

City of El Paso de Robles

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
OCTOBER 2, 1984

The City Council of the City of El Paso de Robles, meeting in regular session on the above date, was called to order by Mayor Gary Stemper at 7:30 p.m. in the City Council chambers with the following Councilpersons answering roll call: Cousins, Ovitt, Russell, Thorndyke and Stemper; none being absent. Before roll call, a brief invocation was given by Father Carl Hansen.

1. The minutes of the regular meeting of September 18, 1984 were presented. Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously that said minutes be approved with the correction of the name of Robert Bell to Robert Bellis in Item 5.
2. The Director of Parks and Recreation introduced Mr. Al Langley, the winner of the recent "Name the Park" contest who was presented with a prize donated by KMART.
3. It was moved by Councilman Ovitt and seconded by Councilwoman Cousins that the following claims be paid from their respective accounts:

DATE OF CLAIM	TOTAL PAID
Sept 21, 1984	\$272,469.36

Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper
NOES: None
ABSENT: NONE

4. The Mayor announced that it is the time and place scheduled for public hearing of Use Permit No. 81002/Jerry Reneau, 2235 Spring Street, and the City Manager reviewed the background of the Use Permit as set forth in a status report submitted by the Planning Director. The Mayor then opened the public hearing to the audience.

Jerry Reneau appeared and presented a letter from a contractor, Richard S. Gorham, stating that he can start construction of the required street improvements on or about November 1, 1984, dependent upon PG&E's completion of moving the power pole in question.

There being no other comments pro or con, the hearing was closed upon motion by Councilman Ovitt, seconded by Councilman Thorndyke and passed unanimously.

After discussion, it was moved by Councilman Russell, seconded by Councilman Ovitt and passed unanimously to hold the matter over and bring back to Council as an agenda item in the meeting of November

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27. A memo from the Director of Parks and Recreation presented the following resolutions necessary to put together a grant package to upgrade the City Park and Recreation Center:

Resolution No. 2956, A RESOLUTION OF THE CITY COUNCIL OF EL PASO DE ROBLES, CALIFORNIA, APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE ROBERTI-Z'BERG NEEDS BASIS GRANT PROGRAM OF THE CALIFORNIA PARK AND RECREATIONAL FACILITIES ACT OF 1984 FOR PASO ROBLES COMMUNITY CENTER; and

Resolution No. 2957, A RESOLUTION OF THE CITY COUNCIL OF CITY OF EL PASO DE ROBLES APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE REGIONAL COMPETITIVE GRANT PROGRAM OF THE CALIFORNIA PARK AND RECREATIONAL FACILITIES ACT OF 1984 FOR PASO ROBLES COMMUNITY CENTER.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Resolution Nos. 2956 and 2957 be read by title only. Said resolutions were read by title only.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Resolution Nos. 2956 and 2957 be adopted.

28. A memo from the Director of Parks and Recreation set forth recommendations for upgraded lighting of the tennis courts at Sherwood Park.

Motion by Councilwoman Cousins, seconded by Councilman Russell and passed unanimously to approve the above concept of lighting.

29. A memo from the Planning Director that recommends the adoption of Resolution No. 2945, A RESOLUTION OF AMENDING RESOLUTION NO. 2942, A RESOLUTION OF INTENTION FOR CLOSING A STREET IN THE CITY OF EL PASO DE ROBLES AND GIVING NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING THEREON. This amendment was needed to provide adequate publication time.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Resolution No. 2945 be read by title only. Resolution No. 2945 is read by title only.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Resolution No. 2945 be adopted, thereby setting a public hearing at 7:30 p.m. on November 6, 1984 in the City Council Chambers.

30. A memo from the Planning Director presented a report on the First Geothermal Grant and recommended that the Council authorize the Mayor, City Clerk and City Attorney to approve the attached Contract with FSB Energy. Mr. Floyd Butterfield, the City's geothermal consultant (FSB Energy) appeared to report on project.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously to approve the recommendations of the Director.

31. A memo from the Planning Director presented the Second

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Geothermal Grant and recommends that the Council authorize the Mayor and City Clerk to sign the Grant Agreement and other necessary documents. It was understood that \$15,000 would need to be allocated by the Council at a later date for matching funds.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously to approve the Director's recommendations.

