



City of El Paso de Robles

"The Pass of the Oaks"
MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
MARCH 2, 1993

The City Council of the City of El Paso de Robles, meeting in regular session at 7:30 p.m. on the above date, in the School District Board Room was called to order by Mayor Christian Iversen.

ROLL CALL VOTE: Councilmember Jim Heggarty
Councilmember Steve Martin
Councilmember Walt Macklin
Mayor Pro Tem Duane Picanco
Mayor Chris Iversen

INVOCATION

Councilmember Macklin presented the invocation.

PUBLIC COMMENTS

None

PRESENTATIONS

1. Camp Fire Birthday Week

It was moved by Councilmember Martin, seconded by Councilmember Picanco, to **Proclaim March 14-20, 1993 as Camp Fire Birthday Week and place promotional signage at 1st and Spring.**

Several individuals from Camp Fire were present to accept the proclamation and distributed candy to Councilmembers.

Mayor Iversen noted there is an emergency request that a sign be placed on the "Pumpkin Farm" property for the Upside Down River Duck Race on April 3, 1993. Richard Ramirez said that this item was discussed, however, special action needs to be taken.

It was moved by Councilmember Martin, seconded by Councilmember Heggarty, and passed unanimously, **that this item be placed on the agenda.**

It was then moved by Councilmember Martin, seconded by Councilmember Picanco, and passed unanimously, **to allow signage be placed on Pumpkin Farm property.**

It was further clarified that signage to be placed on the Southeast corner at 1st and Spring is approved.

LATE ITEM - FUND RAISER FOR OAK PARK PROJECT

Stu Ross was contacted by Butler Amusement to provide a children's carnival on March 24 - March 28, 1993 which is expected to raise \$5,000 to \$7,000 for the Oak Park Afterschool Program. The old City Hall site is recommended. All parking will be on the street.

Police Chief John Nelson recommended to identify more than one entrance and exit.

There will be no formal action this evening stated Mr. Ramirez, it will come before Council on March 16, 1993.

PUBLIC HEARINGS

2. Code Amendment 92012 - Pushcarts

Mayor Iversen announced it was the time and place for continued public hearing Code Amendment 92012 - Pushcarts. Bob Lata, Director of Community Development, reviewed the draft Code Amendment addressing the issue of retail pushcarts in the downtown area. There have been indications of interest in an opportunity to further refine the proposal and suggests that the public hearing is opened and continued for thirty days, meeting on April 6, 1993, in order to provide additional time for staff to work with Main Street and other interested parties.

Mayor Iversen reopened the public hearing.

John Spears, Vice President of Main Street Board, expressed a number of concerns from the Board and in their behalf, requested this item be continued.

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

Councilmember had concerns about allowing pushcarts during special events, specifically Pioneer Day, and that their sales permit have an address in Paso Robles.

It was moved by Councilmember Martin, seconded by Councilmember Macklin, and passed unanimously to continue the public hearing to April 6, 1993.

3. Tract 1870 Time Extension Request

Mayor Iversen announced it was the time and place for public hearing Time Extension Request. Bob Lata presented the one year time extension request of Tentative Tract map approval of a 48 lot single family residential subdivision. The project is located on the east side of Golden Hill Road, north and east of Creston Road.

Mayor Iversen opened the public hearing.

Steve Conn, Engineering Development Assoc., is representing the applicant and made himself available for questions.

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

Mayor Iversen expressed concerns on the small lots, and the dense area.

After discussion, it was moved by Councilmember Heggarty, seconded by Councilmember Picanco, to adopt Resolution No. 93-47, Granting a One Year Time Extension for Tentative Tract 1870 as presented. Motion passed by the following roll call vote:

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

4. Rezone 92013 - Carey/Thorndyke

Mayor Iversen announced it was the time and place for public hearing Rezone 92013. Bob Lata reported

the applicants request the Planned Development overlay zoning for a 6 acre residential property. The property is located on the east side of South River Road, south of Navajo Avenue and north of Niblick Road.

Mayor Iversen opened the public hearing.

Brian Thorndyke, applicant, was available for questions.

