

CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL JANUARY 4, 1996

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, at the Library/City Hall Conference Center, 1000 Spring Street, 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

PUBLIC COMMENTS

Charles Pisciotta, 725 Oreo Way, received a letter from the City stating there were too many horses on his property for the amount of land he owned. When Mr. Pisciotta purchased his property, it was located in the County and zoned family/agricultural. He indicated that 2.5 acres were purchased originally and now the City states he only has 1.9 acres, questioning where his additional land went. His horses are now gone and is being prosecuted by the City for non-compliance. Cynthia Cones, 4370 Spring Oaks Way, and Edward Cook, 1107 Patricia Lane, were present to show Mr. Pisciotta their support.

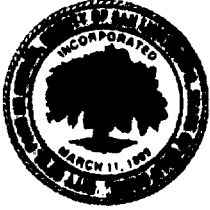
Victor Schaffer, 1760 Creston Road, questioned if the speed limit on Creston Road will be changed to 65 mph due to the increase on highways. John McCarthy, Director of Public Works, indicated that the speed will remain the same. Mr. Schaffer further questioned Council if they have visited Creston Road to see the speed condition that exists. Councilmember Picanco offered to visit Creston Road some time next week after 5:30 pm.

PRESENTATIONS & CELEBRATIONS

1. Recognition of Library Board of Trustees

Mayor Macklin presented the former Library Board of Trustees, Rose Monroe and Pat Johnson, with a plaque for their dedicated service through the years.

RIMC Code:
Date: 01/04/96
File Plan /GE Cat.:
Subject: Minutes
Location:
Retention: Permanent
Other:



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

Fred Strong
F. Strong & Associates
P.O. Box 3621
Paso Robles, CA 93447-362

December 7, 1995

RE: Request For Sign Approval Information for 1301 Riverside

Dear Mr. Strong:

The original signs for the Goodyear center at 1301 Riverside were approved and legally installed in 1984. At that time, the City had no regulation governing the size or placement of signs. In 1991 a sign ordinance was adopted by the City Council which limited the location of all pole signs to two areas, and the Goodyear pole sign (along with many others in the City) became non-conforming. Because the sign had been approved prior to the new law, a conditional use permit was issued which allowed the pole sign to remain.

Under the current sign regulation, a non-conforming sign "may not be structurally altered, increased in area, relocated, or be used or modified in a manner that would change the sign copy" (City code section 21.19.090.a). When the Goodyear operation moved out of the building, the conditional use permit essentially expired and the signs were technically in violation of City code.

Because the conditional use permit expired, the files containing the permit were purged; therefore, the information you requested is unavailable. Any new business operating on the premises must acquire a new sign permit, and the signs installed must comply with all City codes. The Goodyear pole sign must be removed.

Enclosed you will find a copy of the City sign ordinance, which contains information on obtaining a sign permit. If you need more information or have any questions please call me at 237-3970.

Sincerely,

Cynthia Chambers
Planning Intern
A:\Letters\FStrong

January 4, 1996

City Council
City of El Paso de Robles

Gentlemen:

In 1984, while I was Mayor of the City of Paso Robles, the City Council approved the existing free-standing sign at 1301 Riverside for the Goodyear Tire Company and property owner Terry Black.

At the time the Council was pro-business and encouraged sales tax generation. We felt that tire sales and auto/truck services were freeway oriented businesses and favored a pole sign for visibility from the freeway as well as adequate signing for traffic on Riverside, considering the setback of the building from the street.

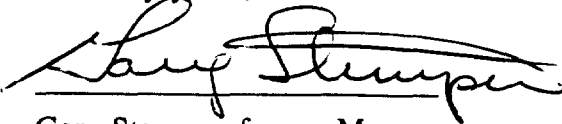
Although the applicant wanted a higher sign, some members of the Council disagreed and the height and size of the sign was limited to what was subsequently installed.

We placed no time limits on the duration of the sign or restrictions on the copy to be allowed or changed. We did not have any policy on time limits for conditional use permits at that time in our City's history.

It is my understanding that use permits run with the land and that the sign is still, and will continue to be, legal.

In addition, I believe, the charging of fees for the use permit and building permit with the mutual agreement on conditions constituted a contract which is still in force.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Gary Stemper". The signature is written in a cursive style with a horizontal line underneath the name.

Gary Stemper, former Mayor

January 4, 1996

City Council
City of El Paso de Robles

Gentlemen:

In 1984 while I was a member of the City Council we approved the existing free-standing sign northerly of the northwest corner of 13th and Riverside for the Goodyear Tire Company and property owner Terry Black.

The applicant wanted a higher sign than we approved but we conditioned the approval on the height it was built to and the size it currently is.

