

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
FEBRUARY 4, 1986

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, Pastor David Parsons gave a brief invocation.

1. The minutes of the adjourned meetings of January 15, 17, 22, and 24, 1986 and the regular meeting of January 21, 1986 were presented. Councilwoman Cousins requested that the minutes for the adjourned meeting of January 22, 1986 be withdrawn for correction as follows:

Item 6. is amended to read, "It was moved by Councilman Russell, seconded by Councilman Ovitt, and passed unanimously to adjourn to a closed session. At the closed session, there was considerable discussion regarding the merits of both proposals, after which it was moved by Councilman Russell and seconded by Councilman Thorndyke, to adjourn to the regular meeting. Motion passed on a four to one vote with Councilwoman Cousins voting 'No'."

Upon motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously the said minutes were approved with the amendment to the minutes of January 22, 1986 as set forth above.

2. The claims were presented. It was moved by Councilman Russell, seconded by Councilwoman Cousins and passed unanimously, that the following claims be paid from their appropriate accounts with the first Item on page 11 being corrected by the omission of the word "Day".

DATE OF CLAIM	TOTAL PAID
Jan. 24, 1986	\$1,425,791.03

3. The Mayor announced that it was the time and place scheduled for a public hearing to adopt an amendment to the text of the Zoning Ordinance permitting wine tasting rooms in the R-1 zone. After review of the matter by the Planning Director, the Mayor opened the public hearing to the floor and asked for comments for the amendment. The following persons appeared to express their opinions for the amendment: Tom Martin, Virgil Rose, Ruth Rose, Nick Martin, Pat Mastantuono and James Kolb. Tom Martin addressed the matter and presented a petition signed by neighbors of the Martin Brothers parcel expressing support of the above-referenced Ordinance as amended.

Mr. Ken Harris expressed his opposition of the amendment citing his objection to setting a precedent by allowing commercial usage in R-1 zoning.

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

Discussion followed and Councilman Russell moved to amend the Ordinance by changing Item B. Definition - to "Accessory uses must include the following:" Motion died for lack of a second.

An ORDINANCE AMENDING ORDINANCE 405 N.S., CHAPTER 21 OF THE ZONING REGULATIONS OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, (WINE-TASTING ROOMS IN THE R-1 DISTRICT), was introduced for first reading. Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that the Ordinance be read by title only. The Ordinance was read by title only.

Motion by Councilman Russell and seconded by Councilman Ovitt that this constitute the first reading of said Ordinance. Motion carried with Councilwoman Cousins voting "No". Councilwoman Cousins stated that she objected to setting a precedent allowing such a commercial use in an R-1 zone.

4. The Mayor called a short recess at 8:00 p.m. and then called the meeting back to order at 8:05.

5. The Mayor announced that it was the time and place scheduled for public hearing of an appeal by B & J Bryant Living Trust to the Planning Commission decision to deny a request for a rezone from R-1 to R-3 at Olive and Chestnut Streets. The Planning Director presented a brief report of the matter. The Mayor declared that he had a conflict of interest due to the cement he sells to the Bryant project, and Councilwoman Cousins declared that she has a conflict of interest due to her position with the Heritage Oaks Bank. The City Attorney advised that the Mayor could conduct the meeting but could not engage in discussion or participate in voting as neither could Councilwoman Cousins.

The Mayor then opened the public hearing to the floor and asked for comments from the audience for the above-referenced rezone.

Dr. Bob Bryant appeared and presented a review of the proposed apartment building project, with pictures and a brief history of the zoning process in the area. He also presented a petition in favor of the rezone.

Mr. Mike Martin spoke in favor of such apartment complexes.

The Mayor then asked for comments from the audience against the rezone and proposed apartment project. The following persons spoke against the project: Ruth Bryan, Robert Webber, Susan Clark Ovitt, Fred Seaver, John Bryan, Chris Holtz and Dorothy Seigel. Written protests were received from Susan Clark Ovitt, John Lambie and Ruth Bryan, who also read a protest. A petition was filed with the City Clerk with twenty five (25) signatures protesting the project.

Motion by Councilman Russell to close the public hearing which died for lack of a second.

Dr. Bob Bryant then appeared in rebuttal.

Motion by Councilman Russell and seconded by Councilman Thorndyke to close the public hearing. Motion carried by the following roll call vote:

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

Discussion followed, and the Council individually commended Dr. Bryant for the quality of his development but questioned the density of R-3 zoning in that area with Councilman Thorndyke stating that he had no objection to R-3 Zoning. The Council also discussed sending the matter back to the Planning Commission to amend the Rezone from R-1 to R-1 PD for the subject area.

