconded by Iversen, to approve the Minutes of February 21, 1995, March 21, 1995 and April 18, 1995. Councilmember Picanco questioned if we were basically saying that Ms. Zmugg's is the corrected version of our Minutes? Mr. Ramirez indicated no. Motion was passed on the following roll call vote:

AYES: Heggarty, Iversen, Martin, Picanco, Macklin
NOES: None
ABSENT: None

Dawn Zmugg advised her comments under Public Comments, Item #17, the bunny issue, her comments as she came to the podium her name and comments are not reflected anywhere in the records. Mayor asked what she said. I specially asked how much correspondence had Council received since only two items were showing up in the agenda packet, one from Mr. Gearhart and one that was anonymous marked with reference to a bunny ranch. I asked how much communication had you gotten and if you would make that available to Mr. Gearhart.

Richard Ramirez reminded Mayor that Minutes are a summary, Council can leave it the way it is, or indicate Ms. Zmugg came to the podium and wanted to know whether or not letters were received on the matter of the bunnies and if it were part of the record.

Councilmember Iversen suggested since Dawn did not have a chance to review the Minutes until tonight, could we postpone these Minutes for two weeks giving her a chance to put her comments in writing and we can evaluate it.

It was moved by Councilmember Iversen, seconded by Heggarty, to continue the April 4, 1995 Minutes for two weeks, with a deadline of corrections to be submitted by May 5 at noon to make the agenda of the next City Council meeting. Motion was passed on the following roll call vote:

AYES: Heggarty, Iversen, Martin, Picanco, Macklin
NOES: None
ABSENT: None

Item 10. **Adopt Resolution No. 95-53. Approving a General Short Term Lease Agreement & Approve a Short Term lease Agreement with Dan Lemons**
(J. McCarthy, Dir. of Public Works)

Mayor Macklin on page 10-3, the third WHEREAS, he would like to add "a City employee or relative of a City employee". Member Iversen would like to keep Council informed. Richard Ramirez suggested as a procedure, we can put in the structure, that approx. 14 working days before execution of an agreement, with exception to Leases out at the airport, the City Manager will distribute copies of Lease for Council's review.

It was moved by Mayor Macklin, seconded by Iversen, to add on WHEREAS number three unless the Lessor, City employee, or relative of a City employee and on section two add after review, "provided the subject Lease is distributed to the City Council 14 working days prior to the execution of the Lease. Exceptions: Leases at airport." Motion was passed on the following roll call vote:

AYES: Heggarty, Iversen, Martin, Picanco, Macklin
NOES: None
ABSENT: None

DISCUSSION ITEMS

12. Airport Lease - Second Wind Properties (J. McCarthy, Dir. of Public Works)

John McCarthy, Dir. of Public Works, for Council consideration the approval of a new long term lease at the Paso Robles Airport and to approve the City's financial participation in the amount of \$15,000 to help defray off sight road improvements cost for development of the lease site. This Lease provides the City with an opportunity to provide space for a growing company with 58,000 square foot building for warehouse and office facilities. Mr. Blythe is in the audience if Council has any questions.

It was moved by Councilmember Picanco, seconded by Heggarty, approve the Lease Document and Resolution No. 95-55, and authorize the Mayor and City Clerk to execute the Lease. Motion was unanimously passed by a roll call vote of 5/0.

13. Proposed Fee Schedule for Library and Conference Center (B.Partridge, Human Resources Analyst)

Richard Ramirez requests this item be continued to make sure the intent and purpose is clearly understood by the Library Board; they meet Wednesday, May 3, 1995.

Councilmember Iversen advised in talking with Diane Sheeley, it was important to adopt this item tonight because she is planning a Conference in the Library. Richard Ramirez advised the City is co-sponsoring the Hunter Liggett Conference and because we are co-sponsoring, the conference can go forward without the fee structure.

It was moved by Councilmember Picanco, seconded by Iversen, continue Item #13 Proposed Fee Schedule for Library and Conference Center. Motion unanimously passed on a voice vote of 5/0.

CITY MANAGER

14. San Luis Obispo Council of Governments Joint Powers Agreement (JPA)/ Review of "Supervote" Provisions

Richard Ramirez, City Manager, would like to remind Council the City Hall/Library move is May 12, 13, and 14, 1995 at Fourth and Pine Street and there will be no telephones working those days, 910 Park Street will be opened with a skeleton crew. Telephones for the new City Hall are working and the telephone training will be done Mon., Tues., Wed., 8:30, 10:30, 1 or 3pm. Please make reservations, if you cannot make any of these times, we will have special training for the Council. John McCarthy is heading up the move and he will be getting notices out to reflect the closure and asking peoples cooperation. During the Wine Festival, the new Library will be closed.

Richard Ramirez advised the City Council that COG was seeking our input on the supervote. He would refer the discussion to Councilmember Iversen regarding the "Supervote".

Councilmember Iversen advised the supervote was originally put in the JPA from cities that were concerned their concerns might be over come or over ridden by the Board of Supervisors and maybe a couple of other cities. Councilmember Iversen advised the way he thinks it will work is if it looks like a majority would fly, then the COG will recommend it and it will have to go out for ratification. The supervote will only apply to COG.

It was moved by Councilmember Martin, seconded by Picanco, to choose Option #4 of the COG letter, with Option #3 as an alternate choice regarding the supervote. Motion was unanimously passed.

WRITTEN COMMUNICATIONS

15. **Request for \$500 in Funding "Stone Soup. A Festival of Many Culture"**

Sue Olt, representative of Stone Soup advised this event is in line with the Economic Strategy, it is good for seniors, youth, ethnic groups, goals of Arts Council, etc. The bulk of our expense would be in advertising, Channel 6 has a way of advertising at a cost of \$250 which will be shown before 9/16/95. Councilmember Picanco expressed a concern is that set a precedence, he finds no fault at all with this event, but there are numerous other events very similar that we ask for financial support. This is not appropriated in our budget. Sue advised the County is asked for \$500 financially support, which they gave last year. The City of Paso Robles, Dept. of Community Services gave staff support all day, as well as the use of the City park as support for this event.

Mayor Macklin would like to see this as an annual event, along with the City of Atascadero. The event was moved to Saturday in an effort to benefit the downtown City merchants. He asked Sue if there any potential for the Arts Council to flourish from a loan process? Mayor would like to see the City get scheduled another annual event in the City Park.

Richard Ramirez advised this would more applicable being processed through the budget process as well as other group requests and the budget will be very tight this year.

Councilmember Heggarty mentioned another option to look at is selling booth space for financial support. Stone Soup sells booth space people can buy space for exhibition or sell their wares.

The Council referred the matter to the AD HOC Budget Committee.

ADVISORY BODY COMMUNICATION

16. **Receive and File Parks and Recreation Advisory Committee Minutes of April 12,1995.**

Mayor Macklin asked if we received the extension on the Barney Schwartz Park \$45,000 grant? Stuart Ross, Director of Community Services, advised we have received verbal approval and expect written any day.

It was moved by Councilmember Heggarty, seconded by Picanco, to receive and file the Minutes of the Parks and Recreation Advisory Committee of April 12,1995. Motion was unanimously passed.

AD HOC COUNCIL BUSINESS

17. **Expanding the Skateboard Ordinance to Include Office Professional Zones**