

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
MAY 20, 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 Councilmembers answering roll call: Cousins, Ovitt, Russell, Thorndyke and Stemper; none being absent. Before roll call, an invocation was given by Rev. Frank Knouse.

1. The minutes of the regular meeting of May 6, 1986 were presented and upon motion by Councilmember Russell, seconded by Councilmember Thorndyke and passed unanimously, the minutes were approved.
2. The claims were presented and it was moved by Councilmember Ovitt and seconded by Councilmember Russell that the following claims be paid from their appropriate accounts:

DATE OF CLAIM	TOTAL PAID
May 9, 1986	\$ 139,762.15
May 12, 1986	551,582.76

Motion passed by the following roll call vote:

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

3. The Mayor announced that it was the time and place scheduled for public hearing of the Orchard Bungalow Assessment District Refunding. The City Manager reviewed the matter and explained that the public hearing was being held to determine the property owners level of interest in the proposed refunding and that no decision has been made by the Council. He then introduced Mr. Mike Richardson, representing First California Regional Securities, Inc. underwriters for the refinancing of the Assessment District, who stated that he was prepared to answer questions posed by the property owners or the Council.

The Mayor opened the public hearing. The following persons appeared and asked questions and expressed opinions: Mr. Jim Haggerty, who wanted to know what the pay off would be; Stephanie Lear, who was against the refunding; Cindy Cole (also presented written comments), was in favor of refunding with certain modifications; Dean Erickson, was in favor of refunding; Jody Layport, preferred considering refunding with a maturity date of 1994; Don Carpenter, asked questions regarding the savings of the different options; John Arsenio spoke in favor of the refunding and Herve Trepanier stated he was going to pay off the total assessment. Mr. Richardson proposed that the property owners be offered four options from which a property owner could choose to participate in the refinancing. He

stated that each property owner would be able to choose any one of the four options.

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

After Council discussion, Bob Haight, the City's bond counsel, and Mike Richardson requested permission to leave the Chambers to arrive at some conclusions regarding the different options discussed and come back at a later time in the meeting. It was then moved by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously to deviate from the Agenda at the present time.

4. The Mayor then announced that it was past the time scheduled for the public hearing scheduled for the 1986 Weed and Rubbish Abatement program pursuant to Resolution No. 3104. The Fire Chief reviewed the matter, and the Mayor opened the hearing to the floor. Mr. Tom Flynn requested information regarding the contract rates for abating the weeds and rubbish. Cindy Cole asked questions regarding the abatement. There being no further comments, the public hearing was closed upon motion by Councilmember Russell, seconded by Councilmember Ovitt and passed unanimously.

The City Manager clarified the bid process for contracting for the weed abatement.

There being no further comments, it was moved by Councilmember Russell, seconded by Councilmember Ovitt and passed unanimously that RESOLUTION NO. 3104, 1986 WEED AND RUBBISH ABATEMENT, previously adopted in the meeting of May 6, 1986 setting public hearing this date, be reconfirmed and read by title only. Resolution No. 3104 was read by title only.

Motion by Councilmember Russell, seconded by Councilmember Thorndyke confirming that Resolution No. 3104 be adopted thereby approving the list of assessed property owners as shown in Exhibit A of Resolution No. 3104, allow the City to abate the hazards thereon and place a lien against said property. Motion passed unanimously.

5. Attorney Bob Haight and Mr. Mike Richardson returned to the meeting and set forth the following options which the property owners in the Orchard Bungalow Assessment District may consider in the proposed refunding:

a. Term seventeen years, maturing September 2, 2003, with substantially level debt service.

b. Term seven years, maturing September 2, 1994, with level principal payments.

c. Term seven years, maturing September 2, 1994, with gradually increasing principal payments.

d. Pay off in full existing assessment at the unpaid principal amount plus 5% prepayment penalty.

The City Clerk was directed to provide property owners with a letter outlining the alternatives, giving them until June 2, 1986 to return the signed letter indicating the option of their choice. Mr. Haight advised that a resolution determining reassessments and providing for the issuance of refunding bonds based upon the analysis of the options received which will allow for the creation of a maturity schedule for the issuance of the new bonds, will be brought to the meeting of June 3, 1986 for Council's consideration. Mr. Haight recommended that the following resolutions be adopted at this time:

RESOLUTION NO. 3106, A RESOLUTION OVERRULING PROTESTS;

RESOLUTION NO. 3107, A RESOLUTION ADOPTING REFUNDING REPORT, CONFIRMING THE REASSESSMENT AND ORDERING THE REFUNDING; and

RESOLUTION NO. 3108, A RESOLUTION AWARDED SALE OF BONDS AND APPOINTING PAYING AGENT, TRANSFER AGENT AND REGISTRAR.