Motion by Councilman Russell and seconded by Councilman Ovitt to deny the appeal and uphold the Planning Commission recommendation. Motion carried by the following roll call vote:

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

6. Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that due to the increased interest in developing in the area of Olive and Chestnut Streets, the Planning staff and Planning Commission are directed to investigate the possibility of R1 PD zoning in that area.

7. The Mayor asked for a short recess and then called the meeting back to order.

8. The matter of the request by Paso Robles School district for implementation of SB 201 fees was introduced, and Dr. Richard Herzberg, Superintendent, appeared to present the District's proposal. The request consisted of the following three items:

1) That the Council concur with the District's findings that a condition of overcrowding exists;

2) That the City's School Ordinance fee structure be amended to include a \$300 to \$900 per unit fee;

3) That the City's School Ordinance be amended to have the fee paid to the School District rather than the City.

Mr. Frank Murphy, President of the Union School District, appeared in support of the District's request. Eric Woosley, asked for a grace period before the fees are implemented which would affect developers who have already paid their fees. Dr. Jack Sloan, Cindy Cole and Pete Cagliero spoke in support of the District's requests.

Mayor Stemper addressed the matter of a Sunset clause in the Resolution and was assured that it was effective - should the need for the fees no longer be, the fees would be terminated. The Mayor asked that the Council abstain from decision on the fee structure decision until it can be negotiated with the City, the County and the School Board, and, in the absence of the City Manager, to wait for his report on the matter.

The City Attorney then commented that there is a Section of the Government Code which they were proceeding under and that this was not a typical hearing where the discretion lies with this Council to set fees. He further stated that the School Board has to suggest to the City what the fee should be and submit that fee to the City; the City has to accept the fee unless it can show that the amount suggested is not reasonable. If the City chooses to say that in their judgment the fee is not reasonable, then that has to be sent back to the School Board, the Board then has to come back with another report showing how they can use the lower fee to meet the objective. If the objective is not met, then they are not meeting the statute. He stated that this was not technically a hearing, but when it is, the State law must be followed.

Motion by Councilman Russell that the Council determine that there is an overcrowding in the School District in the K through 5 elementary schools, that the Council adopt the fee structure as proposed by the School Board and School Administration, and that staff be instructed to amend the City's Ordinance to reflect the fee structure, and to amend the Ordinance to read that the School District will collect the fees and notify the City upon collection. Motion seconded by Councilman Ovitt. Motion passed by the following roll call vote:

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

9. The Mayor called a recess at 10:00 p.m. and called the meeting back to order at 10:05 p.m.

10. A memo from the Planning Director recommended that the Council adopt Resolution No. 3076, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES REQUESTING REVISION AND RECONSIDERATION OF DECISION REGARDING PASO ROBLES SPHERE OF INFLUENCE AND SPHERE OF SERVICE (MEADOWLARK ANNEXATION), for Council's consideration.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Resolution No. 3076 be read by title only. Resolution No. 3076 was read by title only.

Motion by Councilman Russell and seconded by Councilman Thorndyke to adopt Resolution No. 3076. Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell and Thorndyke

NOES: None
ABSENT: None
ABSTAINED: Councilman Stemper

11. The Consent Calendar was presented. The Planning Director requested that the public hearing date for Item G-3 be changed to March 4, 1986 at 7:30 p.m. and that Item G-5 be changed to March 18, 1986 at 7:30 p.m. The Director of Municipal Services requested that Item G-8 be withdrawn from the Consent Calendar for an addition to the matter.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that 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 changes as set forth above to Items G-3 and G-5, and with the removal of Item G-8. Those items on the Consent Calendar are as follows:

G-1 Annual Report for Pioneer Museum. (Recommend Report be received and filed.)

G-2 Memo from Finance Director presenting list of delinquent business licenses. (Recommend list be accepted.)

G-3 Appeal by Mike Devine to decision of Planning Commission on Jan. 14, 1986 regarding 36 units - 422 Creston Road - Rezone B5010. (Recommend Appeal be set for public hearing at 7:30 p.m. in City Council meeting of March 4, 1986.)

G-4 Letter from Guy Greene Associates representing the Katz-Greene property adjacent to the Airport requesting amendment of Sphere of Influence. (Recommend letter be referred to Planning staff for review and report back.)

G-5 Appeal by Pete Cagliero to Planning Commission decision of 1/28/86 on project use permit for North County Motors to have a caretaker's trailer on premises. (Recommend public hearing be set for 7:30 p.m. in City Council meeting of March 18, 1986.)