We did NOT limit the length of time the sign could be there. Nor did we prohibit changes in copy on the sign.

It is my belief that the use permit runs with the land and the sign is still legal.

Sincerely yours,



Michael Thorndyke, former City Councilman

*What good is another empty building downtown??
The sign is perfect for the business
at that location. Mike Thorndyke*

January 4, 1996

City Council
City of El Paso de Robles

Gentlemen:

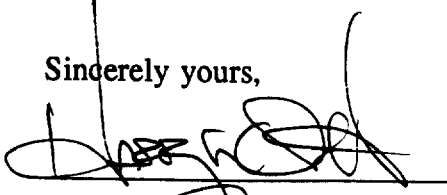
In 1984, while I was a member of the City Council of the City of Paso Robles, the City Council approved the existing free-standing sign at 1301 Riverside for the Goodyear Tire Company and property owner Terry Black.

At the time the applicant wanted a higher sign but we limited the height and size of the sign to what was installed.

We placed no time limits on the duration of the sign or restrictions on the copy to be allowed or changed. We did not have any policy on time limits for conditional use permits at that time in our City's history.

It is my understanding that use permits run with the land and that the sign is still legal.

Sincerely yours,



A handwritten signature in black ink, appearing to read 'Harry Ovitt', written over a horizontal line.

Harry Ovitt, former City Councilman

P.S.

George Andrews referred to the
Ventilator as "Chicken Coops"



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

MINUTES OF THE AIRPORT ADVISORY INTERVIEWS
PASO ROBLES CITY COUNCIL
JANUARY 11, 1996

CALL TO ORDER

PLEDGE OF ALLEGIANCE

The City Council of the City of El Paso de Robles, meeting in special session at 7:00 p.m. on the above date, in the Library/City Hall Conference 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

AIRPORT ADVISORY INTERVIEWS

After interviewing prospective candidates (see attached), City Council appointed the following applicants to serve on the Citizen's Airport Advisory Committee:

Douglas K. Erway, John L. Cromwell, Pete F. Johnston

Don McBain will serve as an alternate upon modification by the City Council of the Airport Advisory Committee rules.

Respectfully submitted,

Richard J. Ramirez, City Manager/Clerk

(Minutes approved 02/06/96)

RIMC Code:
Date: 01/11/96
File Plan\GE Cat.:
Subject: Minutes
Location:
Retention: Permanent
Other:

Recruitment for the Airport Advisory Committee. There were fifteen (15) applicants -- 2 incumbents and 13 new applicants. Incumbent Darrell Radford did not elect to reapply.

Citizens' Airport Advisory Committee (2 year staggered term)

<u>Time</u>	<u>Name</u>	<u>Term Expired</u>	<u>Incumbent or New Applicant</u>
7:00 p.m.	Jack M. Gulshen	n/a	New applicant
7:10 p.m.	Alan Beck	n/a	New applicant
7:20 p.m.	Don Carlson	n/a	New applicant
7:30 p.m.	Rodney L. Dykhouse	n/a	New applicant
<i>p. ited</i> 7:40 p.m.	Douglas K. Erway	n/a	New applicant
<i>appointed</i> 7:50 p.m.	John L. Cromwell	11/1/95	Incumbent
8:00 p.m.	Gerald D. Anderson	n/a	New applicant
8:10 p.m.	H. Dwight Huffman, Jr.	n/a	New applicant
<i>appointed</i> 8:20 p.m.	Pete F. Johnston	n/a	New applicant
8:30 p.m. - 8:40 p.m.	Break		
8:40 p.m.	James Heaston	11/1/95	Incumbent
8:50 p.m.	William H. Anderson	n/a	New applicant
<i>alternate</i> 9:00 p.m.	Don McBain	n/a	New applicant
9:10 p.m.	Eugene J. Miller	n/a	New applicant
9:20 p.m.	Richard Morton	n/a	New applicant
9:30 p.m.	Roger A. Smith	n/a	New applicant

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Councilmember Martin, 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 Item 7 which was 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:

2. Approve City Council Minutes of December 19, 1995 (R. Ramirez, City Clerk)
3. Approve Pre-Check Register (M. Compton, Dir. Of Admin. Svcs.)
4. Adopt Resolution No. 96-01, Accepting an Offer of Dedication from Eric G. Tarr for PD 94.003 for a Future Arterial (J. McCarthy, Dir. Of Public Works)
5. Adopt Resolution No. 96-02, Signing an Application Authorizing Construction of the Widening of the Existing Grade Separation at the Coast Line Tracks of the Southern Pacific Transportation Co. Railroad at Niblick Road (J. McCarthy, Dir. Of Public Works)
6. Adopt Resolution No. 96-03, Accepting an Offer of Dedication from P.R. Partners for a Storm Drainage Detention Basin~Tract 1632-4 (J. McCarthy, Dir. Of Public Works)

Those items pulled for discussion are as follows:

7. Approve Removal of Mature Trees and Meet the Requests by Representatives of the Grandview Apartments (J. McCarthy, Dir. Of Public Works)

Councilmember Picanco pulled this item due to the clarity of this request. Ditas Esperanza, City Engineer, presented the staff report, clarifying staffs request and indicating that the trees are not oak trees, therefore, they do not fall under the ordinance.

