



CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

CITY COUNCIL MINUTES

Tuesday, July 7, 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

7:30 PM – CONVENE REGULAR MEETING

CALL TO ORDER – Downstairs Conference Center

PLEDGE OF ALLEGIANCE

INVOCATION

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

PUBLIC COMMENTS

- Betty Miller announced the War Bird Museum on Wednesday, July 8, 2009 at 5:30 p.m. will be hosting a scholarship benefit BBQ and concert featuring the Air Force Band.

AGENDA ITEMS TO BE DEFERRED (IF ANY) - None

PRESENTATIONS

- 1. Eagle Scout Presentation to Wesley Adam Levanduski**
D. Picanco, Mayor

2. Water Conservation Update

D. Monn, Public Works Director

Keith Larson Water Conservation Manager reported that the current usage is 8 million gallons per day and usage is down 25% down from last year. Public outreach of door hanging has been discounted and additional enforcement will be expanded to weekends and evenings. Media outreach will continue thus reducing costs by 50%.

Mayor Picanco called for public comments on the Water Conservation Update. Speaking from the public was Dale Gustin and Sheila Baker. There were no further comments from the public, either written or oral, and the public discussion was closed.

CONSENT CALENDAR

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

3. Approve City Council minutes of June 11, 2009

Approve City Council minutes of June 16, 2009

Approve City Council minutes of June 18, 2009

D. Fansler, City Clerk

4. Approve Warrant Register: Nos. 84724—84868 (06/12/09) and 84869-85080 (06/19/09) and 85081-85212 (6/26/09)

J. Throop, Administrative Services Director

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

Business Improvement District Committee meeting of April 28, 2009

Youth Commission meeting of May 6, 2009

Senior Citizen Advisory Committee meeting of May 11, 2009

Parks and Recreation Advisory Committee meeting of May 12, 2009

Promotions Coordinating Committee meeting of May 12, 2009

Library Board of Trustees meeting of May 14, 2009

Business Improvement District Committee meeting of May 26, 2009

Airport Advisory Committee meeting of May 28, 2009

6. Adopt Resolution No. 09-078 awarding the potholing contract to California Coastal Development in the amount of \$21,238 and authorize the City Manager to sign the contract on behalf of the City.

D. Monn, Public Works Director

7. Adopt Resolution 09-079 authorizing Emergency Services to purchase firefighter PPE for \$88,857 from Fisher Safety.

K. Johnson, Emergency Services Chief

8. Adopt Resolution 09-080 authorizing the recordation of Tract 3016, an 11-lot subdivision located on Dallons Drive and Golden Hill Road north of Highways 46E.

R. Whisenand, Community Development Director

- 9.** Adopt Resolution 09-081 initiating proceedings for the annexation of PD 06-025, known as the Golden Hills Plaza and Tract 3016, to the Paso Robles Landscape and Lighting Maintenance District No. 1; and the levy and collection of assessments related thereto commencing with fiscal year 2009/2010; and adopt Resolution 09-082 declaring its intention to annex PD 06-025, known as Golden Hills Plaza and Tract 3016, to the Paso Robles Landscape and Lighting Maintenance District No. 1; and declaring its intention to conduct a property owner protest ballot proceeding on the matter of the new assessments related thereto commencing with fiscal year 2010/2011.

R. Whisenand, Community Development Director

- 10.** Adopt Resolution 09-083 declaring certain City property as surplus and authorize their sale by public auction.

D. Monn, Public Works Director

Consent Calendar Items Nos. 3 - 10 were approved on a single motion by Councilmember Strong, seconded by Councilmember Hamon.

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

ADJOURN TO REDEVELOPMENT AGENCY

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

- 11. Redevelopment Agency – sale up to \$16,000,000 of Tax Allocation and Refunding Bonds** J. Throop, Administrative Services Director

Consider authorizing the sale up to \$16,000,000 of Tax Allocation and Refunding Bonds.

