

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
FEBRUARY 18, 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 E. Stemper 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 Pastor Reuben Tate.

1. The minutes of the regular meeting of February 4, 1986 and the Special meeting of February 10, 1986 were presented and upon motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously said minutes were approved.

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

DATE OF CLAIM	TOTAL PAID
Feb. 7, 1986	\$ 392,296.36

Motion passed by the following roll call vote:

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

3. Councilman Russell questioned the expenditure on the list of Claims Paid to Alex Stenman for contracted services in the amount of \$141.66. He asked to see the contract and for a legal opinion from the City Attorney on the matter.

4. The Fire Chief, Bob Adams, announced that Robert Halstead and Keith A. McMillan are to receive commendations for their heroic efforts in rescuing a victim from a house fire on January 17, 1986, and further, that he intends to nominate them for an award from the California State Firemens' Association Medal of Valor committee. The Mayor highly commended both men for their actions and presented Certificates of Appreciation from the City of Paso Robles to the Fire Chief to be handed to the men.

5. The Mayor announced that it was the time and place scheduled for public hearing on General Plan Amendment 86-01(A)(Munari). The Planning Director reviewed the applications for amendments to the Land Use Map of the General Plan, involving approximately 203 acres of land which will be redesignated medium high density residential for low density residential located both on and to the south and west of the Paso Robles Golf and Country Club.

The Mayor opened the public hearing to the floor and asked for comments in favor of the amendment. No comments were received oral or written.

Discussion followed, wherein Councilmen Russell and Stemper expressed their objections to the hiring of a consultant for this service, believing that staff could do the necessary planning work.

Motion by Councilwoman Cousins and seconded by Councilman Ovitt to accept the recommendations of the Director. Motion passed by the following roll call vote:

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

27. A memo from the Director of Parks and Recreation presented the Grant Agreement between the State of California and the City to provide funding for the purchase of park property on Nickerson Drive, and recommended that the Council authorize the Mayor and City Manager to execute all necessary documents.

Motion by Councilman Russell, seconded by Councilman Thorndyke and passed, with Mayor Stemper abstaining, to accept the Director's recommendation and authorize the Agreement to be signed.

28. A memo from the Planning Director presented Resolution No. 3085, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES PROTESTING THE EXECUTION OF A LAND CONSERVATION CONTRACT ON ASSESSOR'S PARCEL NO. 20-021-48 (MARTIN BROS. VINEYARD), and recommended that Council adopt same in order to reserve the option not to succeed to the Land Conservation Contract upon any future annexation of the vineyard parcel.

Motion by Councilman Ovitt and seconded by Councilman Thorndyke that Resolution No. 3085 be read by title only. Motion passed by the following roll call vote:

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

Motion by Councilman Ovitt and seconded by Councilman Thorndyke that Resolution No. 3085 be adopted. Motion passed by the following roll call vote:

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

29. A memo from the Planning Director recommended that Council authorize him to send a letter of response to the County Planning Department recommending a denial of an application filed by Don Tuley

to redesignate 33 acres adjacent to the Airport from agricultural to industrial use.

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

30. The Employment Agreement between the City and the new City Manager, Jerry Bankston, was presented for Council's approval.

Motion by Councilman Ovitt, seconded by Councilman Thorndyke and passed unanimously to approve the Agreement for signature by the Mayor and City Clerk subject to the City Attorney's approval.

31. There was discussion of setting a Joint Council/Planning Commission Study Session for 5:30 p.m. to 7:00 p.m. on March 5, 1986 for the purpose of reviewing the State Water Project, requesting the County Engineer, Clint Milne, and Fred Hurst, member of Water Advisory Committee, being able to attend.

32. Councilwoman Cousins brought up the subject of the First Street alignment to the Niblick Bridge. Councilman Ovitt stated that Staff was directed to write to the Board of Supervisors, SLO COG and Caltrans regarding possible funding sources.

33. Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously to adjourn to a closed session for the purpose of discussing litigation with Quail Run. At the closed session, litigation was discussed and upon motion by Councilman Thorndyke, seconded by Councilwoman Cousins and passed unanimously the closed session was adjourned to the regular meeting.

34. 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.

The Mayor then asked for comments against the amendment. Dale Gustin and Carolyn Ragsdale appeared and expressed their concern for existing drainage problems at the Golf and Country Club.

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

After discussion, it was moved by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that the Council finds that General Plan Amendment No. 86-01(A) and Rezone 85013 will not have a significant effect on the environment and that a Negative Declaration for the above applications be approved.

