

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
SEPTEMBER 3, 1985

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, Reverend Les Allen gave a brief invocation.

1. The minutes of the regular meeting of August 20, 1985 were presented and upon motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously said minutes were approved.

2. The claims were presented. It was moved by Councilman Ovitt and seconded by Councilman Thorndyke that the following claims be paid from their appropriate accounts:

DATE OF CLAIM	TOTAL PAID
AUG. 23, 1985	\$ 440,563.94

Motion passed by the following roll call vote:

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

3. The Consent Calendar was presented. Items G-3 and G-11 were pulled from the Calendar for discussion. Motion by Councilman Ovitt, seconded by Councilman Thorndyke and carried, 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-3 and G-11. Councilman Russell abstained from voting with regard to Item G-5. Those items on the Consent Calendar are as follows:

G-1. DEPARTMENTAL REPORTS:

G-1-a. Memo regarding utility terminations.

(Recommend report be received and filed.)

G-2. COMMISSION/COMMITTEE/BOARD MINUTES:

G-2-a. Citizens Airport Advisory Committee Minutes of
August 22, 1985.

G-2-b. Traffic Safety Commission Minutes of
August 21, 1985.

autos until the City Attorney has researched the matter. It was decided that an encroachment permit shall be issued for twelve (12) months on Use Permit No. 85031. It was also decided that the City Engineer would walk the site with Mr. Reneau to review the drainage situation in lieu of a grading plan.

25. A thank you letter from Hospice for the Revenue Sharing Funds they received was presented. Mention was also made of the expressions of thanks received from Loaves and Fishes and AFAR.

26. A Letter of Agreement between the Labor Relations Consultants, Keil & Avery, and the City for work to be performed by the firm in assisting in the recruitment of the City Manager was received.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously to authorize the execution of said agreement for a total amount of \$5,300.00 to be expended from the Council's contingency fund.

27. A letter from the Mayor of the City of La Mesa presented a draft resolution proposing the League of California Cities initiate a statewide ballot initiative regarding joint and several liability and urged the Council to adopt a similar resolution to be forwarded to the League.

Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously that Resolution No. 3046, A RESOLUTION PROPOSING THE LEAGUE OF CALIFORNIA CITIES INITIATE A STATEWIDE BALLOT INITIATIVE REGARDING JOINT AND SEVERAL LIABILITY, be adopted and sent to the League, and further, that appropriate letters be sent to legislators together with copies of the resolution.

28. The Mayor requested permission to leave the state from September 5 through September 14, 1985 and it was given.

29. The City Manager advised that the City staff and Templeton Community Services staff would be discussing the area on the west side of Theatre Drive for water and sewer service and the purchase of a water line existing from Highway 101 to the east end of York Mountain Road.

30. There being no further business, it was moved by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously to adjourn.

John R. McCarthy, City Clerk

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operation and maintenance.) She pointed out that there exists a problem with drainage from the creek bed along Flag Way. The Director of Municipal Services advised that the problem is being looked into.

Motion by Councilwoman Cousins and seconded by Councilman Ovitt to accept the said subdivision improvements for operation and maintenance. Motion passed by the following roll call vote:

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

5. Councilman Ovitt discussed Item G-11, Memo regarding proposed delay of state highway projects currently approved in the State Transportation Improvement Program; proposed resolution. (Recommend Council adopt Resolution.), and recommended that staff prepare an appropriate letter to legislators requesting that the projects adjacent to Paso Robles not be delayed.

Planning Director Ed Gallagher reviewed the Resolution and the Council directed that Item 3., which proposed delaying certain projects in Atascadero to keep the Highway 46/101 interchange and Salinas River Bridge Project on schedule, as set forth in the resolution be deleted.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 3042, A RESOLUTION OF THE CITY OF EL PASO DE ROBLES OPPOSING THE DELAY AND/OR ELIMINATION OF NEW FACILITIES, REHABILITATION AND OPERATIONAL HIGHWAY PROJECTS WITHIN BOTH SAN LUIS OBISPO COUNTY AND THE CITY OF EL PASO DE ROBLES CURRENTLY APPROVED IN THE STATE TRANSPORTATION IMPROVEMENT PROGRAM, be read by title only. Resolution No. 3042 was read by title only.

