

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
MARCH 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, an invocation was given by Reverend Ed Harris.

1. The minutes of the regular meeting of March 4, 1986 and the adjourned meetings of March 5, 1986 and March 11, 1986 were presented. Motion by Councilman Ovitt, seconded by Councilman Thorndyke and passed unanimously that the minutes be approved with the addition of the following words to the motion of Item 15. in the minutes of March 4, 1986: "that the City Manager form a committee with representatives of Halferty Development Company and members of the public at his discretion with reference to the Plan", and corrections to the minutes of March 11, 1986, as follows: Jerry Bankston, City Clerk, and the name "Ben Reddick".

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

| DATE OF CLAIM | TOTAL PAID |
|---------------|----------------|
| MAR. 07, 1986 | \$1,932,727.10 |

3. The Mayor announced that it was the time and place scheduled for public hearing of an appeal by Pete Cagliero to the Planning Commission's approval of Use Permit 85051 (North County Motors). The City Manager reviewed the matter explaining that Pete Cagliero objected to the use of a trailer as a caretaker's apartment on the subject property, and that Council had requested information on the status of off-street parking for North County Motors.

The Mayor opened the hearing to the floor and asked for comments in favor of the appeal. Mr. Pete Cagliero appeared and read a letter to the Council from Duane Picanco, Chairman of Downtown Parking District, which set forth his concerns for parcels given credit for parking with no parking provided. Mr. Cagliero further stated his concerns regarding the Use Permit. Mr. Ron Morgan spoke in favor of the appeal and supported Mr. Cagliero. Pictures showing the vehicles parked on the North County Motors lot and the adjacent streets were presented to Council.

Mr. Smiles Silva, representing North County Motors, appeared and requested a postponement of the matter.

After discussion, it was moved by Councilman Russell and seconded by Councilman Thorndyke that the appeal by Pete Cagliero to the Planning Commission's approval of Use Permit 85051 be upheld, that Use Permit 85051 be denied for non-concurrence with current zoning laws and that staff notify North County Motors that the caretaker's trailer is to be removed from the premises within thirty (30) days. Motion passed by the following roll call vote:

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

Motion by Councilman Russell and seconded by Councilwoman Cousins that the City notify North County Motors that they were credited with twelve (12) parking spaces and that twelve (12) parking spaces will be delineated and provided within the next thirty (30) days. 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 was the time and place scheduled for public hearing of an appeal by Clifford Weyrick to the Planning Commission denial of Use Permit No. 86001 to have a dance club at 1329 Spring Street, and the City Manager and Planning Director reviewed the matter. The Mayor then opened the hearing to the floor and asked for comments in favor of the appeal.

Mr. Clifford Weyrick appeared and presented certain clarifications to his appeal; dancing for teenagers is scheduled for Thursdays and Fridays from 7:00 to 10:00 p.m. complying with the City curfew, with no alcohol served; he feels that Alcohol Beverage Control Department will be a controlling factor; and he stated that he has paid parking fees. He further stated that he would be serving beer and wine to people over twenty one (21) years and provide dancing for them on other nights.

The following persons appeared to express their opinions in favor of the appeal: Raphael Webber, who presented a petition signed by many persons in favor of the dance club, and Pat Johnson. Pete Cagliero addressed the matter stating he was neutral; however, he wished to stress the need for providing clean-up after each evening's activities. A letter from Christian Dam-Mikkelsen in favor of the dance club was received.

The Mayor then asked for comments against the appeal and in support of the denial.

Reverend Reuben Tate, Bob Tone, a security officer for local teen clubs, Norm Bridge and other persons expressed their concerns for the opening of the proposed dance club, although they stressed the need for supervised teen activities in the City.

Mr. Ken Parrish asked the Fire Chief what the capacity of the subject premises is and was told that it is 200.

In rebuttal, the following persons spoke in favor of the appeal: Mr. Clifford Weyrick, Russell Stemper, Ritti Stephens.

Mr. Joe Simmons addressed the matter stating that he had owned a restaurant in the building being used for the dance club, and that the ABC would not allow sound amplification. A letter from Mr. Glenn Rediger (Rediwestern) to Councilman Ovitt urging him to support the Planning Commission's denial was received.

