



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

CITY COUNCIL MINUTES

Tuesday, February 3, 2009 7:30 PM

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL
CONFERENCE CENTER, 1000 SPRING STREET**

**PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR
TO THE MEETING WITH A COPY TO THE CITY CLERK**

**PLEASE REFRAIN FROM CELL PHONE USE DURING THE MEETING
PLEASE TURN RINGER OFF**

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

ROLL CALL Councilmembers Nick Gilman, John Hamon, Ed Steinbeck, Fred Strong, and Mayor Duane Picanco

PUBLIC COMMENTS

- Larry Lynn and George Pecci to promote Grand Jury Awareness Month. Mayor Duane Picanco presented them with the Proclamation from Consent Agenda Item #6.
- John Borst submitted comments on PD 08-010.
- Ty Green represents Olsen Beechwood Specific Plan
- Annie Robb Library and Recreation Director introduces Youth Commissioner Kyle Elliott
- Kathy Barnett on General Plan and traffic analysis
- Main Street Executive Director Norma Moya introduces three new businesses
- Debbie Thomas announces Thomas Hill Organics
- Stacy Bergman announces Clay House Wines
- Mark Zacanas announces new management of Vinoteca

PRESENTATIONS – None

PUBLIC HEARINGS

1. Mitigated Negative Declaration for Paso Robles (Nacimiento) Water Treatment Plant and Main East Pipeline

R. Whisenand, Community Development Director

City Staff Ed Gallagher gave a presentation on the Mitigated Negative Declaration for Paso Robles (Nacimiento) Water Treatment Plant and Main East Pipeline noting that there were typographical errors in the Resolution distributed with the Addendum.

Mayor Picanco called for public comments on the Mitigated Negative Declaration for Paso Robles (Nacimiento) Water Treatment Plant and Main East Pipeline. Speaking from the public was Thomas Rusch and the public discussion was closed.

Additional copies of the Mitigated Negative Declaration Resolution were provided for the public.

On a motion by Councilmember Strong, seconded by Councilmember Steinbeck, as amended by City Staff and Councilmember Strong's changes read into the record to adopt the attached Resolution 09-008 approving a Mitigated Negative Declaration for the project.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

CONSENT CALENDAR

Mayor Picanco moved to pull Item 5 from the Consent Calendar. Mayor Picanco called for public comments on Consent Calendar Items 2 through 4 and 6 through 7. There were no comments from the public, either written or oral, and the public discussion was closed.

2. Approve City Council Minutes of January 15, 2009 and January 20, 2009

D. Fansler, City Clerk

3. Approve Warrant Register: Nos. (82113-8229) and (82230-82293)

J. Throop, Administrative Services Director

4. Receive and file Advisory Body Committee minutes as follows:

Airport Advisory Committee Minutes, Thursday, December 11, 2008

Airport Advisory Committee Minutes, Thursday, January 15, 2009

6. Proclamation designating February, 2009 as Grand Jury Awareness Month in the City of Paso Robles.

D. Picanco, Mayor

7. **Annual Transit Report, to present the results of transit operations for the fiscal year ending June 30, 2008.**

J. Throop, Administrative Services Director

On a motion by Councilmember Strong, seconded by Councilmember Hamon, Consent Items 2-4 and 6-7 were approved.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

5. **Read, by title only, and adopt Ordinance No. 953 N.S., Amending Section 14.04.020 of the City of El Paso de Robles Municipal Code to Adjust Water User Fees (First reading January 20, 2009).**

D. Monn, Public Works Director

Public Works Director Doug Monn clarified minor typos in Ordinance 953 N.S. on page 2 in paragraph 6 that there is a "v" in deferred and a comma that will be removed.

Mayor Picanco called for public comments on Consent Calendar Item 5. Speaking from the public was Thomas Rusch, Carl Hansen, and John Borst. There were no further comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilmember Gilman, and seconded by Councilmember Strong, to read by title only Ordinance No. 953.N.S. Amending Section 14.04.020 of the City of El Paso ee Robles Municipal Code to Adjust Water Rates.

VOICE VOTE: PASSED UNAMIOUSLY

A motion was made by Councilmember Gilman, and seconded by Councilmember Strong, to approve the second reading and adoption of Ordinance No. 953.N.S. Amending Section 14.04.020 of the City of El Paso De Robles Municipal Code to Adjust Water Rates.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

DISCUSSION

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

ROLL CALL Agency Members Nick Gilman, Duane Picanco, Ed Steinbeck, Fred Strong and Chairman John Hamon

8. San Luis Obispo Housing Trust Fund; Request for Grant for Operating Funds

R. Whisenand, Community Development Director

City Planner Ed Gallagher presented staff report on the San Luis Obispo Housing Trust Fund Request for Grant for Operating Funds.