Chairman Hamon opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Redevelopment Agency Member Strong, seconded by Redevelopment Member Steinbeck, moved to:

Adopt Resolution RA 09-004 a resolution of the Redevelopment Agency of the City of El Paso de Robles Employing bond counsel, disclosure counsel, financial advisor, bond underwriter, fiscal consultant and trustee, and approving the form of fee agreements in connection with the issuance of 2009 tax allocation refunding bonds (Series A) and 2009 tax allocation bonds (Series B).

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Picanco, Steinbeck, Strong and Hamon

NOES:

ABSTAIN:

ABSENT:

Redevelopment Agency Member Strong, seconded by Redevelopment Member Steinbeck, moved to:

Adopt Resolution RA 09-005, a resolution of the Redevelopment Agency of the City of El Paso de Robles authorizing the sale of not to exceed \$16,000,000 combined aggregate principal amount of the Redevelopment Agency of the City of El Paso de Robles (Paso Robles Redevelopment Project) 2009 tax allocation refunding bonds and 2009 taxable tax allocation bonds, approving, authorizing and directing execution of a second supplemental indenture of trust, approving the form of a bond purchase agreement, a continuing disclosure certificate, an escrow agreement and an official statement, and directing certain actions with respect thereto.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Picanco, Steinbeck, Strong and Hamon

NOES:

ABSTAIN:

ABSENT:

ADJOURN TO PUBLIC FINANCING AGENCY

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

12. Public Financing Authority (the "Authority) Approval of the Issuance of Tax Allocation Bonds from the Redevelopment Agency

J. Throop, Administrative Services Director

For the Public Finance Authority to consider the sale up to \$16,000,000 of Tax Allocation Refunding Bonds.

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

Public Financing Authority Member Steinbeck, seconded by Public Financing Authority Member Strong, moved to adopt Resolution PFA 09-001 approving the issuance by the Redevelopment Agency of the City of El Paso de Robles of its 2009 tax allocation refunding bonds and taxable tax allocation bonds and making certain determinations in connection therewith.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

ADJOURN TO CITY COUNCIL MEETING

13. Redevelopment Agency Issuance of Tax Allocation Bonds

J. Throop, Administrative Services

City Council to consider approving the Redevelopment Agency's issuance of tax allocation refunding and taxable tax allocation bonds and making certain determinations in connection therewith.

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

Councilmember Strong, seconded by Councilmember Hamon, moved to Adopt Resolution 09-084 approving the Redevelopment Agency's issuance of 2009 tax allocation refunding and taxable tax allocation bonds, and making certain determinations in connection therewith.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

14. Code Amendment 09-001: Reasonable Accommodation

R. Whisenand, Community Development Director

Consider supplemental information and either amend or adopt ordinance relating to housing policies ("reasonable accommodation")

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

Councilmember Hamon, seconded by Councilmember Steinbeck, moved to Adopt Ordinance No. 058 N.S. amending the Zoning code to establish a Reasonable Accommodation Ordinance, along with updating the City's land use definitions to be in compliance with the Housing Element of the General Plan, Fair Housing Amendments Act of 1988 and the California Fair Employment and Housing Act.

Motion passed by the following roll call vote:

AYES: Gilman, Hamon, Steinbeck, and Strong

NOES: Picanco

ABSTAIN:

ABSENT:

15. Code Amendment 09-002: Employee Housing

R. Whisenand, Community Development Director

Consider supplemental information and either amend or adopt ordinance relating to housing policies ("employee housing")

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

Councilmember Steinbeck, seconded by Councilmember Strong, Adopt Ordinance No. 059 N.S. amending the Zoning Code to establish a definition and regulations for Employee Housing

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

16. Development Impact Fee Update Program

R. Whisenand, Community Development Director

For the City Council to confirm a process for reconsideration of public facility needs and development impact fees.

Mayor Picanco opened the public hearing. Speaking from the public was Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Strong, seconded by Councilmember Steinbeck, moved to Form AB 1600 Ad Hoc Committee of Councilmembers Gilman and Steinbeck to evaluate facility needs list and related policies.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

17. Animal Control Contract

L. Solomon, Chief of Police

Consider an amendment to the agreement with the County of San Luis Obispo for the provision of Animal Control Services from July 1, 2009 to September 30, 2009 in the amount of \$50,110.