Discussion ensued wherein Councilmember Thorndyke stated his objections to the refunding, believing that it was not in the best interest of the property owners in the long run.

Motion by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously that Resolution Nos. 3106, 3107 and 3108 be read by title only. Said resolutions were read by title only.

Motion by Councilmember Russell and seconded by Councilmember Ovitt that Resolution Nos. 3106, 3107 and 3108 be adopted. Motion passed by the following roll call vote:

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

Motion by Councilmember Ovitt and seconded by Councilmember Russell that a letter be sent to all property owners in the Orchard Bungalow Assessment District setting forth the options for each owner with a deadline of June 2, 1986 for response to the City Clerk indicating by signature their choice of options, and that the letter also be published in a local newspaper. Motion passed by the following roll call vote:

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

6. The Mayor called a five minute recess after which he called the meeting back to order.

7. The Consent Calendar was presented. Councilmember Cousins pulled Items G-2 and G-7 from the Calendar for discussion, and Councilmember Russell abstained from voting on Item G-3.

Motion by Councilmember Ovitt, seconded by Councilmember Thorndyke 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 Items G-2 and G-7. Those items on the Consent Calendar are as follows:

G-1 Memo from Director of Municipal Services presenting Final Progress Payment No. 4, Change Order No. 1 and Notice of Completion on State Water Loan Project No. 83-006 - Waterline Replacement - Burke Construction. (Recommend Council authorize the payment of Final Progress Payment to R. Burke Corp. for \$64,998.45;

Approve Change Order No. 1 and authorize the Director of Municipal Services to execute same; and

Authorize City Clerk and Director of Municipal Services to execute attached Notice of Completion and that the 10% retention remaining on the contract price (\$36,348.35) be returned to R. Burke Corporation 35 days after Notice of Completion is filed.)

G-3 Memo from Director of Municipal Services presenting Bid results - 1986 3/4 Ton Cab, Chassis & Utility Box - Water Department Vehicle. (Recommend that Council award the bid for said cab, chassis and utility box to Palla Equipment for \$13,796.01)

G-4 Memo from Director of Municipal Services presenting RESOLUTION NO. 3109, A RESOLUTION ACCEPTING GRANT OF EASEMENT - STORM DRAIN ON PORTION OF LOT 6 in PROSPECT HEIGHTS - HEELY & DAVIS). (Recommend acceptance of Grant of Easement, consent to recordation and adoption of Resolution.)

G-5 Memo from Director of Municipal Services presenting Parcel Map PR 84-198 - Lot-line Deletion - Bob Jones (34th & Oak Streets). (Recommend Parcel Map be approved and that Council authorize City Clerk to sign said map.)

G-6 Memo from City Manager presenting Resolution No. 3110, A RESOLUTION APPROVING SUPPLEMENTAL APPROPRIATION OF AIRPORT CAAP FUND #233 FOR FISCAL YEAR 1985/1986. (Recommend adoption.)

G-8 Municipal Services Monthly Report for April 1986. (Recommend report be received and filed.)

G-9 Quarterly Financial Review presented as information item. (Recommend review be received and filed.)

After discussion on the following items it was moved by Councilmember Cousins, seconded by Councilmember Thorndyke and passed unanimously

to approve them, together with the recommendations as set forth therein:

G-2 Memo from Director of Municipal Services requesting Final Map approval and subdivision Agreement - Tract 1079 - Church of the Nazarene. (Recommend map be approved and that Mayor and City Clerk be authorized to sign Agreement and map.)

G-7 Memo from Director of Municipal Services presenting Resolution No. 3111, A RESOLUTION OF INTENTION FOR VACATING A PORTION OF ELEVENTH STREET IN CITY OF EL PASO DE ROBLES AND GIVING NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING THEREON. (Recommend adoption.)

8. Motion by Councilmember Cousins, seconded by Councilmember Russell and passed unanimously to amend approval of minutes of May 6, 1986, by adding Mayor Stemper's "No" vote to Item 16 of those minutes.

9. The minutes of the regular Planning Commission meeting of May 13, 1986 were reviewed by Councilmember Cousins. It was moved by Councilmember Cousins to approve the minutes of the Planning Commission in its meeting of May 13, 1986, together with the findings and conditions as set forth therein. Discussion ensued and Councilmember Russell abstained from voting on Item 3-C, EIS 86011, Applicant John Palla/Marilyn McWilliams. Motion seconded by Councilmember Ovitt and carried with Councilmember Russell abstaining on Item 3.C.