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

After a lengthy discussion, it was moved by Councilman Ovitt and seconded by Councilman Russell that the appeal be tabled to a committee of two (2) Councilpersons (Ovitt and Russell), two (2) Planning Commissioners and staff for review of conditions and be brought back to the next meeting of April 1, 1986. Motion passed by the following roll call vote:

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

5. The Mayor called a five (5) minute recess.

6. The Mayor announced it was the time and place scheduled for public hearing on proposed amendment to an ordinance which will set school fees for development within the City and after review of the matter by the Planning Director, the Mayor opened the public hearing to the floor and asked for comments in favor of the amendment to the ordinance.

Dr. Richard Herzberg, Superintendent of the Paso Robles School District, reviewed the matter and advised that the School District supports the proposed ordinance.

There being no further comments pro or con regarding the matter, the public hearing was closed upon motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously.

AN ORDINANCE AMENDING ORDINANCE CHAPTER 21.15 OF THE ZONING REGULATIONS OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA (DEVELOPMENT FEES FOR SCHOOL SITES) was introduced for first reading.

After discussion, it was moved by Councilman Ovitt, seconded by Councilwoman Cousins and passed unanimously that the Ordinance be read by title only, amended as follows:

The first paragraph of SECTION II is amended by deleting Items A. 1 through A.7 and adding "Amount of fees on land shall be set by Resolution". Items A. 8 and A.9 become Items A. 1 and A. 2.

The Ordinance was read by title only as amended.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that this constitutes the first reading of said Ordinance as amended above.

Council directed staff to come back with an appropriate resolution.

7. ORDINANCE NO. 515 N.S., AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES ADOPTING THE "UNIFORM BUILDING CODE"; "UNIFORM MECHANICAL CODE"; "UNIFORM HOUSING CODE"; "UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS"; "UNIFORM ADMINISTRATIVE CODE"; "UNIFORM PLUMBING CODE"; "NATIONAL ELECTRICAL CODE"; UNIFORM FIRE CODE"; "UNIFORM SWIMMING POOL, SPA AND HOT TUBS CODE"; and "UNIFORM SOLAR ENERGY CODE"; PROVIDING FOR PENALTIES AND VIOLATIONS THEREOF AND THE REPEALING OF ORDINANCES NO. 445 N.S. AND 471 N.S. AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH, was presented for second reading and adoption.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that Ordinance No. 515 N.S. be read by title only. Ordinance No. 515 N.S. was read by title only.

Motion by Councilman Russell, seconded by Councilman Ovitt and passed unanimously that this constitutes the second reading and adoption of Ordinance No. 515 N.S.

8. ORDINANCE NO. 514, N.S., AN ORDINANCE AMENDING SECTION 2.40.030 OF THE PASO ROBLES MUNICIPAL CODE (CITY COUNCIL SALARIES), was presented for second reading and adoption. Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Ordinance No. 514, N.S. be read by title only. Ordinance No. 514 N.S. was read by title only.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that this constitutes the second reading and adoption of Ordinance No. 514 N.S.

9. Resolution No. 3087, A RESOLUTION OF THE CITY OF EL PASO DE ROBLES HONORING CHARLES DUNHAM ON HIS RETIREMENT, was introduced. Mayor Stemper read the Resolution in its entirety.

Motion by Councilman Ovitt, seconded by Councilman Russell and passed unanimously that Resolution No. 3087 be adopted.

10. The Consent Calendar was presented. 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. Those items on the Consent Calendar are as follows:

G-1 DEPARTMENTAL REPORTS:

- a. Finance Dept report of utilities turned over for collection.
 - b. Parks & Recreation Dept Activity Report for Feb. 1986.
 - c. Airport Activity Report Feb. 1986.
- (Recommend reports be received and filed.)

G-2 COMMISSION/COMMITTEE/BOARD MINUTES

- a. Parks & Recreation Advisory Board of March 11, 1986.
 - b. Senior Citizens Advisory Board of March 11, 1986.
 - c. Airport Advisory Committee for Feb. 27, 1986.
- (Recommend minutes be received and filed.)

G-3 Memo from Airport Manager presenting proposed revision of Airport Farm Lease/Rowlett. (Recommend Council accept Manager's recommendation for modification of lease.)

G-4 Memo from Airport Manager presenting two Airport Farm leases for renewal.

- a. Lease - Rowlett
- b. Lease - Lahargou

(Recommend acceptance of leases and authorization for Mayor and City Clerk to sign leases.)

G-5 Memo from Director of Municipal Services recommending Council authorize the payment of Progress Payment No. 2 to R. Burke Corp. for work completed on Water Line Replacement Project No. 83-006 - State Water Loan, in the amount of \$77,978.56. (Recommend Council approve recommendations of Director.)