Redevelopment Agency Chairman Hamon called for public comments and speaking from the public was Jerry Reiuex with the San Luis Obispo Housing Trust Fund. There were no further comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Redevelopment Agency Member Steinbeck and seconded by Redevelopment Agency Member Strong to adopt Resolution No. RA 09-001, approving a grant of \$5,000 in Redevelopment Low and Moderate Income Housing funds to the San Luis Obispo County Housing Trust Fund for their Calendar Year 2009 for operating costs as recommended by the Project Area Committee.

Motion passed by the following unanimous roll call vote of the Redevelopment Agency:

AYES: Gilman, Picanco, Steinbeck, Strong, and Hamon

NOES:

ABSTAIN:

ABSENT:

ADJOURN TO CITY COUNCIL MEETING

Councilmembers Nick Gilman, John Hamon, Ed Steinbeck, Fred Strong, and Mayor Duane Picanco

Mayor Picanco called for public comments. There were no further comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilmember Strong and seconded by Councilmember Hamon to Adopt that the Redevelopment Agency approves Resolution No. RA 09-001, approving a grant of \$5,000 in Redevelopment Low and Moderate Income Housing Funds to the San Luis Obispo Housing Trust Fund for their Calendar Year 2009 for operating costs as recommended by the Project Area Committee, above, introduce for first reading Ordinance No. 09-954 N.S. amending Chapter 3.40 Revenue and Finance of the Municipal Code to modify the Fiscal Year 2008/09 Budget for the Redevelopment Agency of the City of El Paso de Robles and set February 17, 2009, as the date for the adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

9. Economic Strategy Progress Report

M. Williamson, Assistant City Manager

Community Development Director Ron Whisenand and Assistant City Manager Meg Williamson present a progress report on the Economic Strategy and Council Goals.

Mayor Picanco called for public comments and speaking from the public was Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilman Strong and seconded by Councilman Hamon to receive and file the Economic Strategy Progress Report.

VOICE VOTE: PASSED UNANIMOUSLY

10. City General Fund Financial Projection

J. App, City Manager

A presentation was made by City Manager Jim App on the City's General Fund Financial Projection.

Mayor Picanco called for public comments. There were no comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilman Steinbeck and seconded by Councilman Hamon to receive and file the City General Fund Financial Projection.

VOICE VOTE: PASSED UNANIMOUSLY

11. Countywide Plan to End Homelessness

A. Robb, Library & Recreation Services Director

A presentation was given on the "Path to Home" – the San Luis Obispo Countywide 10 Year Plan to End Homelessness by Dana Lilley and Paul Brown.

Mayor Picanco called for public comments. Speaking from the public was Cathy Enns with the Food Bank, Pearl Munak, Craig Kelso, Al Garcia, Pastor Reuben Tate, Kathy Barnett, and Liz Cole. There were no further comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilmember Strong and seconded by Councilmember Gilman to 1) receive the 10 Year Plan to End Homelessness; 2) endorse the Guiding Principles; and 3) designate a City Councilmember for ongoing County-wide collaboration. Mayor Picanco was selected as the designated representative for the City of Paso Robles.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

12. OTR 08-011 – Request to Remove One Oak Tree at 801 28th Street (Paso Robles Housing Authority)

R. Whisenand, Community Development Director

To remove one oak tree at the Chet Dotter Senior Housing Authority located at 801 28th Street was presented by Community Development Director Ron Whisenand.

Mayor Picanco called for public comments and speaking from the public was Kathy Barnett and Arborist Chip Tamagini. There were no further comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilmember Gilman and seconded by Councilmember Hamon to Adopt Resolution No. 09-009 approving OTR 08-11, allowing the removal of the 59-inch Valley oak tree, based on the tree being in decline, and require (2) 1.5-inch diameter Valley Oak replacement trees to be planted at the direction of the Arborist.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

13. Annual Transportation Development Act Funding Claim

J. Throop, Director of Administrative Services

Administrative Services Director Jim Throop introduced Transit Coordinator Michael Sedan-Hansen to present the annual Transportation Development Act (TDA) claim for fiscal year 2008/09.