32. A memo from the Planning Director presented a review of Use Permit 80004 (Mayor Stemper's Concrete batching facility) in response to Martin Wolff's letter of August 31, 1984, and recommending that said Use Permit is valid and not expired, and that no further action by the Council be taken on this Use Permit at this time. It will be reviewed in January, 1985 for compliance of 14 conditions of approval.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously to approve the Directors recommendations.
Motion carried by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, and Thorndyke

NOES: None

ABSENT: None

ABSTAINED: Councilman Stemper

33. Upon motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously, October 11, 1984 is proclaimed Eleanor Roosevelt Centennial Day in El Paso de Robles.

34. Upon motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously the meeting is adjourned to a closed session to discuss personnel matters. At the closed session, personnel matters were discussed, including the Fire Chief and the Police Chief positions. It was moved by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that the City will pay Police Chief Vern Mathison's medical insurance premiums for a period of two (2) years ending October 1986.

There being no other action taken, it was moved by Councilman Ovitt, seconded by Councilman Russell and passed unanimously to adjourn to the regular meeting.

35. Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously to adjourn to a Study Session at 5:30 p.m. on October 10, 1984.

John R. McCarthy
City Clerk

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

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6, 1984 to reassess the progress being made.

5. A memo from the Finance Director presented Ordinance No. 493 N.S., AN ORDINANCE ADDING SECTION 20 TO THE UTILITY USERS' TAX ORDINANCE NUMBER 492 N.S.; for first reading.

The City Manager read the Ordinance, which provides for required public hearings before any utility tax rates can be set by Council.

Councilwoman Cousins stated that she feels that a public hearing has already taken place. She further moved that the Council not adopt the above amendment to Ordinance No. 492 N.S.; she stated that she would further make other motions to appeal the Utility Users' Tax, and further move later that the City and the Citizens get involved in investigating their willingness to support a toll bridge on 13th Street Bridge now. She stated that her motion presently on the floor is that we do not approve the amendment to the Utility Users' Tax.

The City Attorney advised that an attempt to repeal the utility user's tax by a referendum would be invalid. He further cited several options to the Council.

The motion died for lack of a second.

It was moved by Councilman Thorndyke and seconded by Councilman Ovitt that Ordinance No. 493 N.S. be accepted for first reading.

The City Clerk announced that a petition to repeal the Utility Users Tax Ordinance No. 492 N.S. circulated by Attorney Martin Wolff had been received with approximately 1700 signatures thereon.

There followed a lengthy discussion wherein public input was heard by the Council.

After discussion, it was decided that the following words be added to Ordinance No. 493 N.S. in the second paragraph between the words "City notices" and "at least": "and a mailing be made to all active municipal utility accounts in the City", and the word "may" be replaced by the word "shall" in the last sentence of said paragraph.

The Ordinance as amended is read in its entirety.

The above motion that this constitute the first reading of Ordinance No. 493 N.S. is passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper
NOES: None
ABSENT: None

There ensued discussion regarding the petition received to repeal the Utility Users Tax Ordinance No. 492 N.S.

It was moved by Councilwoman Cousins and seconded by Councilman

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Russell, to repeal the Utility Users Tax Ordinance, No. 492 N.S.

Councilman Ovitt stressed the need to find all vehicles necessary to fund a bridge, and this Ordinance is just one vehicle which does not establish a tax or set any rates.

Councilman Thorndyke stated he believes that the majority of the public does not mind paying their share for the cost of funding the bridge, and that the passing of the Ordinance proves to other government entities that the City is taking steps to provide funding.

The above motion to repeal Ordinance No. 492 N.S. is carried by the following roll call vote:

AYES: Councilpersons Cousins, Russell and Stemper
NOES: Councilmen Ovitt and Thorndyke
ABSENT: None

Councilwoman Cousins moved to instruct staff to consider investigating the possibilities of a toll bridge on 13th Street Bridge, and a citizens committee be established to determine if it is a feasible concept.

Motion died for lack of a second.

6. The Mayor read a proclamation presented by 4-H Club member, Jennie Diefenderfer, proclaiming the week of October 7 to 13, 1984, 4-H Club Week. Motion by Councilman Thorndyke, seconded by Councilman Ovitt and passed unanimously proclaiming the week of October 7 to 13, 1984, 4-H Club Week in the City of Paso Robles.