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

It was moved by Councilmember Martin, seconded by Councilmember Heggarty, to adopt Resolution No. 93-48, Granting Negative Declaration Status for Rezone 92013 as presented. Motion passed by the following roll call vote:

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

It was moved by Councilmember Martin, seconded by Councilmember Macklin, to Introduce & Read by Title Only Ordinance No.____, N.S. Amending the Zoning Map Established by Reference in Section 21.12.020 of the Zoning Regulations as presented. Motion passed by the following roll call vote:

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

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

Chairperson Martin of the Redevelopment Agency directed Chairperson Iversen of the Public Financing Authority to preside over the meeting.

5A. **Long Term Financing - Municipal Library**

5B. **Refinancing - Centennial Park Certificates of Participation**

Mike Compton provided background information to the Agency, the Authority, and Council on the long term financing and the refinancing of Centennial Park Certificates. He is working with Mark Northcross on the possibility of long term financing regarding the Library, and the refinancing of Centennial Park COP's. Because the short term has passed since establishing the COP for Centennial Park construction, and the way the reserve fund was established, market conditions are not conducive to refunding the COP. However, market conditions still are favorable for initiating a new long term financing. This was brought before the Council to see if long term financing would be looked upon favorably.

5C. **Correspondence - Agency Attorney: Redevelopment Agency Allocations to Educational Revenue Augmentation Funds**

Last year the Legislature took money from the Redevelopment Agencies, which Mr. Ramirez stated was a violation of the California Constitution. The CRA decided not to sue the State due to the unique situation they were in, and that Cities should allow them to be a partner in the solution and take the money. Mr. Ramirez referred to a letter by our Agency Attorney stating "If it appears that the State will again be looking to redevelopment for significant fiscal relief, then agencies should take action". The Attorney further suggested a letter advising the County that payment is being made under protest be included with the March 1, 1993 report to the county auditor and the May 10, 1993 payment transmittal.

Roger Picquet added that if payment was not made under protest, and an explanation of the nature of the protest, we would not be able to go for back money.

This was for information only and steps that will be taken unless otherwise directed.

ADJOURN TO CITY COUNCIL MEETING

CONSENT CALENDAR

The **Consent Calendar** was approved upon motion by Councilmember Martin, seconded by Councilmember Picanco, together with the recommendations and findings as set forth therein, waiving the reading of resolutions and ordinances in full, with the exception of Items 9, and 11 which were pulled for discussion. Motion passed by the following roll call vote:

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

Those items approved are as follows:

- ITEM 6. Approve the Pre-Check Register (M. Compton, Dir. of Admn. Svc.).
- ITEM 7. Authorize Second Reading by Title Only & Adopt Ordinance No. 651, N.S. Amending the Zoning Code Regulations for Signs, Awnings, & Canopies (R. Lata, Dir. of Comm. Dev.).
- ITEM 8. Adopt Resolution No. 93-49, Awarding Employee Vision Insurance Plan Bid to Vision Service Plan (J. App, Asst. to City Manager).
- ITEM 10. Adopt Resolution No. 93-51, Authorizing Lease-Purchase Agreement, Signatory Authority & Notice of Intent to be Reimbursed (M. Compton, Dir. of Admn. Svc.).
- ITEM 12. Adopt Resolution No. 93-53, Amending Resolution No.90-161 Rescinding Overtime, Call Back Pay for Fire Department Non-Represented Management Employees (D. Hamp, Fire Chief).

Those items pulled for discussion are as follows:

- ITEM 9. Adopt Resolution No. 93-50, Rejecting All Bids Received for the Interior Coating of Merryhill Reservoir Project, DPW 92-13 (J. McCarthy, Dir. of Public Works).

Councilmember Heggarty pulled this item as it was recommended by staff that they re-examine the specs for needed modifications later. John McCarthy said that the bidders had numerous questions, so it was advisable to go through the specifications, make changes, clarify points of questions, and send them out for bid again.

It was moved by Councilmember Picanco and seconded by Councilmember Heggarty, to adopt Resolution No. 93-50, as alluded to above by the following roll call vote:

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

ITEM 11. Adopt Resolution No. 93-52, Appropriating Funds from Unallocated General Fund Reserves for Fire Suppression Assistance (M. Compton, Dir. of Admn. Svc.).