G-6 Memo from Finance Director presenting Resolution No. 3077, RESOLUTION APPROVING AN APPROPRIATION OF THE MEMORIAL HOSPITAL DISTRICT FUND #402 FOR THE FISCAL YEAR 1985/1986. (Recommend adoption.)

G-7 Memo from the Director of Municipal Services presenting request for outside water service - Mac Rocha - Union Road. (Recommend Will-serve letter be issued in keeping with adopted policy.)

G-9 Memo from Director of Municipal Services presenting Final Parcel Map - Walti - Greenwood Drive, south of 15th St. (Recommend map be approved and Council authorize City clerk to sign said map.)

Item G-8, Memo from the Director of Municipal Services presenting request for outside sewer service - PG&E Templeton Service Center. (Recommend Will-serve letter be issued subject to conditions as set forth in memo.), was discussed by the Director, and he added a request for outside sewer service from Donald Silva at the intersection of Olive Street and Marquita in Templeton which tie-in would be in conjunction with the request from PG&E for service for their proposed Templeton Service Center.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously to accept the recommendations of the Director as set forth in the memos.

12. The minutes of the Planning Commission meeting of January 28, 1986 were reviewed by Planning Director Gallagher. During discussion, Mr. Pete Cagliero appeared to address the matter of Use Permit 85051, application for a caretaker's trailer at North County Motors; he had objected to the use unless it is allowed generally on any outdoor storage lots. After discussion, it was agreed to withhold approval of Use Permit 85051, North County Motors, pending the public hearing scheduled for March 18, 1986 at 7:30 p.m.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed on a four to one vote, with Councilman Thorndyke abstaining in regard to Use Permit 85052 for a bed and breakfast facility at 912 Walnut Drive, that the actions of the Planning Commission in its meeting of January 28, 1986, together with the findings and conditions as set forth therein, be approved with the exception of Use Permit 85051, North County Motors.

13. The minutes of the Airport Advisory Committee meeting of January 23, 1986 were presented. Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously to approve said minutes with clarification of discussion of the need to update Use Permits for Timaire and Central Coast Flying Service to include that approval of their sub-leases have not been updated either.

14. A memo from the Airport Manager recommended that Council approve the Contract Change Order with A. J. Diani Construction Co. in the amount of \$24,253.00 for work completed on AIP 3-06-0184-04, and authorize City Manager to execute the appropriate documents.

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

15. A memo from the Airport Manager recommended that Council approve Periodic Payment Request #4 for work completed on AIP 3-06-0184-04 to A.J. Diani Construction Company in the amount of \$107,135.06 subject to the receipt of Grant Funds from the FAA with 5% reduction in retention approved upon the contractor providing lien releases.

Motion by Councilman Russell and seconded by Councilman Thorndyke to accept the recommendations of the Airport Manager. Motion passed by the following roll call vote:

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

16. A memo from the Airport Manager discussed the meeting of the Airport Advisory Committee on January 29, 1986 wherein a proposal submitted by Mr. Lou Nunno was considered. Mr. Lou Nunno presented his views on the subject. Mr. Rick Minton, a member of the Airport Advisory Committee, appeared to support the Committee's recommendations.

After a lengthy discussion, Council directed that the matter be carried over to the next meeting.

17. The Planning Director advised the Council that he had received notice from the County that Martin Brothers had requested an agriculture preserve on their vineyard property and the City has a right to respond.

Motion by Councilman Russell to notify the Board of Supervisors that the City has no objection to the Martin Brothers to place an agriculture preserve on the vineyard property, and no objection to them entering into a land contract, and further that notification be waived. Motion seconded by Councilwoman Cousins and passed unanimously.

18. The matter of Council members salaries was presented. After discussion, it was moved by Councilman Ovitt and seconded by Councilwoman Cousins that the Council salaries be increased to the maximum of \$300.00 per month effective July 1, 1986. Motion passed by the following roll call vote:

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

19. Councilman Ovitt reported on the meeting held by the Council Committee with Caltrans regarding Caltran's requirement to realign First Street to the Niblick Bridge. The conclusions were:

1. That the realignment of First Street would need to be completed prior to the opening of Niblick Bridge;

2. That the realignment would be an additional item on the same permit with Niblick Bridge.

20. Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously to adjourn to a closed session for the discussion of personnel matters.

21. At the closed session, personnel matters were discussed with no official action taken and upon motion by Councilman Ovitt, seconded

by Councilman Russell and passed unanimously the closed session was adjourned to the regular session.

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

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.