CITY OF EL PASO DE ROBLES

"The Pass of the Oaks"

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
SEPTEMBER 1, 1998

OFFICE OF THE
CITY CLERK

CALL TO ORDER

PLEDGE OF ALLEGIANCE

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 Library/City Hall Conference Center was called to order by Mayor Duane Picanco.

ROLL CALL VOTE: Councilmember Chris Iversen
Councilmember Macklin
Councilmember Lee Swanson
Mayor Pro Tem Tom Baron
Mayor Duane Picanco

PUBLIC COMMENTS

Pat Mackie addressed the Council regarding the City's dealings in real estate.
Sue Carrera addressed the Council regarding the extension to Mr. Elsworth on his subdivision.
Mayor Picanco read a letter from Diane Timmerman regarding the proposed location of the new Senior Center.
City Clerk read letter from Mary Chambers regarding her opposition to a correctional facility in Paso Robles.

It was the consensus of the City Council to not read into public records letters received by the public.

PRESENTATIONS & CELEBRATIONS

1. Proclamation for "U.S. Constitution Observance Month"

Mayor Picanco proclaimed September as the U.S. Constitution Observance Month.

NOTICED HEARINGS

2. Borkey Area Specific Plan Fees Up-Date

Mayor Picanco announced it was the time and place for the public hearing to consider opening and continuing the noticed public hearing on an up-date of the fees for the Borkey Area Specific Plan.

Mayor Picanco opened the public hearing. There being no comments either written or oral, the public hearing was closed.

It was moved by Councilmember Swanson, seconded by Councilmember Macklin to **Open and continue the noticed public hearing to October 6, 1998.** Motion passed by the following roll call vote:

AYES: Baron, Iversen, Macklin, Swanson and Picanco

RIMC Code:
Date: 09/01/98
File Plan/GE Cat.:
Subject: Agenda
Location: City Clerk
Retention: 5 years
Other:

NOES: None
ABSENT: None

3. **Conditional Use Permit 98006 (Sylvester Winery)**

Mayor Picanco announced it was the time and place for the public hearing to consider an appeal filed by Sylvester Winery regarding Planning Commission denial of Conditional Use Permit 98006. Applicants proposal is to place a billboard on private property at 1921 Experimental Station Road.

Mayor Picanco opened the public hearing. Those persons from the public speaking were: Bob Devitt, Dee Lacy, Ruth Wagner, Dawn Zmugg, Hermann Schwartz, Dale Gustin, and Janice Smelson.

It was moved by Councilmember Iversen, seconded by Councilmember Macklin **to continue this item for 6 months, refer signage in this corridor to the Planning Commission and have them come back with a signage plan. The sign will remain during this time.** Motion passed by the following roll call vote:

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

CONSENT CALENDAR

The **Consent Calendar** was approved upon motion by Councilmember Macklin, seconded by Councilmember Swanson, together with the recommendations and findings as set forth therein, waiving the reading of resolutions and ordinances in full, with the exception of Items 6 and 7, which were pulled for discussion. 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:

4. **Approve City Council Minutes of July 21, 1998** (Madelyn Paasch, City Clerk)

5. **Approve Warrant Register** (M. Compton, Dir. Of Admin. Svcs.)

8. **Adopt Resolution No. 98-158 accepting & approving recordation of the Final Map & subdivision agreement for Tract 1951 (Massey), and adopt Resolution No. 98-159, annexing Tract 1951 as part of subarea 43 to the P.R. Landscape & Lighting District No. 1 (Streets & Highways Code Sections 22500)** (J. McCarthy, Dir. Of Public Works)

9. **Adopt Resolution No. 98-160, accepting & approving recordation of the Final Map for PR 98-008 (Arciero), and adopt Resolution No. 98-161, annexing PR 98-008 as part of subarea 38 t o the P.R. Landscape & Lighting District No. 1 (Streets & Highways Code Sections 22500)** (J. McCarthy, Dir. Of Public Works)