7. The Consent Calendar is presented and the Finance Director requested that Items G-5 and G-9 through G-12 be removed for discussion. Councilman Russell requested that Item G-4 be removed for discussion.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that the items on the Consent Calendar be approved, together with the recommendations as set forth therein, said motion waiving reading of all resolutions and ordinances in full, with the exception of Items G-4, G-5, and G-9 through G-12.

The items on the Consent Calendar are as follows:

G-1 COMMISSION/COMMITTEE/BOARD MINUTES:

- a. Minutes of Airport Advisory Committee meeting of August 23, 1984.
- b. Minutes of Traffic Safety Commission meeting of September 19, 1984.

(Recommend minutes be received and filed.)

G-2 Notice from So. Calif. Gas Co. of application to decrease revenues. (Recommend Notice be received and filed.)

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G-3 Memo from Director of Municipal Services recommending adoption of Resolution No. 2913, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, ESTABLISHING A "NO PARKING" AREA ON RIVERSIDE AVENUE IN THE CITY OF EL PASO DE ROBLES, (East side of Riverside Avenue between 13th and 14th Streets.) (Recommend adoption.)

G-6 Memo from Director of Municipal Services recommending Final Parcel Map Co 81-54, Borkey, be approved. (Recommend Council authorize Mayor and City Clerk to sign map.)

G-7 Letter from John G. O'Rourke, Attorney at Law, regarding drainage problem at 215 Appaloosa Street. (Recommend letter be referred to staff for action.)

G-8 Letter from Chairman, Proposition 39, San Luis Obispo County. (Recommend letter be received and filed.)

The following items from the Consent Calendar are presented for individual consideration:

G-4 Memo from Director of Municipal Services recommending approval of Final Parcel Map PR 84-233-Gilman (12th & Railroad Streets) (Recommend City Clerk and Mayor be authorized to sign map.) Motion by Councilman Ovitt, seconded by Councilwoman Cousins and passed unanimously to approved the recommendations.

G-5 Memo from Finance Director requesting approval of Resolution N. 2946, A RESOLUTION APPROVING AN APPROPRIATION OF THE BUILDING SIGNALIZATION FUND #332 FOR FISCAL YEAR 1984/1985, (Traffic signal repairs, 24th and Spring St.) (Recommend adoption)

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 2946 be read by title only. Resolution No. 2946 is read by title only.

Motion by Councilman Russell and seconded by Councilman Ovitt that Resolution No. 2946 be adopted. Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper
NOES: None
ABSENT: None

G-9 Memo from the Finance Director recommending approval of Resolution No. 2947, A RESOLUTION APPROVING AN APPROPRIATION OF THE STORM DRAIN SPECIAL REVENUE FUND #340 FOR THE FISCAL YEAR 1994/1985, appropriating \$2,000.00 for storm drain work. (Recommend adoption) is presented for consideration.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 2947 be read by title only. Resolution No. 2947 is read by title only.

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Motion by Councilman Russell and seconded by Councilman Ovitt that Resolution No. 2947 be adopted. Motion carried by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper
NOES: None
ABSENT: None

G-10 Memo from Finance Director recommending approval of Resolution Nos. 2948, A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION OF SEWER ENTERPRISE FUND #553 FOR THE FISCAL YEAR 1984/1985, for inspection of interceptor line suspension bridges in the amount of \$6,000.00. (Recommend adoption), is presented for consideration.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 2948 be read by title only. Resolution No. 2948 is read by title only.

Motion by Councilman Russell and seconded by Councilman Ovitt that Resolution No. 2948 be adopted. Motion carried by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper
NOES: None
ABSENT: None

G-11, Memo from Finance Director recommending approval of Resolution No. 2949, A RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION OF THE PARK DEVELOPMENT FUND #339 FOR THE FISCAL YEAR 1984/1985, to purchase playground equipment at Melody Park. (Recommend adoption), is presented for consideration.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 2949 be read by title only. Resolution No. 2949 is read by title only.