6. Resolution No. 3078, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING AMENDMENT NO. 86-01(A) TO THE LAND USE ELEMENT OF THE GENERAL PLAN WHICH PROVIDES FOR THE REDESIGNATION OF APPROXIMATELY 203 ACRES OF LAND GENERALLY LOCATED BOTH ON AND TO THE SOUTH AND WEST OF THE PASO ROBLES GOLF AND COUNTRY CLUB TO LOW DENSITY RESIDENTIAL AND OPEN SPACE, was introduced.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 3078 be read by title only. Resolution No. 3078 was read by title only.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously to adopt Resolution No. 3078.

7. 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 (MUNARI ANNEXATION DENSITY REDUCTION AND GOLF COURSE REDESIGN), was introduced for first reading.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that said Ordinance be read by title only. The Ordinance was read by title only.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that this constitute the first reading of said Ordinance.

8. Ordinance No. 512 N.S., AN ORDINANCE AMENDING ORDINANCE NO. 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 presented for second reading and adoption.

The Planning Director reviewed the matter again, and requested that the Council approve a Negative Declaration on the project on the recommendation of the Environmental Coordinator and the Planning Commission.

Motion by Councilman Ovitt and seconded by Councilman Russell to approve a Negative Declaration on EIS 85032. Motion passed on a four to one vote with Councilwoman Cousins voting "No".

Motion by Councilman Russell and seconded by Councilman Ovitt that Ordinance No. 512 N.S. be read by title only; motion passed on a four to one vote with Councilwoman Cousins voting "No".

Motion by Councilman Russell and seconded by Councilman Ovitt that this constitute the second reading and adoption of Ordinance No. 512 N.S. Motion passed by the following roll call vote:

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

9. The Consent Calendar was presented. Councilman Russell requested that Item G-8 be withdrawn from the Calendar for discussion.

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 exception of Item G-8. Those items on the Consent Calendar are as follows:

G-1 DEPARTMENTAL REPORTS:

- a. Parks and Recreation Activity Report for Jan. 1986.
 - b. Fire Department Summary for Jan. 1986.
 - c. Finance Dept Report of utilities turned over for collection.
 - d. Airport Report for Jan. 1986.
- (Recommend reports be received and filed.)

G-2 Memo presenting Quitclaim Deed on behalf of Beckman Instruments. (Recommend Council authorize the Mayor and City Clerk to execute attached documents.)

G-3 COMMISSION/COMMITTEE/BOARD MINUTES

- a. Parks and Recreation Advisory Committee meeting of February 10, 1986.
 - b. Senior Citizens Advisory Board meeting of February 10, 1986.
- (Recommend minutes be received and filed.)

G-4 Memo from Director of Municipal Services presenting Final Parcel Map PR 85-121 (Graves) for approval. (Recommend said map be

approved and that City Council authorize the City Clerk to sign same.)

G-5 Memo from Administrative Assistant regarding Retirees' Group Medical Coverage - Bayers. (Recommend Council adopt staff recommendation).

G-6 Memo from Finance Director presenting Resolution No. 3084, RESOLUTION APPROVING A SUPPLEMENTAL APPROPRIATION OF THE WASTEWATER ENTERPRISE FUND #553 FOR THE FISCAL YEAR 1985/86, to obtain necessary new permit for City's treatment plant. (Recommend adoption.)

G-7 Memo from Director of Municipal Services presenting Progress Payment No. 1 - Water Line Replacement Project No. 83-006; State Water Loan - to R. Burke Corporation. (Recommend Council authorize payment in amount of \$77,209.65.)

Item G-8, Memo from Director of Municipal Services presenting request for Will-serve letter for outside water service North of Highway 46 West and West of Highway 101. (Recommend that request can not be accomodated according to current policy.), is presented for discussion.

After discussion, it was moved by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously that the recommendations of the Director of Municipal Services be approved as presented; the request cannot be granted according to current policy.

10. The Mayor announced that it was the time and place scheduled for public hearing on General Plan Amendment 86-01(F) and EIS 86001 - designation of school sites on the General Plan. The Planning Director reviewed the staff report, after which the Mayor opened the public hearing to the floor and asked for comments for the amendment.

Dr. Richard Herzberg, Paso Robles School Superintendent, appeared in favor of the amendment and briefly reviewed the statistics supporting the School District's requirement for additional school sites.

The Mayor asked for comments from the floor against the amendment; there being no comments received, written or oral, it was moved by Councilman Russell, seconded by Councilman Ovitt and passed unanimously to close the public hearing.