10. **Adopt Resolution No. 98-162, accepting & approving recordation of the Final Parcel Map for PR 98-009 (Arciero), and adopt Resolution No. 98-163, annexing PR 98-009 as part of subarea 39 to the P.R. Landscape & Lighting District No. 1 (Streets & Highways Code Sections 22500)** (J. McCarthy, Dir. Of Public Works)

Those items pulled for discussion are as follows:

6. **Adopt Ordinance 750 N.S., by regular motion, ordering that the Ordinance be read by title only, then by separate motion adopting the Ordinance amending Section 21.19.070 of the Municipal Code, Code Amendment 98005)** (R. Lata, Dir. Of Comm. Dev.)

Pat Mackie requested this item be pulled for discussion. Dale Gustin spoke against this sign. Bob Lata addressed Mr. Mackie's questions. Dawn Zmugg spoke against this sign.

It was moved by Councilmember Baron, seconded by Councilmember Macklin, to **Adopt Ordinance 750 N.S., by regular motion, ordering that the Ordinance be read by title only, then by separate motion adopting the Ordinance amending Section 21.19.070 of the Municipal Code, Code Amendment 98005).** Motion passed by the following roll call vote:

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

7. **Adopt Resolution No. 98-157, supporting installation of a traffic signal at the intersection of Highway 46 East and Buena Vista Drive** (R. Lata, Dir. Of Comm. Dev.)

Councilmember Iversen requested this item be pulled. Pat Mackie spoke in favor.

It was moved by Councilmember Iversen, seconded by Councilmember Macklin, to **Adopt Resolution No. 98-157, supporting installation of a traffic signal at the intersection of Highway 46 East and Buena Vista Drive.** Motion passed by the following roll call vote:

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

PUBLIC DISCUSSION

11. **Alley Abandonment (Jacobson)**

Consider intent to vacate an alley west of Paso Robles Street between 12th & 13th Street and set a public hearing for October 6th, 1998.

It was moved by Councilmember Swanson, seconded by Councilmember Macklin to **continue this item to the meeting of September 15, 1998.** Motion passed by the following roll call vote:

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

12. **Annexations ~ Property Tax Distribution (Hansen Farming Trust)**

Re-evaluate property annexation options based on the County's unwillingness to distribute property tax in proportion to service rendered.

Jim App, City Manager addressed this item to the City Council.

It was moved by Councilmember Iversen, seconded by Councilmember Swanson, to **Accept the County's offer to provide 1.66% of future incremental growth in property tax revenue for the Hansen Farming Trust annexation only and; to request an agreement with the County that if and when a blanket allocation of property tax is reached in the future, then the Hansen Trust would change with that allocation and; initiate formal proceedings for R&T Section 99 with the next annexation project.** Motion passed by the following roll call vote:

AYES: Baron, Iversen and Swanson

NOES: Macklin and Picanco
ABSENT: None

Mayor Picanco called for a brief recess at 9:42 p.m. The meeting reconvened at 9:50.

13. River Crossing No. 2

Consider location options for the River Crossing Project No. 2, funded by Measure D. John McCarthy, Director of Public Works made the presentation to the City Council. Those persons speaking from the public were: Dale Gustin, Ruth Wagner, Frank Meecham, Janice Nelson, Dawn Zmugg, Roy Royce, Sue Carrerra, Mike Zappas, and Pat Mackie.

It was moved by Councilmember Macklin, seconded by Councilmember Baron, to **consider River Crossing Project No. 2 to be the widening of the 13th Street bridge and direct staff to begin the processes of deleting the bridge called for on Hwy. 46E and Hwy. 101 across the Salinas River and to begin the changes to the connection of the crossing at Charolais and Hwy 101**. Motion passed by the following roll call vote:

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

14. Union/46 Specific Plan Standards

Consider amendments to the Union/46 Specific Plan, hillside grading, and the Planning Commission role in the development review process. Larry Werner, North Coast Engineering addressed this item.