Motion by Councilman Russell and seconded by Councilman Ovitt that Resolution No. 3042 be adopted as amended by the deletion of Item 3. Motion passed by the following roll call vote:

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

Motion by Councilman Ovitt, seconded by Councilman Russell directing staff to prepare a letter regarding the Council's dissatisfaction and concern with the proposed delay of our projects in the STIP system and lack of funds provided to local communities, to be sent to State legislators together with a copy of Resolution No. 3042. Motion passed unanimously.

G-2-c. Paso Robles Library Board Minutes of August 26, 1985.

(Recommend minutes be received and filed.)

G-4. Memo concerning final Parcel Map PR 84-326--Lichti/Jackson Drive. (Recommend Council approve, and authorize City Clerk to sign, final map.)

G-5. Memo concerning Encroachment Permit--12th Street. (Recommend Council authorize written encroachment allowing this portion of 12th St. to be used by Palla Equipment Company for parking; that permit be issued from year to year with a thirty (30) day notification to vacate.)

G-6. Memo regarding Change Order No. 5 and Progress Payment No. 8, 24th & Glencrest Hydropneumatic Pump Station, State Water Loan Project No. 83-005, West Coast Tank & Pipe Construction. (Recommend Council approve Change Order No. 5 and authorize City Engineer to execute same, subject to state approval; that Council authorize payment of Progress Payment No. 8 to West Coast Tank and Pipe Construction in the amount of \$ 17,096.40.)

G-7. Memo concerning renewal of "Will Serve" letter--Tract 1023, West of Main Street, North of Canon Street, in Templeton. (Recommend extending "Will Serve" letter subject two all terms and conditions of the original letter.)

G-8. Memo concerning Library architectural/building report. (Recommend report be received and filed.)

G-9. Memo regarding League of California Cities, Channel Counties Division, Quarterly meeting. (Recommend memo be received and filed.)

G-10. Memo concerning Public Officials Conference, evaluating structures for safety after an earthquake or other disaster. (Recommend memo be received and filed.)

G-12. Letter with attachments from Paso Robles Chamber of Commerce regarding "Good Neighbors" resolution. (Recommend Council receive and file letter and approve resolution.)

G-13. Memo regarding mobile ice cream business license. (Recommend Council authorize Mayor to sign authorization form.)

G-14. Memo concerning Workmen's Compensation. (Recommend Council authorize the Finance Director to contract with D.M.G. for services.)

4. Councilwoman Cousins discussed Item G-3, Memo regarding subdivision improvements -- Tract 788, Bordonaro Creston Road/Flag Way. (Recommend Council accept the subdivision improvements for

8. Resolution No. 3043, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING AMENDMENT 9B TO THE LAND USE ELEMENT OF THE GENERAL PLAN WHICH PROVIDES FOR THE ESTABLISHMENT OF THE RURAL-RESIDENTIAL LAND USE DESIGNATION AND THE ASSIGNMENT OF THAT DESIGNATION TO APPROXIMATELY 163 ACRES OF UNINCORPORATED LAND WITHIN THE CITY'S SPHERE OF INFLUENCE KNOWN AS THE CLOUSTON AND MEADOWLARK ANNEXATIONS, was presented for Council's consideration.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Resolution No. 3043 be read by title only. Resolution No. 3043 was read by title only.

Motion by Councilman Russell and seconded by Councilman Ovitt that Resolution No. 3043 be adopted. Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell and Thorndyke

NOES: None

ABSENT: None

ABSTAINED: Councilman Stemper

9. Ordinance No. 504 N.S., AN ORDINANCE AMENDING ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES (PREZONE ANNEXATION 55/CLOUSTON), is presented for first reading. Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Ordinance No. 504 N.S. be read by title only. Ordinance No. 504 N.S. was read by title only.

Motion by Councilman Russell, and seconded by Councilman Ovitt that this constitute the first reading of Ordinance No. 504 N.S. Motion carried with Councilman Stemper abstaining.

10. The Mayor announced that it was the time and place scheduled for public hearing on the following applications regarding General Plan Amendment 9A, Rezone 85003 and EIS 85010:

1) An amendment to the Land Use Map of the General Plan redesignating 7.5 acres of land from Residential Office to Highway Commercial;

2) Rezoning 7.5 acres of land from R-3-0 to C-2.

3) Rezoning an 0.22 acre parcel located at 2906 Spring Street from R-4,PD to C-2.

The Mayor opened the public hearing to the floor.

Ms. Marian Vogel appeared and objected to the planned development overlay affecting property between 8th and 9th Streets and Spring and Park Streets.