11. The City Manager presented the Halferty Development Company Negotiation Agreement, which gives the developer the exclusive right to negotiate with the City and the Redevelopment Agency of the City for a twelve (12) month period for the development of a plan of redevelopment of a portion of the downtown area of the City to be referred to as the "Project Area". The City Manager recommended that

a memo from the City Attorney setting forth certain clarifications and additions be incorporated into the above-mentioned Agreement.

Mr. Tom Taylor introduced Mr. Larry Powell, Vice President of Halferty Development Company, who reviewed the proposed project and answered questions posed by the Council and staff.

Councilwoman Cousins stated that she has no problem with the City Attorney's suggestions and she has no argument with the merits or demerits of the project; however, she wanted to state her position regarding the Halferty Negotiation Agreement. She objects to authorizing the City representatives to sign the Agreement. She bases her objection on information that was in a memo from the City Attorney relative to the subject matter of closed executive sessions and her recollections of the meeting of January 22, 1986 at which time a closed executive session was held leading her to believe that in that meeting the decision was not legal.

Councilman Russell commented that the decision to select Halferty Development was done during a regular session of the Council; there was nothing done during the above-mentioned closed session; any action taken was in an open meeting.

Councilman Russell referred to Paragraph 2, of the Agreement, Development of the Plan that the word "excluding" in line 6, should be corrected to read "including" and that the word "accepted" in line 9, be changed to "adopted". He further recommended that the last sentence of Paragraph 2, include the words "will include public hearings which" between "The conceptual master plan process and" and "will include local merchantsinput."

Mr. Larry Powell further stated that during the course of the twelve (12) month period his firm would be working with the Post Office, the matter of Robbins Field, the relocation of the baseball park and the master plan. He stated that Halferty Development Company would be financing a feasibility study.

The following persons appeared and posed questions to the Council and set forth their opinions regarding the project: Harvey Monday, Ron Rose, Don Campbell, Pete Cagliero, Rick Minton, Tom Monck and Tony Joordens.

Discussion ensued wherein Councilwoman Cousins suggested the City Manager and a committee of two (2) Councilmembers meet with a group of businessmen to try to get this issue resolved to their satisfaction before the City signs any agreements with anyone. She went on to stress the need for more input from citizens.

Motion by Councilman Russell, seconded by Councilman Thorndyke that the Council approve the Halferty Negotiation Agreement subject to the City Attorney's suggested clarifications in his memo dated March 13,

1986 in its entirety being incorporated into the Agreement, together with the above-referenced modifications by Councilman Russell, and authorize the Mayor and City Clerk to execute said Agreement subject to the approval of the City Attorney. Motion passed by the following roll call vote:

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

12. The City Manager advised that the his request for a closed session and the matter of Bridge Certificate trusteeship will be held over to later in the meeting.

13. The matter of the Patroline Lease was withdrawn from the agenda.

14. The Municipal Swimming Pool Lease between the City and the School District was presented.

Motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously that the Pool Lease be authorized for signature by the Mayor and City Clerk subject to the lease being as presented.

15. A memo from the Chief of Police presented an Alternative Work Program Agreement being implemented by the San Luis Obispo County Sheriff's Department and recommended that the City participate in the program and that the City Council authorize the Agreement to be signed by the appropriate City officials.

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

16. City Engineer John R. McCarthy's resignation from the City of Paso Robles, effective April 4, 1986, was presented. Motion by Councilman Russell seconded by Councilman Ovitt and passed unanimously to accept Mr. McCarthy's resignation with regret.

17. Diane Goelz appeared and requested an update on the matter of the petition filed with the City requesting an ordinance governing sexually explicit publications; the Mayor advised her that she should present a list of businesses displaying such materials to the Police Chief for investigation.

18. Councilman Russell questioned staff regarding the curb and gutter situation in front of Spring House at 1732 Spring Street, and directed staff to contact the owners of Spring House regarding the matter.

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

adjourn to a closed session for the purpose of discussing the O'Mara litigation, consideration of the bridge trusteeship and personnel matters.

At the closed session, no official action was taken and upon motion by Councilman Russell, seconded by Councilman Thorndyke and passed unanimously the closed session was adjourned to the regular meeting.

20. There being no further business, it was moved by Councilman Qvitt, seconded by Councilman Russell and passed unanimously the meeting be adjourned.

Jerry Bankston, 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.