

MINUTES OF THE REGULAR MEETING  
PASO ROBLES CITY COUNCIL  
SEPTEMBER 16, 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 Nick Russell with the following Councilmembers answering roll call: Cousins, Ovitt, Stemper, Dolan and Russell; none being absent. Following roll call an invocation was given by Rev. Mike Kernutt.

1. The minutes of the regular meeting of September 2, 1986 were presented and upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously, said minutes were approved as amended by the substitution in Item 23. of "full service skilled nursing facility" for "Senior Citizens Nursing Home".
2. The minutes of the adjourned Joint Council/Planning Commission meeting of September 9, 1986 were presented and approved upon motion by Councilmember Cousins, seconded by Councilmember Dolan and passed on a four to one vote with Councilmember Stemper abstaining since he was absent from the meeting of September 9, 1986.
3. The claims were presented. The Finance Director presented a correction to the claims. Motion by Councilmember Ovitt and seconded by Councilmember Dolan that the following claims be paid from their appropriate accounts as amended:

| DATE OF CLAIM | TOTAL PAID    |
|---------------|---------------|
| Sept 5, 1986  | \$ 141,021.00 |

Motion passed by the following roll call vote;

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

4. The Mayor proceeded to deviate from the Agenda and introduced the new Community Development Director, Robert Lata.
  5. The Mayor announced that it was the time and place scheduled for public hearing to consider Rezone 86007 and EIS 86016; Gary Mulholland, 1.35 acre parcel from R-2 to R-2 PD-6 located on the South side of 24th St., West of Royal Court. The City Planner presented maps and reviewed the project, after which the Mayor opened the public hearing.
- Mr. Gary Mulholland, applicant for the Rezone, reviewed the project and answered questions.
- Mr. Terry Dritsas, resident and apartment owner in the City, addressed the matter and opposed the building of additional apartment houses due to current vacancy.
- Mr. Jack Cowden spoke in favor of the project.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to close the public hearing.

There followed discussion regarding density and traffic circulation with Councilmembers Cousins and Dolan stating concerns to the density based upon a 12 unit apartment project.

Motion by Councilmember Stemper and seconded by Councilmember Ovitt to accept the Planning Commission's recommendation on EIS 86016 and find that the proposed rezone will not have a significant effect on the environment and grant a Negative Declaration for the project based upon a 12 unit apartment house. Councilmember Dolan requested clarification if the approval of an EIS indicates that there are no problems with density as it may effect traffic or any other environmental concerns and questioned was the EIS for 12 or 8 units? The Mayor stated it was his understanding that the motion on the floor was for 12 units and called for a roll call vote.

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

It was then moved by Councilmember Dolan and seconded by Councilmember Cousins to accept the Planning Commission's recommendation on Rezone 86007 of said 1.35 acres to R2 PD 6.

It was then moved by Councilmember Ovitt and seconded by Councilmember Stemper to amend the original motion to Rezone to R2 PD 9. Motion failed by the following roll call vote:

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

The Mayor asked for a roll call vote on the original motion for a rezone to R2 PD 6. Motion failed by the following roll call vote:

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

After further discussion, it was moved by Councilmember Ovitt and seconded by Councilmember Stemper to amend the Rezone 86007 and accompanying Ordinance to R2 PD. Councilmember Dolan questioned the end result of such a move and the advisability of sending the matter back to the Planning Commission.

The applicant, Gary Mulholland, stated that it would be acceptable with him to place the Rezone at R2 PD 8. After further discussion, the above motion was passed by the following roll call vote:

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

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 (1.35 ACRES AT 212 24TH STREET, WEST OF ROYAL COURT) - Rezone to R2 PD, was introduced for first reading.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that said Ordinance be read by title only. The Ordinance was read by title only as amended.

