



CITY OF EL PASO DE ROBLES
"The Pass of the Oaks"

CITY COUNCIL MINUTES

Tuesday, April 20, 2010 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 Nick Gilman, John Hamon, Ed Steinbeck, Fred Strong and Mayor Duane Picanco

STAFF INTRODUCTIONS

PUBLIC COMMENTS

- **Annie Robb** – Introduced Youth Commission members Lulu Tseng and Alan Blevins.
- **Kathy Barnett** – Requested the City provide more frequent financial reports.
- **Brook Mayo** – Spoke about people living in poverty in Paso Robles that are not being counted in the Census.
- **Michael Rivera** – Encouraged the use of "E-Verify", a government internet based system that confirms employment eligibility.

AGENDA ITEMS TO BE DEFERRED (IF ANY)

PRESENTATIONS

1. **National Volunteer Recognition**

D. Picanco, Mayor

Mayor Picanco presented a proclamation honoring the efforts of volunteers. Three volunteers came forward to receive the proclamation.

2. **Silver Star Banner Day**

D. Picanco, Mayor

Mayor Picanco read a proclamation honoring wounded and ill service men and women.

PUBLIC HEARINGS

CONSENT CALENDAR

ITEMS ON THE CONSENT CALENDAR ARE CONSIDERED ROUTINE, NOT REQUIRING SEPARATE DISCUSSION. However, if discussion is wanted or if a member of the public wishes to comment on an item, the item may be removed from the Consent Calendar and considered separately. Councilmembers may ask questions of clarification without removing an item from the Calendar. INDIVIDUAL ITEMS ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

3. Approve City Council minutes of April 6, 2010

D. Fansler, City Clerk

4. Approve Warrant Register: Nos. 89942-90081 (03/26/10); 90082-90199 (04/02/10); and 90020-90290 (04/09/10)

J. Throop, Administrative Services Director

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

Senior Citizen Advisory Committee Minutes of March 8, 2010

6. Adopt Resolution No. 10-040 accepting the Irrevocable and Perpetual Offers of Dedication for road purposes along Union and Golden Hill Roads related to the development of Planned Development 06-003

R. Whisenand, Community Development Director

7. Adopt Resolution No. 10-041 authorizing the City Manager to enter into a Reimbursement Agreement to reimburse Paso Golden Hill, LLC, expenses for improvements to the intersection of Golden Hill Road and Highway 46E in an amount not to exceed \$1,700,000.

D. Monn, Public Works Director

8. Adopt Resolution No. 10-042 Initiating Proceedings for the Annual Levy for the Maintenance of Landscape & Lighting District Facilities, Adopt Resolution No. 10-043 Initiating Proceedings for the Annual Levy for the Maintenance of Drainage District Facilities, Adopt Resolution No. 10-044 adopting the Draft Preliminary Landscape and Lighting District Engineer's Levy Report as presented making it available to the public for review and comment, Adopt Resolution 10-045 adopting the Draft Preliminary Drainage District Engineer's Levy Report as presented making it available to the public for review and comment, Adopt Resolution No. 10-046 declaring the Intent to Levy for Maintenance of the

Landscape and Lighting District Facilities and cause a Notice to be published for a Public Hearing to be scheduled May 18,2010; and Adopt Resolution 10-047 declaring the Intent to Levy for Maintenance of the Drainage Maintenance District Facilities and cause a notice to be published for a Public Hearing to be scheduled May 18, 2010.

D. Monn, Public Works Director

9. Read by title only, and adopt Ordinance No. 967 N.S. establishing a uniform water rate structure. (First Reading Date: April 6, 2010)
D. Monn, Public Works Director
10. Adopt Resolution No. 10-048 authorizing 1) a purchase order to Kirk Construction in an amount not to exceed \$32,372 for final paving of pipe trenches; and 2) authorizing staff to issue purchase orders to DLT&V for control system integration in an amount not to exceed \$54,958.
D. Monn, Public Works Director
11. Adopt Resolution No. 10-049 approving application to the Strategic Growth Council's Urban Greening Grant program for 21st Street improvements.
D. Monn, Public Works Director
12. Adopt Resolution No. 10-050 providing workers' compensation coverage for certain City Volunteers pursuant to the provisions of Section 3363.5 of the Labor Code
M. Williamson, Assistant City Manager

Consent Calendar Items No. 3-12 were approved on a single motion by Councilmember Strong, seconded by Councilmember Steinbeck.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSENT:
ABSTAIN:

DISCUSSION

ADJOURN TO REDEVELOPMENT AGENCY

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

13. **Participation Agreement for Hidden Creek Village**
R. Whisenand, Community Development Director

For the Redevelopment Agency to consider a Participation Agreement with South River Road Associates regarding the use of up to \$1 million in Low and Moderate Income Housing (LMIH) Funds to assist in the Development of Hidden Creek Village, an 81 unit apartment complex for low income households to be located at 80 S. River Road.

Chairman Hamon opened the public discussion. Speaking from the public was Kathy Barnett, and Carol Hatley from the Housing Authority of Monterey County. A letter from John Borst was entered into the record. There were no further comments from the public, either written or oral, and the public discussion was closed.

Agency member Steinbeck, seconded by Agency member Strong, moved to approve South River Road Associates' request and adopt Resolution No. RA 10-003 approving a Participation Agreement and Affordability Covenant in conjunction with a grant of Redevelopment Low and Moderate Income Housing funds to assist the development of affordable housing by South River Road Associates and appropriating funds for said grant.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Picanco, Steinbeck, Strong and Hamon
NOES:
ABSENT:
ABSTAIN:

ADJOURN TO CITY COUNCIL MEETING

14. Fee Deferral Agreement for Hidden Creek Village

R. Whisenand, Community Development Director

For the City Council to consider a Fee Deferral Agreement with the Redevelopment Agency to provide that payment of up to \$1 million in City development fees for this project may be deferred incrementally for a period of 10 years in a manner that the future value of \$100,000 in LMIH funds are transferred annually from the LMIH Fund to the appropriate City funds to pay the fees due for this project.