Mr. John Dougherty, owner of Boatman Warehouse, raised questions regarding Item 3-A, Use Permit 86009, Lumber Warehouse, Sand Plywood Inc. which were answered by staff.

10. A memo from the City Manager presented a petition signed by residents of the Country Club Estates regarding water drainage at Fairway and Putter Streets. The City Manager gave a brief history of the drainage problem and advised that four letters of support have been received from property owners. Mr. Charles Barsamian, representing the Architectural Control Committee for the Country Club, reviewed the matter. Mrs. Carolyn Ragsdale, secretary for the Architectural Control Committee, presented a map of the area where the drainage problem exists and presented an additional letter of support. Mrs. Ragsdale expressed concerns for the severity of the problem, the length of time the problem has existed and the inaction of the City to previous requests. The Director of Municipal Services presented a lengthy history of the drainage problem.

Motion by Councilmember Russell and seconded by Councilmember Cousins that staff be directed to set up a committee of the Architectural Control Committee of the Country Club, members of City staff and the owners of the Country Club to work together to arrive at a solution to the drainage problem and come back to the Council with a recommendation at a later date. Motion passed by the following roll call vote:

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

11. The City Manager reported on the selection of a consultant for the Parks and Recreation element of the General Plan advising that no action would be taken at this time; the matter would be handled in the upcoming budget process.

12. The City Manager recommended that the scheduled bid opening for the Niblick Bridge construction be continued from May 23, 1986 to June 6, 1986 at 2:00 p.m. in the City Council Chambers to allow time for more contractors to prepare their bids.

Motion by Councilmember Russell, seconded by Councilmember Thorndyke and passed unanimously to authorize the Project Engineer to extend the bid opening to June 6, 1986.

13. The City Manager reported that the boys from the California Youth Authority have been doing an excellent job of cleaning up the property at the Spring Street and 101 off ramp for the Niblick Bridge.

14. The City Manager reported that the design and installation of the signal at Creston Road and Melody will be done and paid for by Williams Brothers Market.

15. A memo from the Finance Director presented Resolution No. 3112, A RESOLUTION ESTABLISHING SEWER RATE INCREASES FOR THE PERIOD 1986/1987, for Council's consideration. Motion by Councilmember Ovitt, seconded by Councilmember Thorndyke and passed unanimously that Resolution No. 3112 be read by title only. Resolution No. 3112 was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins to adopt Resolution No. 3112. Motion passed by the following roll call vote:

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

The increases are set forth in detail within the body of the Resolution.

16. A memo from the Finance Director recommended that Council form an ad hoc committee of two Council members to determine which newspaper should be awarded the rights to publish legal notices for the 1986/87 fiscal year and that the bids be opened at 2:00 p.m. on June 9, 1986, in the City Manager's office. The Mayor appointed Councilmembers Cousins and Russell to the committee.

17. The Council decided that the 1986/87 budget hearings would be scheduled to start at 7:30 a.m. on June 12, 1986.

18. The City Librarian reported on the California Library Construction and Renovation Bond Act of 1986 which would place a \$200 million bond issue on the November 4, 1986 general election ballot and asked the Council to support the issue.

Motion by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously to send appropriate letters to legislators.

19. A memo from the Director of Municipal Services presented Resolution No. 3113, A RESOLUTION ACCEPTING GRANT OF EASEMENT FROM SOUTHERN PACIFIC TRANSPORTATION COMPANY FOR CONSTRUCTION OF FIRST STREET/NIBLICK ROAD BRIDGE, P.U.C. NO. E-215.8-A, IN THE CITY OF EL PASO DE ROBLES; AND AUTHORIZATION TO EXECUTE CONSTRUCTION AND MAINTENANCE AGREEMENT. Motion by Councilmember Russell, seconded by Councilmember Cousins and passed unanimously that Resolution No. 3113 be read by title only. Resolution No. 3113 was read by title only.

Motion by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously that Resolution No. 3113 be adopted and that the Mayor and City Clerk be authorized to sign all necessary documents.

20. The Director of Parks and Recreation announced that the ad hoc committee has been interviewing two firms for the development of Barney Schwartz Park and recommended that City enter into a memorandum of understanding with the firm of R and S Investments to be the sole firm for the development of Barney Schwartz Park.

Motion by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously, that the City be authorized to enter into an agreement with R and S Investments for an exclusive right to negotiate for a period of six (6) months.

21. Mr. Tom Hoskins appeared and registered a complaint to the Council regarding the Police Department's handling of problems in the Oak Park residential area. Since the Police Chief was not present, the City Manager told Mr. Hoskins he would look into the matter the next day.

22. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to adjourn.

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.