Mayor Picanco called for public comments and speaking from the public was Sheila Baker. There were no further comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilmember Hamon and seconded by Councilmember Strong to Adopt Resolution No. 09-010 approving the annual claim for Transportation Development Act funding.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

14. Approval of Grant Applications Under Proposition 1B

J. Throop, Director of Administrative Services

For the City Council to consider Resolution 09-011 approving the application for funds the States Proposition 1B Grant System, which established \$20 billion in funding for transportation projects. SLOCOG is administering the program for SLO County, with \$1,371,416 allocated for transit projects countywide. These funds are expected to be programmed for specific projects in March or April of 2009.

Mayor Picanco called for public comments. There were no comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilmember Strong and seconded by Councilmember Hamon to Adopt Resolution No. 09-011 approving the application for funds from the States Proposition 1B Grant System.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

15. Specific Plan Property Owner Briefings

R. Whisenand, Community Development Director

Consider appointing two Councilmembers to attend a staff briefing for all property owners of the Chandler Ranch, Olsen/Beechwood and River Oaks Specific Plans.

Mayor Picanco called for public comments. There were no comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilmember Hamon and seconded by Councilmember Strong to appoint Mayor Picanco and Councilmember Strong.

VOICE VOTE: PASSED UNANIMOUSLY

16. Water Conservation Manager

D. Monn, Director of Public Works

For the City Council to consider authorizing a contract Water Conservation Manager position.

Mayor Picanco called for public comments. Speaking from the public was Kathy Barnett and Carl Hansen. There were no further comments from the public, either written or oral, and the public discussion was closed.

A motion was made by Councilmember Steinbeck and seconded by Councilmember Strong to appoint Mayor Picanco and Councilmember Strong. Adopt Resolution No. 09-012 authorizing the retention of a Contract Water Conservation Manger position.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong, and Picanco

NOES:

ABSTAIN:

ABSENT:

COUNCIL COMMENTS (Including oral reports on conferences attended)

1. Council discussed the scheduling of a request by the Beechwood Property Owners to prepare their own specific plan. Staff was directed to place discussion of specific plan process on the next Council Agenda.
2. Councilmember Strong reviewed League of California City Policy Meeting of January 21 through 22, 2009 Trip Report in Sacramento, California. Copies made available to the public.

PUBLIC COMMENTS ON CLOSED SESSION

There were no comments from the public on closed session, either written or oral, and the public discussion was closed.

ADJOURNED TO CLOSED SESSION AT 10:40 P.M.

CALL TO ORDER – Large Conference Room, 2nd Floor

a. Conference with Labor Negotiator

Government Code Section 54957

City Negotiator: James App, City Manager

Employee Organization: Service Employees International Union (SEIU), Police Officers Association (P.O.A.), I.A.F.F. Fire, Unrepresented Management

ADJOURNMENT 11:30 P.M. TO:

- PASO ROBLES EVENT CENTER BOARD OF DIRECTORS ANNUAL DINNER (PASO ROBLES EVENT CENTER, COMMERCIAL BUILDING #2, FEBRUARY 6, 2009, 6:00 P.M.)
- SPECIAL CITY COUNCIL MEETING, PUBLIC WORKSHOP ON GOAL SEETING, WEDNESDAY, FEBRUARY 11, 2009, 7:00 P.M. AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- THE REGULAR MEETING AT 7:30 PM ON TUESDAY, FEBRUARY 17, 2009, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

Cathy David, Deputy City Clerk

Approved:

**THESE MINUTES ARE NOT OFFICIAL OR A PERMANENT
PART OF THE RECORDS UNTIL APPROVED BY THE CITY
COUNCIL AT A FUTURE REGULAR MEETING.**

To: Paso Robles City Council
From: John Borst
Date: Feb. 3, 2009

Received @
2/3/09
City Council
meeting
(Read by Borst
during Public
comment
period)

Re: Planned Development 08-010

Gentlemen,

I was reading over Paso Robles City Resolution No. 09-003 and gladly noted that the parking incentive/concession requested by Conner LLC in the ARRIS Studio Architects letter of Sept 15, 2008 (see paragraph 6 of the attached ARRIS letter) was NOT granted. Given Resolution No. 09-003 Connor LLC is now obligated, per City of Paso Robles Zoning Code Chapter 21.22.040, to provide 185 spaces for the project/development.

Would you please provide me with a written explanation as to why the "parking reduction incentive" requested by Conner LLC was not granted by the City Council per Resolution No. 09-003 (see attached page 1). Also, please acknowledge in your written explanation to me that Conner LLC is aware of its obligation to provide 185 parking spaces for Planned Development 08-010.

Kindly send your written explanation to me before the next City Council meeting in care of the following address:

John Borst
209 Navajo Ave.
Paso Robles, CA 93446

Thank you.

