



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL AUGUST 1, 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 Walt Macklin

Mayor Macklin opened the meeting by asking that everyone keep their seat while the meeting is in session. If the public wishes to speak, a line shall be formed along the east side of the room. He further indicated that when the line is gone, the meeting will return to the Council.

In an effort of "Celebrating Success", Mayor Macklin asked that Velta Williamson and Chris Iversen come forward to accept tokens of appreciation (a hat and whistle) for their efforts in actively supporting the railroad coming to Paso Robles.

PUBLIC COMMENTS

None

PUBLIC HEARINGS

1. General Plan Amendment 95-01 & Appeal of CUP 95013 (Easter Rents & Van Rijn)

Mayor Macklin announced it was the time and place for public hearing CUP 95013. Bob Lata, Director of Community Development presented for consideration a request to modify land use designation for four parcels and to consider accompanying request for a use permit to operate outdoor equipment rental on the southerly of parcels. The 12-acre site is located on the east side of Ramada Drive, between Highway 46 West interchange & Vendels Circle. Mr. Lata requests this item be continued.

Mayor Macklin opened the public hearing. There being no business, the meeting was continued.

It was moved by Councilmember Iversen, seconded by Councilmember Picanco, and passed unanimously to **Open the public hearing and continue action on these applications until your next regular meeting of August 15, 1995.**

2. Alley Apron Improvements Appeal (Lee Swanson)

Mayor Macklin announced it was the time and place for public hearing on Alley Apron Improvements. Bob Lata presented the continued public hearing on installation requirements of alley apron improvements.

Mayor Macklin opened the public hearing. There being no business, the meeting was continued.

It was moved by Councilmember Picanco, seconded by Councilmember Heggarty, and passed unanimously to Continue the public hearing to September 5, 1995.

3. Capital Improvement Program--FY 1996 thru 2000

Mayor Macklin announced it was the time and place for public hearing on the CIP Program where Rich Ramirez, City Manager, presented for consideration setting out both funding and planning priorities for the City over a five (5) year period. Mike Compton, Director of Administrative Services, clarified page 3-15, walking Council through the funding availability.

Mayor Macklin opened the public hearing.

Greg Shipley, representing Field of Dreams, asked for clarification on Rank 5 and if the Little League was to be included in the list of projects. Pat Mackie, 2940 Union Road, spoke in support of Field of Dreams. He requested clarification on items such as the 6 projects, the Justice Center, and the Airport Specific Plan. Dawn Zmugg, P.O. Box 3797, referred to the Source of Funds, the Nacimiento Water Project, and the Sewer Fund.

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

It was moved by Councilmember Martin, seconded by Councilmember Picanco, and passed unanimously to Conduct a special meeting August 22, 1995 to consider in more detail in adopting the attached CIP and funding proposals.

Break 9:15 pm.

ADJOURN TO JOINT MEETING OF PUBLIC FINANCING AUTHORITY, REDEVELOPMENT AGENCY & CITY COUNCIL

CALL TO ORDER Agencymembers Jim Heggarty, Chris Iversen, Walt Macklin, Steve Martin, & Duane Picanco

PUBLIC HEARING (RDA)

4. Redevelopment Agency Budget for FY 1995/96

Chairperson Picanco announced it was the time and place for public hearing on the RDA budget to consider recommendations of the PAC Committee and adopt the FY 1995/96 Redevelopment Agency budget. Diane Sheeley, Economic Development Manager, presented the report.

Chairman Picanco opened the public hearing.

Greg Shipley urges Council to fund Main Street in the amount of \$63,000. Grace Pucci from Main Street, spoke of their goals and future promotions in the downtown area. Main Street volunteers who also spoke were Gwen Pelfrey, Laura McDuncan, Larry Werner, and Barbara MacGregor.

