



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL DECEMBER 17, 1996

CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

The invocation was presented by Councilmember Macklin.

ROLL CALL

Councilmember Tom Baron
Councilmember Chris Iversen
Councilmember Walt Macklin
Councilmember Lee Swanson
Mayor Duane Picanco

PUBLIC COMMENTS

Mayor Picanco announced this was the time the public may address the Council on items other than those scheduled on the agenda.

Vic Shafer - spoke regarding the speed limit on Creston Road.

Mary Chambers - welcomed new council/thanked old council for supporting call boxes.

James deBrauwere - thanked City Council for their decision regarding the proposed restaurant on Chestnut Street.

PRESENTATIONS & CELEBRATIONS

1. Special Presentation to Georgie Van de Kamp in Appreciation of Her Service as a Member of the Library Board of Trustees

Mayor Picanco presented Georgie Van de Kamp with a plaque for her dedicated service as a member of the Library Board of Trustees for 6 years and her strong support of the Library and city staff. Ms. Van de Kamp was also presented with plants for her garden by Barbara Partridge on behalf of the city staff.

RIMC Code:
Date: 12/17/96
File Plan/GE Cat.:
Subject: Minutes
Location: City Clerk
Retention: Permanent
Other

Stuart Ross introduced youths who have participated in the Oak Park Recreation Program. Each of them have been participants in the Junior Leadership Program, which was started two years ago. They have each volunteered over 500 hours to the program. Mayor Picanco presented a "500 Club" jacket with their names on them in recognition of their commitment to the program. The recipients were: Jesusita Martinez, Yeenia Martinez, Gustavo Martinez and Isabel Paz.

Stuart Ross introduced Gerardo Piceno, the first participant in the Junior Leadership Program. Gerardo is now a senior at Paso Robles High School and is the first member of the Oak Park Recreation Program to become a varsity letterman in track. Gerardo has achieved this while carrying a 3.8 grade point average at the high school. Mr. Ross stated Gerardo is a proud example to others in the program. Mayor Picanco presented Gerardo with a letterman's jacket in recognition of his accomplishments.

It was moved by Councilman Baron, seconded by Councilman Iversen to move Closed Session Item #23 to the head of the agenda, in order to accommodate those present wishing to speak on this item.

Motion passed by the following roll call vote:

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

CLOSED SESSION

23. Pursuant to Government Code Section 54957 - Public Employment Appointment of Police Chief

Mayor Picanco opened the floor for public comments.

Those speaking in favor of the appointment of Dennis Cassidy were as follows:

Nick Ferravanti
Ron Hamilton
Butch Cantalupo
Denise Auzins
Wanda Mumford-Spagnola
Ruben Tate
Jerry Cathey
Ali Salmanzadeh
David Rowe
Bob Alesi
Diane Timmerman
Tom Erskine
Mary Chambers
Ella Mae Butterfield
Don Timmerman
Dan Burrell
Herman Schwartz
Pat Mackie
Mark Verone
Fred Strong (prepared statement read by City Clerk in his absence)

There being no further public comments, Mayor Picanco adjourned the meeting to closed session at 8:19 p.m.

Mayor Picanco reconvened the meeting at 9:34 p.m. It was moved by Councilmember Baron, seconded by Councilmember Swanson, to carry over this item to the March 18, 1997, City Council meeting.

Motion passed by the following roll call vote:

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

PUBLIC HEARINGS

2. Rezone 96002 & Municipal Code Amendment 96005 - Rezone 1 Acre Site from R-3 to C-3

Councilman Iversen stepped down on this item.

Mayor Picanco announced it was the time and place for public hearing on Rezone 96002 & Municipal Code Amendment 96005, for the rezone of a one acre site from R-3 to C-3. Bob Lata stated the property owner has requested rezone of an R-3 one acre/six lot site located in an area bounded by 18th & 24th Streets, the Railroad tracks & Highway 101. This area is designated to be C-3 in the City's General Plan. Also consider a Municipal Code Amendment to conditionally permit residential uses in the area if rezoned.

Mark Barlow of Creative Solutions, representative for the applicant, addressed the Council as well as the applicant, Mike Dzida.