It was moved by Councilmember Macklin, seconded by Councilmember Baron **to have the Planning Commission revisit the Hillside Ordinance and in doing so give consideration to the Union 46/Specific Plan and the City Standards.** Motion passed by the following roll call vote:

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

15. Bridge Development Impact Fee

Consider amendments to Chapter 12.19 of the Municipal Code relating to Bridge Development Fees.

It was moved by Councilmember Iversen, seconded by Swanson **to continue this item to the October 6, 1998 meeting.** Motion passed by the following roll call vote:

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

16. Airport Specific Plan

Consider repayment of the funds advanced for the preparation of the Airport Specific Plan.
Those persons from the public speaking in opposition to using the Airport Operations Funds were:: Chuck Miller, John Cromwell, Richard Morton and Martin Cassidy (248 Falcon Drive).

It was moved by Councilmember Iversen, seconded by Councilmember Baron to **continue this item and direct it to the Airport Advisory Committee for their review and recommendation.** Motion passed by the following roll call vote:

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

ABSENT: None

17. **Clearing Salinas River Channel**
Consider options regarding clearing the Salinas River Channel from the 13th Street bridge to the treatment plant facility to prevent flooding during heavy rainfall.

It was moved by Councilmember Macklin, seconded by Councilmember Baron to **Proceed with obtaining a permit from the Army Corps of Engineer to use heavy equipment to clear the Salinas River Channel, with a $50,000 cap.** Motion passed by the following roll call vote:

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

18. **Sewer Lift Stations No. 1 & 2**
Consider approving a contract change order for Carollo Engineers for upgrade of sewer lift stations No. 1 & 2.

It was the consensus of the City Council **to continue this item to the September 15, 1998 meeting.**

19. **Charter Communications**
Discuss various issues relating to cable television services.

It was the consensus of the City Council to continue this item **to the September 15, 1998 meeting.**

CITY MANAGER

WRITTEN COMMUNICATIONS

ADVISORY BODY COMMUNICATION

20. **Receive and File Minutes for the Following Advisory Meetings:**

a. **Housing Authority Minutes of August 11, 1998**

It was moved by Councilmember Macklin, seconded by Councilmember Swanson and passed unanimously by a voice vote of 5/0 to receive and file.

AD HOC COUNCIL BUSINESS

21. **Council Meeting Duration** (L. Swanson)
No Action Taken.

CLOSED SESSION:

a) **Pursuant to Government Code §54956.7 ~ Anticipated litigation**
Conference with legal Counsel
Significant exposure to litigation (Facts & circumstances not known)
Number of Cases: one

No Action Taken

b) **Pursuant to Government Code Section 54954.5(b) ~ Property Acquisition**
Property: Commercial Bldg @ Southeast Corner of 13th & Vine
Negotiating Parties: City & Stemper/Brown Realty

Under Negotiation: Terms & Conditions

No Action Taken

c) **Pursuant to Government Code Section 54954.5(b) ~ Property Acquisition**
Property: Commercial Property 3505 Spring
Negotiating Parties: City & J. Handley
Under Negotiation: Terms & Conditions

No Action Taken

d) **Pursuant to Government Code §54954.5(b) ~ Property Acquisition**
Property: 260 acres south of Niblick Bridge; adjacent to easterly side of railroad (APN 009-811-001, 002, 003, 004; 009-631-003, 004; 009-301-004)
Negotiating Parties: Anderson
City of Paso Robles
Under Negotiation: Terms and Conditions

No Action Taken

ADJOURNMENT: to THE REGULAR CITY COUNCIL MEETING ON TUESDAY, SEPTEMBER 15, 1998, 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

Respectfully submitted,

Madelyn Paasch, City Clerk

(Minutes approved 11/17/98)