John Borst



STUDIO
ARCHITECTS

September 15, 2008

Ed Gallagher
Community Development
City of Paso Robles
1000 Spring Street
Paso Robles, CA 93446

Re: Hidden Creek Village
80 S. River Road
Paso Robles, CA 93446
APN # 009-661-040, 009-661-041

Dear Ed,

We are submitting a development permit application for the Hidden Creek Village project. Per City of Paso Robles, Zoning Code, Chapter 21.16L, density bonuses and "incentives or concessions" are available to encourage affordable housing. We would like to formally request incentives based on the percentage of affordable dwellings that we are providing in this project. Specifically we are requesting a density bonus, a reduction in the amount of private storage along with a parking reduction incentive based on the percentage of affordable dwelling units.

The proposed project includes 84 dwelling units, 100% of which are affordable. The completed apartments will be managed by the Housing Authority of San Luis Obispo.

Per City of Paso Robles, Zoning Code, Chapter 21.16L.040, multifamily projects that provide 20% or greater affordable units are allowed a minimum density bonus of 35%. This site is zoned R-3 RMF-12. A portion of the site is sloped and based on the slope calculated density of 7.5 units per acre, the base zoning allows for 46 units. We are providing 100% affordable units and are asking for a density bonus of 83%, for a total of 84 units.

Per City of Paso Robles, Zoning Code, Chapter 21.16L.070, multifamily projects that provide 30% or greater affordable units may be granted three incentives or concessions. Incentives and concessions may include, but are not limited to, a reduction in setback and square footage requirements and in the ratio of vehicle parking spaces that would otherwise be required that result in identifiable, financially sufficient, and actual cost reductions. We are providing 100% affordable units and are requesting a reduction in the otherwise required amount of private storage and parking ratio.

Per City of Paso Robles, Zoning Code, Chapter 21.161.185, each dwelling unit should be provided with separate, enclosed, lockable storage space of at least 250 cubic feet. We are requesting to provide at least 125 cubic feet of storage per dwelling unit. This is a 50% reduction from the amount required by the zoning code. Based on the Housing Authority's management experience this is an adequate amount of storage per dwelling unit. Building additional storage space is expensive and will place a significant financial burden on this project.

Per City of Paso Robles, Zoning Code, Chapter 21.22.040, this project would require (2) spaces per unit plus (1) visitor space per five units. This comes to 185 spaces. The proposed parking count is calculated based on the city's parking reduction calculation of (1) space per one bedroom unit and (2) spaces per two & three bedroom unit inclusive of visitor parking spaces. This comes to 144 spaces. This incentive is a necessary cost reduction based on the percentage of affordable units provided.

Thank you,

Thom Jess, AIA

**RESOLUTION NO: 09-003
A RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EL PASO DE ROBLES APPROVING
PLANNED DEVELOPMENT 08-010
80 S. RIVER ROAD (CONNER LLC)
APN: 009-813-011 & 012**

WHEREAS, Planned Development 08-010 has been submitted by Thom Jess on behalf of Conner LLC, requesting to construct an 84 unit apartment complex reserved for low-income tenants; and

WHEREAS, the project is located at 80 S. River Road; and

WHEREAS, the applicant has requested a density bonus and incentives per Chapter 21.16L Density Bonuses of the Zoning Code which include the following:

1. An density bonus of 83% which would allow for 84 units instead of the maximum 46 units;
2. A 50% reduction in the amount of required private storage space from 250 cubic feet to 125 cubic feet; and

WHEREAS, pending granting of the density bonus and incentives, the project is consistent with the General Plan land use designation RMF-12 (Residential Multi-Family, Low Density) and the Zoning district R-3 PD (Apartment/Planned Development); and

WHEREAS, during September 29, 2008 the Development Review Committee (DRC) reviewed the project and recommended approval to the Planning Commission; and

WHEREAS, pursuant to the Statutes and Guidelines of the California Environmental Quality Act (CEQA), an Initial Study was prepared and circulated for public review and comment; and

WHEREAS, public hearings were conducted by the Planning Commission on November 12, 2008 and by the City Council on January 6, 2009; and

WHEREAS, based upon facts and analysis presented in the staff report and the attachments thereto, the public testimony received, and subject to the Conditions of Approval listed below, the City Council makes the following findings:

1. The granting of the density bonus and incentives in accordance with Chapter 21.16L is necessary to make housing costs affordable to low income households; and
2. The project is consistent with the adopted codes, policies, standards and plans of the City; and
3. The proposed development plan will not be detrimental to the health, safety, morals, comfort, convenience and general welfare of the residents and or businesses in the surrounding area, or be injurious or detrimental to property and improvements in the neighborhood or to the general welfare of the City; and