Richard Ramirez pulled this item per request from staff.

Mike Compton advised Council that staff preferred option #1, sending this item back to the Fiscal Policy Committee to review, possibly considering changes in the Fiscal Policy.

Councilmember Picanco did not see a need to present this to the Fiscal Committee at this time. He feels the \$700 should be allocated due to the closeness of the budget, and Council can address the Fiscal Policy at that time.

It was moved by Councilmember Picanco, seconded by Councilmember Heggarty, to adopt Option 2, **Approving Appropriation of Funds**, by the following roll call vote:

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

DISCUSSION ITEMS

13. Encroachment Permit Fee

Encroachment Permits are required for any work undertaken in the public right-of-way as stated by John McCarthy. Establishment of a fee to recover permit processing and related work inspection time is suggested and permitted under the Municipal Code. They are primarily for the installation of curb, gutter, utility work in the street, paving, or generally pertaining to streets. This is consistent with the Fiscal Policy in that there has been an expense in processing the permit.

Councilmember Picanco expressed concern over imposing a new fee, no matter how trivial it is, which may possibly discourage industry to locate in Paso Robles.

Nick Gillman, agrees to a fee, however, questions time spent by the Engineering Inspectors on the right-of-way. It would be appropriate to set up a fee schedule based on the amount of time spent on a job.

After discussion it was moved by Councilmember Martin, seconded by Councilmember Macklin, to adopt **Resolution No. 93-54, Establishing a Fee for Encroachment Permits** as presented. Motion passed by the following roll call vote:

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

14. Downtown Vision Plan

Bob Lata requested Council to give staff direction on whether they wish to pursue a downtown vision plan for the future of the downtown area. Recruitment of a volunteer committee has value in terms of bringing together volunteer professional assistance to provide input to the City that would otherwise cost the City thousands of dollars. It will also provide support for a downtown focussed design and revitalization program.

Richard Ramirez clarified that staff time would not be expended on this project until the housing element is completed.

Nick Gillman, when asked if the PAC Committee had the expertise to work on the vision plan, answered no. He commented that Council should seek professional applicants and not assign existing committees this task.

Greg Shipley recommended that Council review the committee's progress every 6 to 8 weeks, and requests support and a little of staff's expertise on zoning and the General Plan requirements.

It was the consensus of the City Council that a committee of professionals, (a number yet to be established) be formed and that staff time on this project not interfere with other projects. Appointments should be approached by advertising, then having interested parties submit applications and resume's. A panel consisting of all Councilmember's will interview applicants.

After a lengthy discussion, it was moved by Councilmember Macklin, seconded by Councilmember Heggarty, and passed unanimously to approve option 1 with modifications, **authorize preparation of a Downtown Vision Plan, recruitment of a volunteer committee, and staff time will not negatively impact any existing programs.**

15. Integrated Waste Management Authority

John McCarthy, Director of Public Works, presented the California Assembly Bill 939 that mandates reduction of solid waste dumping. The programs and facilities anticipated to fulfill these mandates are multijurisdictional in nature, consequently formation of a regional Integrated Waste Management Authority is suggested.

It was moved by Councilmember Martin, seconded by Councilmember Picanco, and passed unanimously to direct proposal to Streets & Utility Committee for further study.

CITY MANAGER

Richard Ramirez announced that he would like to share an item regarding Flowers & Assoc. with the Council as well as a late item dealing with landfill rates in San Miguel.

16. Highway 46/Golden Hill Signalization Update

John McCarthy and Richard Ramirez met with Mr. Ojeda from Caltrans and discussed the following:

- a. If City Council wishes to proceed with the signal and pay its full cost, Caltrans will be willing to grant all the permits that were required.
- b. Caltrans would force the Council to sign an agreement that states the City would assume all liability for any accidents caused by the signal.
- c. The City would have to maintain the signal, pay for maintenance costs until it meets Caltrans warrants. Then Caltrans would take over maintenance and liability.
- d. Option discussed: Wait until Caltrans determines a signal is warranted, and then pay our 50% share of installation cost and a percentage of maintenance cost.
- e. A report from Caltrans is expected in June, focussing on a one year review on how the situation is assessed.