6. The minutes of the regular meeting of the Planning Commission on August 27, 1985 were presented and reviewed by Councilman Ovitt. During discussion, Council directed staff to provide them with the staff reports on Rezone 85007 and EIS 85011 which recommends changes to the Hillside Development, R-2 District, and off-street parking. After discussion, it was moved by Councilman Ovitt and seconded by Councilman Russell that the actions of the Planning Commission in its meeting of August 27, 1985, together with the findings and conditions as set forth therein, be approved. Motion carried by the following roll call vote:

AYES: Councilmen Ovitt, Russell and Thorndyke

NOES: Councilpersons Cousins and Stemper

ABSENT: None

7. The Mayor announced that it was the time and place scheduled for public hearing for Rezone 85008 and EIS 85012, General Plan Amendment 9B, and applications as follows:

1) An Amendment to the Land Use Element of the General Plan to establish the Rural-Residential Land Use Designation and to apply this designation to the Clouston and Meadowlark Annexations #55 and 56 ;

2) Prezone the Clouston Annexation to R-1, B-4 (Single Family Residential, one acre minimum lot size).

Additionally, the Council must make an environmental determination on said applications.

The Mayor opened the public hearing to the floor. Mrs. Margaret Fennell appeared to address questions regarding sewer and water service to certain parcels and Neil Olsen appeared to object to one acre parcels. Mrs. Fennell was assured by the City Manager that should her property be annexed she would be allowed to continue using the well and septic system in existence if they were functioning properly; however, should a lot-split be effected, the new lot would be furnished with City sewer and water systems.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously to close the public hearing.

Motion by Councilman Russell and seconded by Councilman Ovitt to accept the recommendations of the Director as set forth above. Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell and Thorndyke

NOES: None

ABSENT: None

ABSTAINED: Councilman Stemper

There being no further comments, it was moved by Councilman Russell, seconded by Councilwoman Cousins and passed unanimously to close the public hearing.

After discussion, it was moved by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that EIS 85010 be declared a negative declaration.

11. Resolution No. 3044, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING AMENDMENT NO. 9A TO THE LAND USE ELEMENT OF THE GENERAL PLAN WHICH PROVIDES FOR THE REDESIGNATION OF APPROXIMATELY 7.5 ACRES OF LAND GENERALLY LOCATED BETWEEN 6TH AND 10TH STREETS, EAST AND WEST OF PINE STREET FROM RESIDENTIAL OFFICE TO HIGHWAY COMMERCIAL, was presented for Council's consideration.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 3044 be read by title only. Resolution No. 3044 was read by title only.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Resolution No. 3044 be adopted.

12. Ordinance No. 505 N.S., AN ORDINANCE AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES (AREA BOUNDED BY SPRING ST., 4TH ST., 11TH ST. AND SOUTHERN PACIFIC RAILROAD TRACKS AND 2906 SPRING ST.) was presented for Council's consideration.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Ordinance No. 505 N.S. be read by title only. Ordinance No. 505 N.S. was read by title only.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that this constitutes the first reading of Ordinance No. 505 N.S.

13. The Mayor requested a closed session at this time to discuss clarification of legal matters, the Templeton Community Services issue, and potential litigation. Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously to adjourn to a closed session at 8:45 p.m.

At the closed session the afore-mentioned matters were discussed with no official action being taken.

Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously to adjourn to the regular meeting.

The Mayor called the meeting back to order at 9:25 p.m.

14. A memo from the City Manager recommended that the Council approve the attached Agreement between Hill Top Developers, Inc., and the City of El Paso de Robles which provides for the City to function as a Trustee of the Bridge Certificates recently purchased by Hill Top Developers. For this service, the City will charge a seven (7) percent Trustee fee for each certificate. The City Manager recommended that the Council approve the concept and authorize the Mayor and City Clerk to sign said agreement, noting that the City Attorney has reviewed the document and approves the form.

Motion by Councilman Ovitt and seconded by Councilman Russell to accept the recommendations of the City Manager and authorize the Mayor and City Clerk to sign said document. Motion passed by the following roll call vote:

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

15. A memo from the Airport Operations Superintendent presented a summary of bids received on August 27, 1985 for the Airport Improvement Project No. 3-06-0184 FAA Grant Acceptance and Contract Award for Runway 19 safety area and Runway 31 lighting system. The Superintendent recommended that the City Council accept the grant offer in the amount of \$541,100 and award the construction contract to A. J. Diani Construction in the amount of \$489,546.00 and authorize the Mayor and City Clerk to execute said grant acceptance forms and contract documents as specified.