Robert Kooyman, representing Grandview Apartments, presented overheads addressing concerns in leaving the trees as they stand. He indicated that the present trees do not follow the theme on Spring Street and that they are exposing their roots through the pavement.

It was moved by Mayor Macklin, seconded by Councilmember Martin, and passed on a 4/0 vote to approve the request. Councilmember Iversen abstained.

DISCUSSION ITEMS

8. Library Operations

Barbara Partridge, Human Resources Manager, presented for consideration, interim operating protocol for the Information/Research/Conference Center. Rev. James Damewood expressed support for the new position for Barbara Partridge, indicating that this position will only be for the next two years.

After a lengthy discussion, it was moved by Councilmember Martin, seconded by Councilmember Picanco to Appoint Library Transition Manager to acting Director of Information Services (Exec. Manager I); extend Acting Library Manager appointment for two (2) years to continue operations & prepare a strategic

management plan, and to help coordinate the mission of the Library. Motion passed by the following roll call vote:

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

9. Award of Bid ~ Phase I Construction of the Multi-Modal Facility

Ditas Esperanza, City Engineer, is seeking consideration awarding the low bid for the construction of Phase I of the Multi-Modal Facility to John Madonna Construction.

It was moved by Councilmember Iversen, seconded by Councilmember Martin to Adopt Resolution No. 96-04, Awarding the Bid for Phase I of the Multi-Modal Facility to John Madonna Construction. Motion passed on the following roll call vote:

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

10. Award Contract for Phase II Design of the Multi-Modal Facility

Ditas Esperanza presented the staff report to consider awarding contract to perform Phase II design of the Multi-Modal Facility. John McCarthy, Director of Public Works, expressed the importance of designing Phase II and awarding the contract to VBN.

Matt Masia spoke in favor of the design for the Multi-Modal Facility.

It was moved by Councilmember Martin, seconded by Councilmember Heggarty to Adopt Resolution No. 96-05, Authorizing VBN Architects to Begin Phase II Design of the Multi-Modal Facility. Motion passed by the following roll call vote:

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

ADDENDUM: CITY MANAGER

Former Goodyear Signs

Rich Ramirez, City Manager, is seeking Council direction on existing non-conforming signs at the former Goodyear Tire Store. A memo From Meg Williamson, Principal Planner, was distributed to Council with additional information on the Good Year Signs (attachment A).

Iris Yang, City Attorney, commented that a new sign ordinance was passed in 1991. Due to the fact the business has been discontinued for more than 180 days, the old CUP does not apply, therefore, the sign ordinance comes into effect.

Fred Strong referred to his handout to Council earlier this evening (attachment B).

Terry Black, property owner, built the Good Year building in 1978, leasing it to Goodyear. He now has a new tenant and would like the sign to remain.

It was moved by Councilmember Martin, seconded by Councilmember Picanco, to allow the existing sign to stand as is due to the uniqueness of this case. Motion passed by the following roll call vote:

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

AD HOC COUNCIL BUSINESS

11. **State of the City Address Scheduled for January 16, 1996.** (W. Macklin, Mayor)
Consensus not to discuss this during the meeting.

COUNCIL COMMENTS:

Walt Macklin

There will be a COG workshop to discuss development around cities on February 3, 1996. Consider should consider adjourning the next Council Meeting to February 3, 1996.

Steve Martin

Councilmember Iversen and Martin were appointed to form an AdHoc Committee to discuss the Del Webb project.

ADJOURNMENT

There being no further business, the meeting adjourned to closed session at 9:45 pm.

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: Four

- b) Pursuant to Government Code §54956.9 ~ Existing Litigation
Conference with legal Counsel
Parties involved: J. W. Kleinhammer
Case No.: CV 95-0295

No action taken during closed session.

Respectfully submitted,


Richard J. Ramirez, City Manager/City Clerk

(Minutes approved 01/16/96)

TO: RICH RAMIREZ
FROM: MEG WILLIAMSON MW
SUBJECT: ADDITIONAL INFORMATION ON GOOD YEAR SIGNS
DATE: JANUARY 4, 1995

This memo is in follow up to information provided in a memo from Bob Lata dated December 26, 1995. Since that memo, staff has had the opportunity to discuss the matter with the City Attorney.