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

It was moved by Agencymember Martin, seconded by Agencymember Heggarty, to Read by title only Ordinance No. ____ N.S., to Adopt the Fiscal Year 1995/96 Budget for the Redevelopment Agency, Amending the Budget to fund Main Street a total of \$63,000. Motion passed by the following roll call vote:

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

DISCUSSION (RDA)

5. Revision of Promissory Note

A. Mike Compton presented for consideration by the Redevelopment Agency, adoption of revised promissory note between the Redevelopment Agency and the City's Water Operations Fund.

Nick Gilman, Architect, questioned why it was necessary to rescind the promissory note. Janice Nelson, 1205 Beaver Creek, noted that on page 5-5, there is no language that states this is a revision. Also speaking was Dawn Zmugg questioning the revision of the promissory note, and requesting the loan agreement matching Resolution 92-42, to purchase the 4th & Pine Street facility.

The City Attorney suggested placing the following language in the note stating "*The outstanding principal amount will bear interest of a certain rate*" so every time the Agency draws down on it, you add that to the principal amount and subtract from the payment.

It was moved by Agencymember Iversen, seconded by Agencymember Martin, to **Adopt Resolution No. RA95-05, Authorizing Execution of a Revised Promissory Note, modifying the promissory note to reflect the repayment schedule against the amount borrowed (\$959,899), maintain the existing line of credit, and modify the note to reflect the line of credit (\$4,005,000) not be extended without permission from the City Council.**

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

B. The City Council to consider adoption of revised promissory note between the Redevelopment Agency and the City's Water Operations Fund.

It was moved by Councilmember Iversen, seconded by Councilmember Martin, and passed unanimously to **Adopt Resolution No. 95-100, Authorizing Execution of a Revised Promissory Note, modifying the promissory note to reflect the repayment schedule against the amount borrowed (\$959,899), maintain the existing line of credit, and modify the note to reflect the line of credit (\$4,005,000) not be extended without permission from the City Council.**

6. Short & Long Term Use of 4th & Pine Street Facility

Mike Compton, Director of Administrative Services, requested input and direction to staff relative to both the short and long term use of the 4th & Pine Street facility. He indicated that should the facility be leased to the Department of Social Services, the City intends to provide 1700 sq. ft. for Loaves & Fishes and the American Red Cross in this facility. The facility is approximately 8200 sq. ft., with Social Services paying for 6500 sq. ft.

It was moved by Agencymember Macklin, seconded by Agencymember Martin, to **Direct staff to proceed with finalizing a lease agreement for City Council approval and direct staff to proceed immediately with tenant improvements.** Motion passed by the following roll call vote:

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

7. Status of Multi-Plex Movie Theater

Bob Lata reviewed the status of the Multi-Plex Movie Theater project and requested Council provide appropriate staff direction. The project is located within a two block radius of City Park.

Fred Strong questions the validity of the number of offers made; what substantive steps were taken towards meeting obligations; and the intent of eminent domain. Nick Gilman was on the PAC (Project Area Committee) when the Agency was formed. The community/City specifically intended to use the Agency to condemn private commercial property by the Agency. The Multi-Plex is a good example for using the Agency's eminent domain power. That is what was envisioned then and what should be considered now. Dawn Zmugg, P.O. Box 3797, referred to a news article on eminent domain and asked if property owners were advised on tonight's meeting. City Manager, Rich Ramirez indicated that there is not an eminent domain action before Council this evening.

It was moved by Agencymember Iversen, seconded by Agencymember Martin, to Direct staff to continue to work with John Roush with regards to the content of a Disposition and Development Agreement, supplementing current steps as follows:

1. Authorize staff to have an appraisal prepared that would allow the Agency to utilize Eminent Domain.
2. Work with John Roush to plan for the multi-plex theater to be located elsewhere within the downtown core area (as provided for in the March 7, 1995 agreement)

Further, the Development Committee consisting of two Councilmembers and staff, are to commence immediate negotiations of the DDA and bring back on or before October 3, 1995. Motion passed by the following roll call vote:

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

ADJOURN TO CITY COUNCIL MEETING

Break 11:05 pm

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Councilmember Heggarty, seconded by Councilmember Iversen, together with the recommendations and findings as set forth therein, waiving the reading of resolutions and ordinances in full, with the exception of Items 8 & 13, which were pulled for discussion. Motion passed by the following roll call vote:

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

Those items approved are as follows:

- ITEM 9. Approve Pre-Check Register (M. Compton, Dir. of Admin. Svcs.)
- ITEM 10. Approve Second Reading of Ordinance 692 N.S., to Prohibit Roller Skating, Skateboarding or Riding in or by Means of Coasting on Private Property & Property Open to the Public (R. Lata, Dir. of Comm. Dev.)
- ITEM 11. Adopt Resolution No. 95-101. Awarding the Contract for Landfill Liner Module IIA to Granite Construction & Authorizing City Manager to Execute Contract (J. McCarthy, Dir. of Public Works)

- ITEM 12. Adopt Resolution No. 95-102, Approving & Authorizing the Execution of a Grant Contract for the Acquisition of a Fixed Route Bus (M. Compton, Dir. of Admin. Svcs.)
- ITEM 14. Adopt Resolution No. 95-103, Authorizing Usage of a Septic System at the Paso Robles High School (J. McCarthy, Dir. of Public Works)
- ITEM 15. Adopt Resolution No. 95-104, Approving the FAA Grant Agreement & Authorize Mayor or City Clerk to Execute the Agreement (J. McCarthy, Dir. of Public Works)
- ITEM 16. Award the Bid for Official Advertising Services to the Country News for a Two Year Period Ending 9/30/97 (M. Compton, Dir. of Admin. Svcs.)

Those items pulled for discussion are as follows:

ITEM 8. Approve City Council Minutes of July 18, 1995 (R. Ramirez, City Clerk)
 City Attorney, Iris Yang, referred to page 8-2, #3, second paragraph, to correct the language as follows:
"Councilmember Iversen did not have a conflict of interest and could participate in a decision in this matter."

The City Attorney also referred to page 8-7 where there is an asterisk. The language will be amended to read *"* On August 30th, there will be a public hearing at 7:00 pm regarding the Veteran's building as ordered by the Superior Court and that all parties to the pending litigation will be notified."*

It was moved by Councilmember Picanco, seconded by Councilmember Iversen, and passed unanimously to approve the minutes as amended.

ITEM 13. Adopt Resolution No. 95-xxxx, Establishing a Fee Schedule for the Spring Street Banner Display Program (J. McCarthy, Dir. of Public Works)

Councilmember Iversen asked if the City has to hire an additional person or use existing staff to install banners, and what the reason is for establishing a fee. John McCarthy stated that Public Works was trying to recoup their costs.

George Finnegan, a volunteer for Main Street, indicated that the costs of banners are high and would like to see the fees reduced so more people could use them.

After discussion, it was moved by Councilmember Martin, seconded by Councilmember Picanco, and passed unanimously to delay action on this matter for six months.

DISCUSSION ITEMS

17. Master Airport Ground Lease

John McCarthy, Director of Public Works, presented for review a new master lease document for the Airport affecting all new airport leases entered into as of September 1, 1995.

It was moved by Councilmember Heggarty, seconded by Councilmember Picanco, to Continue to September 5, 1995.

18. Status Report on Quail Run Subdivision

Councilmember Iversen stepped down due to a conflict of interest. Bob Lata requested Council to provide direction regarding request for City assistance to renters in Quail Run Mobile Home Park in enforcing the Tenant Impact Report (TIR).

Mike Alspach, 288 Partridge Drive in Quail Run, discussed Calmont and the existing problems, including discrimination, in Quail Run Mobile Home Subdivision.