The City Attorney advised that a late bid from Madonna Construction had been received and opened and a statement from the secretary receiving the bids was read by the City Manager which explained the circumstances. Alex Madonna had left a message for his employee that his bid should not be submitted because an electrical subcontractor had increased its bid by \$60,000. The City Attorney also referred to a bid received from West Coast Tank which had an incorrect bottom line figure that did not reflect the correct line extensions thereby increasing the bid significantly. He advised the Council that they must make a decision regarding these bids.

After discussion, it was moved by Councilman Ovitt and seconded by Councilman Russell that the bids received from Madonna Construction and West Coast Tank be rejected based upon the findings and facts, and the bid be awarded to A. J. Diani Construction in the amount of \$489,546.00. Motion passed by the following roll call vote:

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

16. The FAA Grant Offer for AIP Project No. 3-06-0184-04 was presented for Council's consideration.

Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously to accept the FAA Grant in the amount of \$541,100 and authorize the Mayor and City Clerk to execute all necessary documents.

17. The City Attorney then advised the Council to adopt findings in support of Item 15, pertaining to the awarding of the bid on the AIP Project No. 3-06-0184-04 to include findings based on the facts presented.

The Council finds that the extended line items in the bid received from West Coast Tank control over the bottom line figure, and that therefor the West Coast Tank bid was not the lowest bid received by the City.

The Council further finds that Madonna Construction was late in submitting its bid, that the City Secretary, Judie Herr, had received a telephone call from Alex Madonna, of Madonna Construction, to instruct his representative not to submit the bid of Madonna Construction because an electrical subcontractor had increased its bid by \$60,000.00, that his representative had been so advised upon arrival at the City and that when she returned to City Hall shortly before 2:00, she indicated that she had not received any contrary instructions from Alex Madonna and then submitted the bid one (1) minute late. The bid of Madonna Construction is rejected because it is late, and because of the uncontradicted instruction that the bid should not be submitted.

It was moved by Councilman Russell and seconded by Councilman Thorndyke to amend their motion and second in Item 15 to include the findings as set forth above. Motion passed by the following roll call vote:

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

18. A memo from the Finance Director presented a report on proposals received for a new copier for Council's information. Based on information received, it was decided to purchase a Cannon 7550 copier.

19. A memo from the Finance Director presented Resolution No. 3045, A RESOLUTION SETTING FORTH "UPDATED TRAVEL POLICIES" FOR ELECTED AND APPOINTED OFFICIALS AND CITY STAFF - UPDATE TO RESOLUTION NO. 2797, for Council's consideration.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 3045 be read by title only. Resolution No. 3045 was read by title only.

Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously to adopt Resolution No. 3045.

20. A memo from the Finance Director recommended that Council authorize purchase of augmentations from C.P.U., Inc. requiring that the bidder actually install the changes to the IBM System 34 for an amount of \$5,500. This was the low bid from the six bids received.

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

21. The new Administrative Assistant I, Georgene Kreinberg, was introduced and welcomed aboard.

22. A memo from the Planning Director requested the City Council to set Tuesday, October 1, 1985, for public hearing to review a proposed ordinance to amend several sections of the Zoning Ordinance regarding Hillside Development, R-2 District Regulations, Off-Street Parking Regulations and Architectural Review, Rezone 85007.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously to set said public hearing at 7:30 p.m. on October 1, 1985 in the City Council Chambers.

23. A memo from the Police Chief recommended a change to Municipal Code 12.38.060 to allow the setting of fines and penalties to be accomplished by resolution thereby giving greater flexibility in establishing said fines and penalties and presented Ordinance No. 506 N.S., AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES PERTAINING TO PARKING RESTRICTIONS, for first reading.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Ordinance No. 506 N.S. be read by title only. Ordinance No. 506 N.S. was read by title only.

Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously that this constitutes the first reading of Ordinance No. 506 N.S.

24. Mr. Jerry Reneau appeared to address the matter of a pending Use Permit, No. 85031, on the property located at 1736 Riverside. He stated that when he leased the property he believed that the adjacent alley had been abandoned by the City, but it has been found that it is not abandoned and the owner does not wish to abandon it.

The City Manager explained that an encroachment permit could be issued which would allow Mr. Reneau to use the property for parking