Motion by Councilman Russell and seconded by Councilwoman Cousins to adopt Resolution No. 2949. Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper
NOES: None
ABSENT: None

G-12, Memo from Finance Director recommending approval of Resolution No. 2950, A RESOLUTION APPROVING AN APPROPRIATION OF THE SPECIAL REVENUE AREA AGENCY ON AGING FUND 225 FOR THE FISCAL YEAR 1984/1985, appropriating \$5,584.96 for Senior Citizens vehicle from Area Agency on Aging, and Resolution No. 2951, A RESOLUTION APPROVING AN APPROPRIATION OF THE SENIOR OTTO SHARP ENDOWMENT FUND 401 FOR THE FISCAL YEAR 1984/1985, which appropriates \$8,000.00 for Senior Citizens vehicle. (Recommend adoption), is presented for

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consideration.

Motion by Councilman Ovitt, seconded by Councilwoman Cousins and passed unanimously that Resolution Nos. 2950 and 2951 be read by title only. Said resolutions are read by title only.

Motion by Councilman Russell and seconded by Councilwoman Cousins that Resolution Nos. 2950 and 2951 be adopted. Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper

NOES: None

ABSENT: None

8. The minutes of the regular meeting of the Planning Commission on September 25, 1984 were reviewed by Mayor Stemper. During discussion, Item C. New Business, Parcel Map 84-167, Black Oak Drive, is pulled for discussion. The matter of access in Conditions No. 32 and 22 were discussed. Daniel Stewart, representative for the applicant, appeared to explain the project. The City Attorney stated that Condition No. 24 should be added, "The owner will indemnify the City from all costs and expenses resulting from not complying with these conditions."

After further discussion, it was moved by Councilman Russell and seconded by Mayor Stemper that Item C. New Business, shall be pulled from the minutes and sent back to the Planning Commission for further review of access, public improvement scheduling and guarantees. The Council directed that Condition No. 24 as set forth above be included. Motion carried by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell and Stemper

NOES: Councilman Thorndyke

ABSENT: None

There being no further discussion, it was moved by Councilwoman Cousins and seconded by Councilman Ovitt that the actions of the Planning Commission in its meeting of September 25, 1984 be approved, together with the findings and conditions as set forth therein, with the exception of Item C, New Business, as set forth above. Motion carried by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell and Thorndyke

NOES: None

ABSENT: None

ABSTAINED: Councilman Stemper

9. The City Clerk brought up the fact that an appeal to the Planning Commission decision regarding Use Permit No. 84036/Paso Robles Meat Co. was received. Upon motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously said appeal is set for public hearing at 7:30 p.m., October 16, 1984 in the City Council chambers.

10. The City Manager presented a memo regarding bridge development

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fees at the Airport relating particularly to the property leased by Mr. Sherman Smoot for the purposes of building a restaurant. Mr. Smoot appeared and stressed that he believed since the City owned the property, the City should share in the payment of fees. Mr. Rick Minton, member of Airport Advisory Committee, appeared to point out that the Advisory Committee had been looking at the different ways to promote development at the Airport.

After discussion, it was moved by Councilman Russell and seconded by Councilman Ovitt to set a fixed bridge development fee, which will be the same for all types of Airport development, at the current industrial fee rate of \$6,265/acre. Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper
NOES: None
ABSENT: None

11. A memo from the City Manager presented a draft resolution which provides authorization for expenditures for Councilmembers for legal defense. The matter is carried over to the meeting of October 16, 1984.

12. The Mayor announced there would be a closed session at the end of the meeting for the purpose of discussing personnel matters.

13. A memo from the Finance Director recommended that Council transfer \$1,150.00 from the Council contingency budget to Account 10-9050-517 to cover costs incurred by an emergency at Municipal Pool.

Motion by Councilman Russell, seconded by Councilwoman Cousins and passed unanimously to approve the above transfer.

14. A memo from the Finance Director recommended that the Council authorize transmittal of information from reports from the County identifying delinquent assessments from districts within the City totalling \$324,173.04 to the City's bonding attorney, Robert Haight, with instructions for Mr. Haight to commence all necessary legal action to bring said accounts current.

Motion by Councilwoman Cousins, seconded by Councilman Russell and passed unansimously to approve the recommendations of the Director.

15. A memo from the Finance Director presented the City's Financial Statements for 1983/1984 period in summary for Council's information.

16. A memo from the Finance Director recommended that Council approve the closing of Pioneer Parking Fund No. 226 into the General Fund No. 010. A resolution will be brought to the Council meeting of October 16, 1984 effecting said transaction.