Those speaking in opposition were:

Phil Kangris
Lyle Burhoff
Nancy Williams
Chris Bouillett
John Reddick
Mattie Starks-Carter

There being no further comments, either written or oral, the public hearing was closed. Councilman Baron stated for the record he had an ex parte meeting with the applicant last month.

It was moved by Councilman Macklin, to deny Rezone 96002 and Code Amendment 96005 and to have the Planning Commission revisit this in the future. Motion not carried due to a lack of a second.

Councilman Baron stated if Riverside Avenue were a collector street and not an arterial street he would be 100% sympathetic to the citizens who live there, but in fact it is shown on the Circulation Element as an arterial street now and in the foreseeable future.

It was moved by Councilman Baron, seconded by Councilman Swanson to introduce and read by title only Ordinances 1) Amending the Zoning Map Established by Reference in Municipal Code Section 21.12.020 (Rezone 96002 - Dzida); and 2) Amending Chapter 21.20 of the Municipal Code (Code Amendment 96005 - City Initiated).

Motion passed by the following roll call vote:

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

3. Appeal of Planned Development 96006 Conditions

Mayor Picanco announced it was the time and place for public hearing on an appeal of the Planned Development 96006 Conditions. Bob Lata stated the appellant, Jay Andrews, is the developer for this 3 phase 58,000 square foot industrial building project at the southwest corner of Linne & Airport Roads. He further stated Mr. Andrews is appealing certain conditions placed upon his project, specifically road improvements, driveway relocation, intersection design & utility undergrounding assessment district participation.

Tom Erskine, spoke on behalf of the applicant, Jay Andrews. Mayor Picanco stated he had met with Tom Erskine regarding this item.

Those speaking in favor were:

Pat Mackie
Paul Reichert
Sherry Davis

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

It was moved by Councilman Iversen, seconded by Councilman Baron, to uphold the appeal and adopt Resolution No. 96-156, Approve a Negative Declaration status for Planned Development 96006; Resolution No. 96-157, Approve Planned Development 96006, as amended; and Resolution No. 96-158, Grant Approval for Lot Line Adjustment, PRAL 96-091.

Motion passed by the following roll call vote:

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

Mayor Picanco called a brief recess.

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

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

DISCUSSION

4. Park Cinema Project - Public Improvements

An Owner Participant Agreement (O.P.A.) between the City and the Park Cinema developer provides for Redevelopment Agency participation in the cost of certain public improvements to be installed in the area of the subject development. The City Council was to consider appropriating funds for public improvements pursuant to the O.P.A.

City Manager, Rich Ramirez, stated that this item had been addressed at the special meeting held on December 11, 1996 and no action was necessary at this time. It was also stated that escrow closed on Monday, December 16, 1996.

5. Redevelopment Agency Annual Report ~ Fiscal Year

Councilmember Iversen suggested this item be carried over. He also stated he would like to see the Council hold a workshop to review the budget and look at the Agency's status in collecting from different agencies. No date was set for a workshop.

Mike Compton, Director of Administrative Services explained the audit and the State Controller's Financial Report had been filed with the State Controller's Office and feels this should not pose a problem waiting until January, 1997, to take action.

It was moved by Councilman Iversen, seconded by Mayor Picanco, to continue this item to the January 7, 1997 meeting. Motion was passed by the following roll call vote:

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

ADJOURNED TO CITY COUNCIL MEETING AT 11:34 P.M.

Mayor Picanco stated there was a request to have Item 17 moved forward by Matt & Susan Hall.

A motion was made by Councilman Baron, seconded by Councilman Iversen and passed unanimously by voice vote, to move Item #17 up on the agenda.

WRITTEN COMMUNICATIONS

17. Susan Hall spoke on behalf of residents on Ferro Lane who were requesting the City's consideration of issues regarding neighborhood safety and aesthetics. Ms. Hall requested speed bumps to control speed. She stated in order to have inoperable vehicles on the street removed, residents must call the Police Department. The residents would like to have a patrol every 2 months to make certain violations are kept on top of. She would like to see the street sweeper clean the streets following garbage pickup. Garbage is often left scattered on the street. She also cited problems with landowners who have tenants doing illegal activity. There are Modesto Ash trees that are diseased and the residents would like to have them removed.