After a lengthy discussion it was moved by Councilmember Martin, seconded by Councilmember Picanco, and passed unanimously to write a letter to Calmont stating according to page 6 of the Tenant Impact Report, that access to recreational facilities in common areas are subject to rules and regulations implemented by other residents. According to some residents, this is not the case. Motion passed unanimously, 4/0 with Iversen abstaining.

CITY MANAGER

19. Assessment of Economic Task Force's Strategy

Diane Sheeley, Economic Development Manager, presented for consideration the Economic Task Force's assessment of the City's progress toward meeting Economic Strategy. The four recommended priorities for 1995-1997 are: 1)expand the Municipal Court in the downtown; 2)development of a hot springs; 3) development an airport industrial park; 4)pursue annexation property at 46 west and Hwy 101 for regional/commercial development.

Ron Rose, Chairman of the Task Force, spoke of the achievements since the strategy was adopted two years ago. He feels the City's need to fund and implement a traffic study and circulation plan was overlooked. **Dawn Zmugg** is opposed to the priorities as listed.

It was moved by Councilmember Picanco, seconded by Councilmember Heggarty, that the City Council hereby **Supports the recommendations for the 1995-97 work program, dropping the word "plan" in recommendation #1 and amending recommendation #4 to add the wording "explore the potential benefits" rather than commence action to annex the subject area.** Motion passed by the following roll call vote:

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

WRITTEN COMMUNICATIONS

20. Street Closure Request from Main Street for Moonlight Madness September 1, 1995.

Consider street closure for Moonlight Madness promotion on Park Street from 13th Street to 14th Street, in addition to the normal Farmer's Market street closures, for various types of entertainment. Certificate of Insurance in attached.

It was moved by Councilmember Heggarty, seconded by Councilmember Picanco, and passed unanimously to **approve the street closure as presented.**

21. Street Closure Request for "Neighborhood Watch" Party on August 26, 1995.

Consider street closure for Neighborhood Watch barbeque on Crazy Horse from 2:00 pm to 7:00 pm on Saturday, August 26, 1995. Map and residents signatures attached.

Police Chief, John Nelson, indicated that Crazy Horse is a well traveled road and serves as an access road to Albertson's shopping center. Furthermore, 43% on Chumash have not stated a preference for street closure. It is his recommendation that Sacajaweja Court only be approved.

It was moved by Picanco, seconded by Councilmember Heggarty, and passed unanimously to **approve the street closure, amending the request to approve Sacajaweja Court only.**

AD HOC COUNCIL BUSINESS

22. Designation of Voting Delegate for League Annual Conference

Designate one voting representative and alternate to attend the General Business Meeting October 24, 1995 at 9:30 am. Membership will take action on conference resolutions in an effort to improve the quality and responsiveness of local government.

There was a consensus to appoint the Mayor as the voting representative and Councilmember Heggarty as the alternate.

COUNCIL COMMENTS

Steve Martin - Councilmember Martin referenced the solid waste issue, reporting on his conversations with the City of Atascadero. He indicated that the City send a public message (see attached resolution) to Atascadero to form a JPA. and place this matter on the next City Council Agenda. The City Council concurred to place the draft resolution on the next agenda.

Jim Heggarty- Councilmember Heggarty announced the retirement of Carminetti, suggesting the City present him with a plaque or proclamation at his retirement party. Staff will follow-up with a plaque.

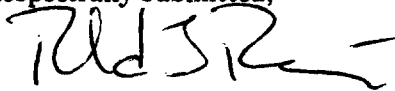
CLOSED SESSION

Pursuant to: Government Code Section 54956.9(a) - Litigation
a. **Conference with Legal Counsel-Existing Litigation**
Name of Case: Veterans vs. City of Paso Robles
Case Number: CV 074282

Pursuant to: Government Code Section 54956.9©
b. **Conference with Legal Counsel pursuant to pending litigation**

No action taken in closed session.

Respectfully submitted,



Richard J. Ramirez, City Clerk

(Minutes approved 08/15/95)