17. A memo from the Finance Director requested a public hearing be set for the Council meeting on October 16, 1984 for the purpose of

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making public the annual cost increases caused by the benefit increases negotiated in the City's Memorandums of Understanding.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously to set said hearing for 8:00 p.m. on October 16, 1984 in the City Council Chambers.

18. The City Librarian presented the Library Annual Report for 1983-1984.

19. A memo from the Director of Municipal Services recommended that the City Council award the bid for the hydraulic sewer rodding machine, in the amount of \$31,613, to Dew-Par Sales and Service and authorize the Finance Director to make the lease arrangements as proposed in the bids as soon as possible.

Motion by Councilman Ovitt, seconded by Councilwoman Cousins, and passed unanimously to approve the above recommendations.

20. A memo from the Director of Municipal Services reported on the update of the Solid Waste Management Plans which would require an additional surcharge at the landfill. The memo set forth 3 options. Several meetings have been held between City and County Planning staff regarding the requirements.

After discussion, it was moved by Councilwoman Cousins and seconded by Councilman Ovitt staff negotiate with the County for a buy-out not to exceed \$10,000 (from the Contingency Fund) or set up a fee schedule according to Option 2., a mechanism to collect the surcharge fees. Motion passed unanimously.

21. A memo from the Director of Municipal Services recommended that the City Council approve the plans and specifications for the annual pavement painting contract, DMS Project No. 84-07 subject to the approval of the City Attorney, and authorize this project to go to bid.

Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unananimously to approve the above recommendations.

22. A memo from the Director of Municipal Services presented a letter from Jens Thielman requesting a sewer "will-serve" letter for Tract 927 and an accompanying letter from Templeton Community Services District declaring that the District will not contest the City of Paso Robles providing such service. The Director recommends approval subject to five (5) conditions.

After discussion, it was moved by Councilman Ovitt and seconded by Councilwoman Cousins to accept the Director's recommendations and issue said "will-serve" letter, with the word "issued" changed to "valid" in Condition 5. The "Will-serve" letter to be valid for one year from date of issuance. Motion passed by the following vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke and Stemper

NOES: Councilman Russell

Motion by Councilman Russell and
passed unanimously that Resolution No. 2952 be read by title only.
Resolution No. 2952, seconded by Councilman Russell and
passed unanimously that Resolution No. 2952 be read by title only.
The Planning Director summarized his report of investigation of
Mr. Glenn Lewis, representing Bloch and Bower, spoke to the matter of
requesting that Council take some action to clear the reputation of
Bloch & Bower. Motion carried by the following roll call vote:
AYES: Councilpersons Cousins, Ovit, Russell and Thorndyke
NOES: None
ABSENT: None
ARSTAINED: None

24. Paul Bloch, of Bloch and Bower Construction, requested that
item I-3-h-(5) (Martin Wolff letter) of the Agenda be presented at
this time. It was moved by Councilman Ovit, seconded by
Councilman Russell and passed unanimously to deviate from the
Agenda and bring said item forth for discussion.
The Planning Director summarized his report of investigation of
claims made by Martin Wolff in his letter of September 15, 1984,
and to find report and the firm of recommendations of the Planning Director,
people who adopt policy pertaining to Bloch and Bower of the matter of
the City requirements that the firm settling up a fee structure are to charge back to
have no grounds. Motion carried by the following roll call vote:
AYES: Councilpersons Cousins, Ovit, Russell and Thorndyke
NOES: None
ABSENT: None
ARSTAINED: None

25. The Mayor called a five minute recess at 11:00 p.m. to allow
the Chambers to clear, after which the meeting was called to
allow the Mayor to accept the Director of Parks and Recreation
amount of \$11,642.00 plus installation for Melody park be purchased
low bidder of Moore Recreation & Park Equipment, in the amount of
Motion by Councilwoman Cousins, seconded by
passed unanimously to accept the Director
A memo from the Director of Parks and Recreation
amount of \$11,642.00 plus installation for Melody park be purchased
low bidder of Moore Recreation & Park Equipment, in the amount of
Motion by Councilwoman Cousins, seconded by
passed unanimously to accept the Director

26. A memo from the Director of Parks and Recreation
amount of \$11,642.00 plus installation for Melody park be purchased
low bidder of Moore Recreation & Park Equipment, in the amount of
Motion by Councilwoman Cousins, seconded by
passed unanimously to accept the Director