Councilmember Iversen requested a staff report from Gary Perruzzi, Street Superintendent, regarding the trees; John McCarthy will assist the resident in regards to petitioning the Streets & Utilities Committee regarding installation of speed bumps on Ferro Lane. The Council stated she would be contacted regarding these issues.

CONSENT CALENDAR

The Consent Calendar was approved upon motion by Councilman Macklin, seconded by Councilman Iversen, together with the recommendation and findings as set forth therein, waiving the reading of resolutions and ordinances in full, with the exception of Items 6, 9, 10, 11, and 12.

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:

7. Approve Warrant Register (M. Compton, Dir. of Admin. Svcs.)
8. Authorize 2nd Reading and Adopt Ordinance 716 N.S. Approving Rezone 96001 - Hunter Living Trust (R. Lata, Dir. of Comm. Dev.).

Those items pulled for discussion are as follows:

6. Approve Minutes of the December 3, 1996 City Council Meeting (M. Paasch, City Clerk).

It was moved by Councilman Macklin, seconded by Councilman Iversen and passed unanimously by voice vote, to approve the minutes as amended.

9. Deny Request for Security in Lieu of Sewer Connection Fee Payment - Mr. Joseph Deidun, APN 25-012-003 [property located at northwest intersection of Kleck & Union Roads

John McCarthy, Director of Public Works stated the applicant has requested a continuance on this item. It was moved by Councilman Macklin, seconded by Councilman Iversen, and passed unanimously by voice vote to continue this item to the January 7, 1997 City Council meeting.

10. Adopt Resolution 96-159, to Deny a Time Extension for Conditional Use Permit 96002 - L. & L. Grangien (R. Lata, Dir. of Comm. Dev.).

Councilman Macklin stated the Resolution should reflect that City Council re-evaluated the conclusion of the past Council and that the last paragraph of the Resolution should be revised to include ...would be detrimental to property and improvement *values*...

It was moved by Councilman Macklin, seconded by Council Iversen to approve Resolution 96-159, To Deny A Time Extension For Conditional Use Permit 96002 (Laurent and Laurie Grangien) APN 09-081-34. Motion passed by the following roll call vote:

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

11. Adopt Resolution 96-160, Accepting and Approving the Execution and Recordation of the Final Parcel Map PR 96-088 - Charles Herold (J. McCarthy, Dir. of Pub. Works).

Councilman Iversen stated the Planning Commission has approved two small lots of 3,000 sq. ft., with one having access only off the alley. Bob Lata stated the applicant requested approval to subdivide the existing structures and wanted to break it down into individual ownership, similar to a condominium situation. Larry Werner stated this is an area that is encouraged to bring in affordable housing.

It was moved by Councilman Iversen, seconded by Mayor Picanco to adopt Resolution 96-160, Accepting and Approving the Execution and Recordation of the Final Parcel Map PR 96-088 - Charles Herold. Motion passed by the following roll call vote:

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

12. Adopt Resolution Accepting the Redevelopment Agency Annual Report for Fiscal Year 1996 (M. Compton, Dir. of Admn. Svc.).

This item was continued by action of the Redevelopment Agency.

DISCUSSION ITEMS

13. Change of Ownership Cash Bond Requirement - Oaks Card Parlor

Mike Compton, Director of Administrative Services state the Oaks Card Parlor, which operates at 1428 Spring Street, has changed ownership. The Municipal Code requires the new owner to submit a business license application and post a \$500 bond that must be approved by the City Council.

It was moved by Councilmember Iversen, seconded by Councilmember Baron, and passed unanimously by voice vote, to authorize a business license issuance upon payment of the appropriate fees.

14. Airport Specific Plan (R. Lata, Dir. of Comm. Dev.)

Consider the current status and viability of the City's draft Airport Specific Plan which was originally commissioned to anticipate the appropriate land uses, infrastructure needs & development standards for properties in the Airport vicinity.