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

Councilmember Steinbeck, seconded by Councilmember Strong, moved to adopt Resolution No. 10-051 approving a Fee Deferral Agreement with the Redevelopment Agency providing that payment of up to \$1 million in City development fees for Hidden Creek Village may be deferred for up to ten (10) years in a manner that the future value of \$100,000 in LMIH funds, calculated at a reasonable rate, are transferred annually from the LMIH Fund to the appropriate City funds to pay the fees due for this project.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSENT:
ABSTAIN:

15. Summer 2010 Water Supply Shortage

D. Monn, Public Works Director

For the City Council to consider use restrictions from May 1, 2010 through September 30, 2010.

Mayor Picanco opened the public discussion. Speaking from the public was an unnamed lady requesting that we don't change the watering days. 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 confirm reinstatement of the Level 2 Watering Restrictions.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSENT:
ABSTAIN:

16. Disposition of Applications for River Oaks, The Next Chapter

R. Whisenand, Community Development Director

For the City Council to consider denial of all pending applications associated with River Oaks, The Next Chapter.

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

Councilmember Hamon, seconded by Councilmember Gilman, moved to continue the public discussion to date uncertain.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSENT:
ABSTAIN:

17. Paso Robles Classic Car Show Weekend – New Labor Day Event

M. Williamson, Assistant City Manager

For the City Council to consider a request by the Paso Robles Chamber of Commerce to add the Paso Robles Classic Car Show Weekend to the event schedule at City Park.

Staff report was presented by Freda Berman.

Mayor Picanco opened the public discussion. Speaking from the public was Dale Gustin, Russ Johnson of the Golden State Car Club, Matt Masia on behalf of the Chamber of Commerce, and Norma Moye of Main Street. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Gilman, seconded by Councilmember Strong, moved to adopt Resolution No. 10-052 authorizing the use of City Park for the Paso Robles Classic Car Weekend scheduled for Friday and Saturday, September 3 and 4, 2010.

Motion passed by the following unanimous roll call vote:

AYES: Gilman, Hamon, Steinbeck, Strong and Picanco
NOES:
ABSENT:
ABSTAIN:

18. Highway 101 Median Barrier Project Recommendations

R. Whisenand, Community Development Director

For the City Council to consider and provide recommendations to Caltrans on a modified Highway 101 median barrier project.

Mayor Picanco opened the public discussion. Speaking from the public was Bob Carr of Caltrans, Dale Gustin, Tom Hardwick, and Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Strong, seconded by Councilmember Hamon moved to advise Caltrans that the preferred treatment for the proposed concrete barrier is Adelaida Stone.

Motion passed by the following roll call vote:

AYES: Hamon, Steinbeck, Strong and Picanco
NOES: Gilman
ABSENT:
ABSTAIN:

COUNCIL COMMENTS (Including oral reports on conferences attended) - None

ADJOURNMENT:

- HOUSING AUTHORITY BOARD INTERVIEWS AT 7:00 PM ON THURSDAY, APRIL 22, 2010 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET
- THE REGULAR MEETING AT 7:30 PM ON TUESDAY, MAY 4, 2010 AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET

Any writing or document pertaining to an open session item on this agenda which is distributed to a majority of the City Council after the posting of this agenda will be available for public inspection at the time the subject writing or document is distributed. The writing or document will be available for public review in the City Clerk's Office, 1000 Spring Street, Paso Robles, CA, during normal business hours, and may be posted on the City's web site at <http://www.prcity.com/government/citycouncil/agendas.asp>.

All persons desiring to speak on an agenda item are asked to fill out Speaker Information Cards and place them at the Staff Table prior to public discussion of that item. Each individual speaker will be limited to a presentation total of three (3) minutes per item.

AMERICANS WITH DISABILITIES ACT Any individual, who because of a disability needs special assistance to attend or participate in this meeting, may request assistance by contacting the City Clerk's Office (805) 237-3960. Whenever possible, requests should be made four (4) working days in advance of the meeting.

Submitted:

Lonnie Dolan, Deputy City Clerk
Approved:

To: Paso Robles City Council
From: John Borst, Taxpayer and City Resident
Subject: Participation Agreement for Hidden Creek Village, AGENDA ITEM 13
Meeting Date: April 20, 2010

Gentlemen:

I respectfully take issue with "fact" number 7 stated by Mr. Whisenand on his April 20, 2010 memo to Jim App, City Manager.

To the contrary, the Redevelopment Agency's financial assistance does constitute developing, constructing or acquiring a low-rent housing development for the purposes of Article XXXIV of the California Constitution. For example, Resolution RA09-002 in part clearly reads, "A Resolution of the Redevelopment Agency of the City of Paso Robles Reserving Redevelopment Low and Moderate Income Housing Funds to Assist the Development of Low Income Housing at 80 S. River Road (Hidden Creek Village). Likewise, as a recipient of Federal HOME funding, the Hidden Creek Village project is not precluded from holding an Article XXXIV election.

To help substantiate my statement of fact(s) otherwise, please (before the next City Council meeting) kindly provide me with the document which was the basis for Mr. Whisenand's stated legal opinion and that will support his assertion that item number 7 is a "fact."

Finally, please have Mr. Whisenand contact me in writing when the first expenditure or fee deferral using LMIH funds is made to or for South River Road Associates.

Thank you for attending to these matters and my request for further documentation.

John Borst
209 Navajo Ave.
Paso Robles, CA