It was moved by Councilman Ovitt and seconded by Councilman Russell that the Council finds that General Plan Amendment No. 86-01(F) (EIS 85010) will not have a significant effect on the environment and that a Negative Declaration is approved for the amendment. Motion passed by the following roll call vote:

AYES: Councilpersons Cousins, Ovitt, Russell, Thorndyke & Stemper
NOES: None

Resolution No. 3079, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO APPROVING AMENDMENT NO. 86-01(F) TO THE LAND USE ZONING ORDINANCE AND OBTAINING POLICY FOR ASSISTING THE PASO ROBLES UNION SCHOOL UNANIMOUSLY THAT RESOLUTION NO. 3079 BE READ BY TITLE ONLY.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Resolution No. 3079 be read by title only.

12. The Mayor announced that it was the time and place scheduled for public hearing of proposed Annexation No. 59 (Clouston II) and the Planning Director reviewed the staff report. The Mayor opened the public hearing to the floor and asked for comments for the Annexation.

Mr. Ken Clouston appeared and stated that one hundred percent of the adjoining property owners have advised that they are for the Annexation. Mr. Jack Stinchfield stated that he was for the Annexation.

The Mayor asked for comments against the Annexation and received none, oral or written.

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

AYES:
NOES:
ABSENT:
ABSTAINED:

Councilman Ovitt, Russell, Thorndyke and Stemper
None
None

Councilwoman Cousins

Resolution No. 3080, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES BE ORDERING TERRITORY DESIGNATED AS "ANNEXATION NO. 59 (CLOUSTON II) BE ANNEXED TO THE CITY OF EL PASO DE ROBLES," WAS PRESENTED FOR ADOPTION. MOTION BY COUNCILMAN RUSSELL AND SECONDED BY COUNCILMAN OVITT THAT RESOLUTION NO. 3080 BE READ BY TITLE ONLY. MOTION CARRIED BY THE FOLLOWING ROLL CALL VOTE:

AYES:
NOES:
ABSENT:
ABSTAINED:

Councilmen Ovitt, Russell and Thorndyke
None
None

Councilpersons Cousins and Stemper

Resolution No. 3080 was read by title only.
CC MINUTES 2/18/86

MAN Russell and seconded by Councilman Ovitt that
3080 be adopted. Motion carried by the following roll
ABSENT: None
Councilmen Ovitt, Russell and Thorndyke
ABSTAINED: None
Councilpersons Cousins and Stemper

13. The City Manager reviewed the matter of the Orchard Bungalow Assessment District Financing and introduced a brief history of the attorney, Mr. Robert Haight, who presented the bond market has come down Assessment District and advised that the bond issued on the District and that this is an excellent time to consider refinancing the District, substantially reducing the property owners payments. He requested that the following resolutions be adopted:
Resolution No. 3081, A RESOLUTION OF PUBLIC INTEREST OR NECESSITY AND OF INTENTION TO REFUND BONDS AND LEVY REASSESSMENTS AS SECURITY THEREFOR; and
Resolution No. 3082, A RESOLUTION APPOINTING CITY ENGINEER, ATTORNEY AND MUNICIPAL BOND UNDERWRITER.

Motion by Councilman Ovitt, seconded by Councilwoman Cousins and passed unanimously that Resolution Nos. 3081 and 3082 be read by title only. Said resolutions were read by title only.
Resolution No. 3081 and 3082 be adopted.
Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously that Resolution Nos. 3081 and 3082 be adopted.

14. A memo from the Finance Director presented the Agreement which provides for the extension of the Paso Robles Waste Disposal Company Franchise to January 10, 1996 and the accompanying Resolution No. 3083, RESOLUTION GRANTING A REFUSE COLLECTION FRANCHISE TO PASO ROBLES WASTE DISPOSAL, INC. Discussion ensued, wherein Mr. Gomer, representing Paso Robles, Inc. requested that Paragraph 17. be amended that Paragraph 17. be deleted and that Paragraph K. Council directed collection crews wear clean uniforms, be deleted. Council directed that Paragraph 17. be deleted and that Paragraph K. Council directed changing the words "reduced" to "changed" and that the following sentence be added: "All bins shall be repaired and maintained as necessary."
Resolution No. 3083, seconded by Councilman Ovitt and passed unanimously that Resolution No. 3083 be read by title only.
Resolution No. 3083 was read by title only.

Motion by Councilman Ovitt and seconded by Councilman Russell that Resolution No. 3083 be adopted. Motion passed by the following roll call vote:

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

15. The minutes of the Planning Commission meeting of February 11, 1986 were reviewed by Mayor Stemper. During discussion, Mr. Carnahan, representing Cynthia Carnahan, applicant for Use Permit 85041, Item 3. New Business - B, appeared and requested clarification of Condition No. 5 pertaining to the requirement of nine (9) parking spaces. Mr. Carnahan requested that the requirement be held at eight (8) spaces. The Council agreed that Condition 5. be changed to require that applicant shall provide eight (8) parking spaces.