Gene Miller , Chairman of the Economic Support Committee of the Chamber of Commerce wanted to remind the City Council that the fate of the airport development is important to the City, Economic Support Committee, the Chamber of Commerce and the Economic Development Department of the City. Their committee is very supportive of improving the procedures for development.

It was moved by Councilman Baron, seconded by Councilman Macklin and passed unanimously by voice vote, to continue this item to the meeting of January 21, 1997.

15. Development Impact Fee Annual Report (M. Compton, Dir. of Admn. Svc.)

Presentation of the City's first annual review of development fee collections and expenditures.

City Manager, Rich Ramirez, stated he does not think the BIA has had an opportunity to review this. It was moved by Councilman Swanson, seconded by Councilman Baron, and passed unanimously by voice vote, to continue this item to the January 7, 1996.

CITY MANAGER

16. Grand Jury Response (J. Seitz, Deputy City Attorney)

Consider, and authorize release of, the written response to Superior Court Justice Michael Duffy's request that the City reply to each section of the 1996 Grand Jury Report.

It was moved by Councilman Iversen, seconded by Councilman Swanson, and passed unanimously by voice vote, to continue this item to the January 7, 1997 meeting; and to direct City Attorney, John Seitz, to write a letter to Judge Duffey explaining the city has a draft response and will have it to the grand jury sometime in January.

ADVISORY BODY COMMUNICATION

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

- a) October 9th, 1996, Meeting of the Parks & Recreation Advisory Committee.

It was moved by Councilman Iversen, seconded by Councilman Macklin, and passed unanimously by voice vote, to receive and file.

- b) October 24th, 1996, Meeting of the Airport Advisory Committee.

It was moved by Councilman Macklin, seconded by Councilman Baron, and passed unanimously by voice vote, to receive and file.

AD HOC COUNCIL BUSINESS

19. Status Report - Chief of Police Selection Process (D. Picanco)

Mayor Picanco stated this item had been addressed earlier with Closed Session Item 23.

20. Municipal Audit (T. Baron)

Councilman Baron stated it is his position that the city needs a municipal audit and wants a precise picture of the City's finances. He has written communication from Mr. Reynosa, in which he states there are certain major items not included in his independent auditor's report, such as pipelines and enterprise funds. Councilman Baron also stated a letter was received from Dr. Julian Crocker regarding the financial relationship between the City's Redevelopment Agency and the School District.

There was considerable discussion by Council and staff regarding the City's annual audit and the City's financial relationship between the City's Redevelopment Agency and the School District. It was recommended by Councilmember Iversen, to hold a workshop for further discussion with staff. No date was set for a workshop.

It was moved by Councilman Baron, seconded by Councilman Swanson, to have staff prepare a Request for Proposal to Certified Public Accountants for a Municipal Audit, with the exception of Mr. Reynosa, and have it ready for City Council at the January 21, 1997 meeting.

Motion did not pass based on the following roll call vote:

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

CLOSED SESSION

21. Pursuant to Government Code Section 54956.8 ~ Property Negotiation

Property Description: Parcel at intersection of Snead & Rambouilett
Negotiating Parties: W & K Harris
City of Paso Robles
Under Negotiation: Property Dedication/Acquisition

No action was taken.

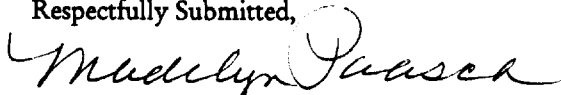
22. Pursuant to Government Code Section 54957.6 ~ Personnel Meet & Confer
Agency Negotiator: City Manager, Asst. City Mgr.
Employee Organization: S.E.I.U., Non-Represented Fire, Non-Represented Mgt., &
P.O.A.

Mr. Ramirez stated due to the lateness of the meeting, this item could be forwarded to the City Council in the form of written communication. The City Council concurred.

ADJOURNMENT

There being no further business before the Council, the meeting was adjourned to 7:00 p.m., December 18, 1996, for Planning Commission Applicant Interviews & Selection; and to the next Regular City Council meeting on Tuesday, January 7, 1997, at 7:30 p.m. Both meetings will be held at the Library/City Hall Conference Center, 1000 Spring Street.

Respectfully Submitted,


Madelyn Paasch, City Clerk

Approved 11/19/97