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

Councilmember Hamon, seconded by Councilmember Gilman, moved to Adopt Resolution 09-085 authorizing the Mayor to execute a "First Amendment to Contract for Animal Services" representing a three (3) month contract extension at a cost of \$50,110 with the County of San Luis Obispo Sheriff's Department Animal Services Division for animal control services.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

18. Designate a Delegate for the 2009 League of Cities Annual Conference

J. App, City Manager

For City Council to Adopt Resolution 09-086 designating a delegate and alternate for the 2009 League of Cities Annual Conference to be held in San Jose, September 16 – 18, 2009.

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

Councilmember Gilman, seconded by Councilmember Steinbeck, moved to select Mayor Duane Picanco as the delegate and Mayor Pro Tem Fred Strong as the alternate for the League of California Cities Annual Conference; Motion passed by the following unanimous voice vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

ADVISORY BODY COMMUNICATION

19. Senior Advisory Committee – Alternate Positions

A. Robb, Library and Recreation Director

For City Council to consider appointments to alternate positions on the Senior Advisory Committee.

Mayor Picanco opened the public hearing. Speaking from the public was Dale Gustin. There were no further comments from the public, either written or oral, and the public discussion was closed.

The City Council designated Marie C. Brinkmeyer and Sandra “Sammy” P. Nemeth as alternate members to the Senior Advisory Committee. Motion passed by the following voice vote.

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco

NOES:

ABSTAIN:

ABSENT:

COUNCIL COMMENTS

- Mayor Picanco requests Chandler Ranch and Olsen/Beechwood Ad Hoc Committees be included on the July 21, 2009 Agenda.
- Mayor Pro Tem Fred Strong gives an update on the State Budget.
- Councilmember Hamon gives an update on the Nacimiento Project. Project is on schedule and under budget.

PUBLIC COMMENT ON CLOSED SESSION

City Attorney Yang announced Council’s authority to go into closed session to discuss the item listed on the agenda.

It was the consensus of Council to adjourn from regular session at 8:45 PM.

The City Council thereupon adjourned to Closed Session in the 2nd floor Large Conference Room.

CLOSED SESSION

CALL TO ORDER – Large Conference Room, 2nd Floor

a. Conference with Legal Counsel – Existing Litigation

Government Code Section 54956.9 (a)

Number of cases: Four

1) San Luis Obispo Superior Court Case No. CV 09-8117

JOHN E. BORST, ET AL vs. THE CITY OF EL PASO de ROBLES

2) San Luis Obispo Superior Court Case No. CV 09-8083

JOHN E. BORTS vs. THE CITY OF EL PASO de ROBLES

3) U.S. District Court, Central District, Case No. CV 09-2370 PA (JWJx)

SPERLING vs. ERIC HOLDER

4) San Luis Obispo Superior Court Case No. CV 09-8235

BERG ET AL., vs. PICANCO, ET AL.

b. Conference with Legal Counsel – Anticipated Litigation

Government Code Section 54956.9 (c)

Number of cases: One

The City Council returned to Regular Session at 9:40 PM.

RETURN TO OPEN SESSION

CLOSED SESSION REPORT

City Attorney Yang announced that there were no actions taken during Closed Session.

By unanimous voice vote, Council moved to adjourn from regular session at 9:45 PM.

ADJOURNMENT:

- IQMS 20th ANNIVERSARY CELEBRATION, JULY 10, 2009 AT 2231 WISTERIA LANE, PASO ROBLES
- THE JOINT PLANNING COMMISSION/CITY COUNCIL BREAKFAST AT 7:00 AM, FRIDAY, JULY 17, 2009 AT THE TOUCH OF PASO RESTURANT, PASO ROBLES
- THE REGULAR MEETING AT 7:30 PM ON TUESDAY, JULY 21, 2009, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Submitted:

Cathy M. 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.**