The facts and background regarding the signs are as follows:

- The signs were originally approved via Conditional Use Permit 84017, during a time when the City's Sign Ordinance required that all freestanding signs be approved via Conditional Use Permit (CUP).
- The Good Year Tire Business was in operation for a number a years after the CUP was granted. The City's utility records show that services were requested to be shut off for the business in September of 1987. The building has remained vacant , with no business in operation for those 9 years.
- The City's Sign Ordinance underwent a major revision in 1991 and another revision in 1993.
- Section 21.19.090 (d) states that "When a business is discontinued or abandoned for a period of one hundred eighty days, all signs and support structures shall be deemed to be in violation of this chapter and a public nuisance , and may be ordered to be removed."
- The Good Year Tire business has been abandoned for longer than 180 days. The existing pole signs are nonconforming by definition of Section 21.19.090 (d).
- The CUP is no longer a relevant document, based on the current Sign Code and its provisions.
- Mr. Strong's correspondence to the City Council, dated December 19, 1995, references Municipal Code Section 21.20.110(4)(b). This referenced section does not exist as stated in the Municipal Code.

In summary: The sign structures which currently exist are nonconforming with the City's adopted Sign Code. The CUP does not entitle the reuse of the sign. Because the business has been discontinued for more than 180 days, the provisions of Section 21.19.090(d) apply.

TO: RICH RAMIREZ
FROM: MEG WILLIAMSON *mw*
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In summary: The sign structures which currently exist are nonconforming with the City's adopted Sign Code. The CUP does not entitle the reuse of the sign. Because the business has been discontinued for more than 180 days, the provisions of Section 21.19.090(d) apply.

*F. Strong & Associates
1482 Penman Springs Road
Paso Robles, CA 93446
phone/FAX: (805) 238-5400*

Date: 1/4/96

To: City Council of El Paso de Robles

Subject: Change of copy for signs at 1301 Riverside Avenue

We wish to apply for a change of copy for the signs as allowed in our use permit as approved under the Municipal Code Section 21.20.110 (4) (b) which runs with the land and specifically stated that approved signs could be modified with dimensional limits without amending the use permit. This ability has been placed at issue by a letter received from Planning Intern Cynthia Chambers dated December 7, 1995 [copy attached.

On December 26, 1995, Bob Lata wrote a memo which is part of your agenda.

In response to the original letter from Chambers I would point out a number of inconsistencies and inaccuracies:

- In 1984 the City had sign regulations which had been on the books since 1950 and which had been amended at various times since.
- It states that in 1991 the Goodyear sign became non-conforming.
- It says that a conditional use permit of limited term was then issued (1991) and when Goodyear moved out (1988) that permit issued in 1991 expired and the records were purged.
- How can the City issue a new Conditional Use Permit without a noticed public hearing [according to property owner Terry Black] and how could it expire three years before its alleged issuance?
- Can the City institute on its own an application for a Use Permit on private property without the owners knowledge or consent? Can this be done to REMOVE previously granted rights and agreements to the detriment of the individual business, property owner and citizen, without their knowledge or consent?

- Because the City records have been destroyed and these allegations are now made the sign must be removed, according to the Chambers letter.

Regarding the staff report:

- The Goodyear sign copy was removed less than 90 days ago, AFTER the new tenant had occupied the building. It was removed for replacement with new copy which was thwarted by a city building inspector or enforcement officer. No color change is involved in the change.
- The new city ordinance adopted in 1994 is an "ex post facto" law in this instance.
- Although the new ordinance forbids the alteration of a pole sign in ANY WAY, INCLUDING COPY, that is in direct contradiction to the terms of the original approval with fees paid for the use permit and the building permit. THAT approval, under the sign ordinance, allowed provided for copy changes without amendment of the C.U.P. [§21.20.110 B 4.b.]
- The memo suggests that we claim that our permit exempted us from the zoning code. On the contrary, it is in compliance with the zoning code, sign ordinance and use permit with conditions approved by the city. Letters confirming this from three of the five members of the 1984 City Council, including the Mayor, are enclosed.

We contend that, in accordance with case law from many jurisdictions and over many years, a new ordinance cannot remove rights previously granted that run with the land nor can they abrogate previous contracts made between the City and its citizens or land owners.

This sign is grandfathered and its previous entitlements can not be removed at this time since its use has not been abandoned by the property owner. The tenant continued to pay the lease throughout its term [well into 1994], years beyond the time it used the building to sell products. The sign, however, continued to provide the only specific benefit to the tenant for the lease payments after vacating the structure.

We respectfully request that the Council direct staff to accept an application for copy change on these signs.