It was the consensus of the City Council to wait for the report in June or July before taking action.

Flowers and Associates

It was moved by Councilmember Macklin, seconded by Councilmember Picanco, and passed unanimously to add this item to the agenda.

The Flowers and Associates contract was for the Spring Street design project. Due to additional master plan effort requested by Council, an additional amount of \$26,054.37 is requested. They are absorbing the \$9400 loss due to payments made to Black & Assoc, the original landscape architect.

Mr. Ramirez commented that under the Fiscal Policy, the City Manager can only approve change orders up to 15% or \$25,000, whichever is less.

It was moved by Councilmember Macklin, seconded by Councilmember Heggarty, and passed unanimously to adopt to pay Flowers & Assoc. and additional \$26, 054.37.

Landfill Rates

The City was under the impression that San Miguel Garbage was going to be able to secure from the County the past due adjustments so that they would not be financially hurt due to tipping fee adjustments. Under the resolution recently passed, March 1, 1993 was the beginning of the new tipping rates. San Miguel has calculated that it would be less expensive for them to go to Chicago Grade than Paso Robles Landfill, a loss of approximately \$10,000 this month to the City. Mr. Ramirez suggested to adjust the rates back this month for San Miguel Garbage.

After discussion it was moved by Councilmember Macklin, seconded by Mayor Iversen, to adjust back rate increase for 30 days for San Miguel Garbage. Due to conflicting votes, Mayor Iversen called the following roll call vote:

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

Mr. Cardation from San Miguel Garbage said that he will return to the Paso Robles Landfill now that the rates have been reduced for 30 days.

COUNCIL BUSINESS

17. Commercial Space Legislation

This resolution may help open up commercial space at Vandenberg Airforce Base, so this was placed on the agenda by Mayor Iversen to hear from other Councilmembers.

It was moved by Councilmember Martin, seconded by Councilmember Macklin, and passed unanimously to support Legislation and direct staff to send a letter of support.

18. North County Local Agency Cooperation - Shared Resources

Councilmember Martin discussed the possibility of different cities sharing resources on various projects. He requested the Council to endorse the concept of having our staff compile a list of agenda items for a future meeting with such cities as Atascadero and Templeton.

Mr. Ramirez said a joint agenda could be prepared by late April, early May.

19. LAFCO Land Use Policies: Affordable Housing & In-Fill Devel.

Councilmember Picanco briefly summarized what prompted this to be brought before the Council. The City of Pismo Beach allocated only allocated 15 acre feet of water for a development on Maddy Road, whereas, the development would require 40 acre feet, leaving unallocated feet available. LAFCO became nervous. Councilmember Picanco feels that it is up to the City to how they want the unallocated water distributed, not LAFCO.

COUNCIL COMMENTS

Duane Picanco

- a. Would like Council's permission to proceed on another beautification project with the service clubs, a joint project yet to be determined. Mention was made of service plaques at the entrance of the City, and the need for repair. He also encourages the City to proceed with the design to the entrance of the City.
- b. Councilmember Heggarty and himself are having a problem with staggered terms on the Senior Advisory Committee. Staggering the terms on the Housing Authority are also difficult and will come back asking for Council's opinion.

Chris Iversen

In speaking with Pat Crawford, both agreed that on the third Friday of each month, it would be nice to have a breakfast where Planning Commissioners and Council can gather informally. Roger Picquet referenced the Brown Act and advised Council they must notice all meetings, even if City business is not being discussed. The first joint meeting/workshop will be held at 7 a.m. on March 19, 1993 at the Paso Robles Inn.

CLOSED SESSION

Personnel Item, Section 54957

During closed session, no action was taken.

There being no further business, either written or oral, the meeting was adjourned to a regular meeting Tuesday, March 16, 1993, 7:30 pm at Paso Robles School District Offices Board Room, 800 Niblick Road.

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORDS UNTIL APPROVED BY THE CITY COUNCIL AT THEIR NEXT REGULAR MEETING.

City Clerk, Richard J. Ramirez