Item No. 3, New Business - D, Use Permit 86001, application for a Dance Club at 1329 Spring Street, was presented for discussion and Mr. Clifford Weyrick, applicant, appeared to address the matter.

After discussion, it was moved by Councilman Ovitt and seconded by Councilwoman Cousins to send the matter back to the Planning Commission for further review and determination if this project is reasonable. Motion failed by the following roll call vote:

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

Mr. Weyrick then advised Council he would appeal the Planning Commission decision.

Motion by Councilman Russell, seconded by Councilman Russell and passed unanimously that Use Permit 86001 be set for public hearing at 7:45 p.m. on March 18, 1986, pending receipt of Mr. Weyrick's appeal.

The Finance Director referred to Item 4-D, Miscellaneous Business and Communications, Expense allowances for out of town meetings.

It was then moved by Councilman Russell and seconded by Councilman Thorndyke that the actions of the Planning Commission in its meeting of February 11, 1986, together with the findings and conditions as set forth therein, be approved with the following amendments:

Item 3. B, Use Permit 85041 (Carnahan) is approved for change to eight (8) parking spaces, and that Condition 6. be added: The applicant shall provide a screened area for trash; and

Item 3. D, Use Permit 86001 (Weyrick) is pulled pending receipt of appeal; and

Item 4-D, Expense Allowances for Out of Town Meetings, be referred to staff for recommendation at budget time.

Motion carried by the following roll call vote:

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

16. A memo from the City Manager recommended that the Police Lieutenant salary be increased from Range 42 to Range 44 effective March 1, 1986.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously to accept the City Manager's recommendations.

17. A memo from the City Manager presented a request from the Planning Director for another building inspector position and Associate Planner in the Planning Department due to the increased activity in that Department. The City Manager recommended that the Council delete the position of Senior Planner after Mr. Dunham's retirement and add another Building Inspector position and a new position of Associate Planner be considered when the new City Manager comes on board.

Councilwoman Cousins stated she believed that there should be two positions authorized in the Planning Department at this time.

Motion by Councilman Russell and seconded by Councilman Ovitt to accept the City Manager's recommendations. Motion carried on a four to one vote with Councilwoman Cousins voting "No".

18. A memo from the City Manager reported on the State Water Project, setting forth a summary of the highlights of a meeting of the San Luis Obispo County Board of Supervisors, and a comparison of water resources available to the City.

19. The City Attorney presented a Lessor's Estoppel Certificate and Agreement (Ground Lease) between the City of Paso Robles and Chemron Corporation for property at the Municipal Airport. He recommended that the Mayor and City Clerk be authorized to execute said document.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously to accept the City Attorney's recommendation.

20. The matter of the proposal by Lou Nunno that he be allowed temporary use of space inside the runway triangle at the Municipal

Airport for construction of aircraft hangers was again brought before the Council. Mr. Nunno appeared to support his request. The Airport Manager recommended that the Council accept the recommendation of the Airport Advisory Committee to allow no permanent or long-term development within the runway triangle; but to continue to allow on a temporary basis, discretionary uses as might be deemed appropriate.

After a lengthy discussion, it was moved by Councilwoman Cousins and seconded by Councilman Ovitt to disallow any development of structures within the triangle confines. Motion was passed by the following roll call vote:

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

21. The Finance Director presented the Interim Financial Report for the first two quarters of 1985/86.

22. A memo from the Finance Director presented an update on the matter of the bridge certificate trustee and requested clarification by minute action as to how staff should proceed. After discussion, it was moved by Councilman Russell and seconded by Councilman Ovitt to hold over the matter for thirty (30) days; motion carried by a four to one vote with Councilman Thorndyke voting "No".

23. The Fire Chief reviewed the Fire Department Annual Report.

24. A memo from the City Librarian requested the Council to authorize staff to proceed with the system for computerizing the Library circulation functions with the Black Gold Automated Circulation System at a cost of \$26,322.00.

Motion by Councilman Ovitt, seconded by Councilman Thorndyke and passed unanimously to accept the recommendations of the City Librarian.

25. A memo from the Director of Municipal Services recommended that Council authorize an amount not to exceed \$14,190.00 from unallocated funds and accept the proposal of Staal, Gardner and Dunne, Inc. of Ventura to perform the necessary work to accomplish this monitoring program. This project is necessary to comply with the new E.P.A. Regulations governing landfill ground water monitoring.

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

26. A memo from the Director of Parks and Recreation Department recommended that the Department be granted permission to solicit proposals from Park Planning firms for the purpose of preparing the Master Plan for park property located on Nickerson Drive.