Motion by Councilman Ovitt and seconded by Councilmember Dolan that this constitutes the first reading of said Ordinance as amended. Motion passed by the following roll call vote:

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

6. The Mayor announced that it was the time and place scheduled for public hearing of Rezone 86004 and EIS 85021 filed by Michael Devine for 4 acres on Creston Road from R-2 to R-2 PD. The City Planner presented a map and reviewed the project, after which the Mayor opened the public hearing to the floor.

The following persons appeared in opposition to the proposed Rezone: Mr. Win West of 301 Creston Road expressed his objections due to the traffic problems currently in existence on Creston Road, Mr. Colin Bremner of 426 Creston Road objected to the increased traffic during rush hours and the junk presently on the property, Ms. Carol Ashton of 410 Creston Road spoke to the present traffic problems and presented a letter to the City Council regarding an easement that is proposed to go through her property.

Mr. Mike Devine, the applicant, appeared and reviewed the proposed project.

The following persons spoke in favor of the Rezone: Mr. Jack Cowden recommended the Council approve said Rezone, and Mr. Del Herreid of 430 Creston Road stated he did not mind the change of zoning and did not believe the traffic problem would justify holding up the project.

Mr. Gary Ashton appeared and stated that an easement for sewer, water and utilities through the property jointly owned by he and Carol Ashton had been filed.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to close the public hearing.

Councilmembers Cousins and Dolan expressed concern for a decision being made on said Rezone until there is a determination on the plans for the Creston Corridor and that the abatement of the junk on the property should be looked into by staff.

There was discussion of the traffic concerns and possible mitigations and a second ingress/egress to the project from Capitol Hill Drive.

Mike Devine referred to a traffic study that has been completed on the area.

Motion by Councilmember Stemper to accept the recommendations of the Planning Commission and find that the proposed EIS 85021 will not have a significant effect upon the environment and approve a Negative Declaration for this project. The motion died for lack of a second.

It was moved by Councilmember Ovitt and seconded by Councilmember Dolan that the Council finds the Rezone of said 4.0 acres from R-2 to R-2 PD to be a

significant impact upon the traffic circulation and that a focussed EIR should be prepared concerning traffic circulation, possible mitigations and alternative ingress and egress to Creston Road adjacent to the project and the immediate surrounding area. Motion passed by the following roll call vote:

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

Motion by Councilmember Dolan and seconded by Councilmember Ovitt that the recommendation of the Planning Commission on the Rezone 86004 on said 4.0 acres from R-2 to R-2 PD be returned to the Planning Commission for action following submission of the above referenced focussed EIR when received and approved. Motion passed by the following roll call vote:

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

7. The Mayor called a five minutes recess at 9:05 p.m. after which he called the meeting back to order.

8. Ordinance No. 521 N.S., AN ORDINANCE AMENDING ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.20 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES (PREZONING FOR ANNEXATION 62 - THEATRE DRIVE), was presented for second reading and adoption.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 521 N.S. be read by title only.

Ordinance No. 521 N.S. was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan that this constitutes the second reading and adoption of Ordinance No. 521 N.S. Motion passed by the following roll call vote:

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

9. The Consent Calendar was presented. Items G-2 and G-4 were pulled from the Calendar for discussion. Motion by Councilmember Ovitt, seconded by Councilmember Dolan 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-4. Those items on the Consent Calendar are as follows:

G-1 COMMISSION/COMMITTEE/BOARD MINUTES:

a. Planning Commission adjourned meeting on August 12, 1986 placed on the agenda of the Council meeting of September 2, 1986 but not acted upon.

b. Parks and Recreation Advisory Committee meeting on September 8, 1986.

c. Airport Advisory Committee meeting of August 28, 1986.

(Recommend minutes be approved and filed.)

G-3 DEPARTMENTAL REPORTS:

a. Utilities turned over for Collection. (Recommend report be received and filed.)

G-5 Memo from Airport Manager presenting Contract Change Order #3 (Airport Lighting System - AIP No. 3-06-0184-04. (Recommend Council approve Change Order #3 and authorize City Manager to execute the necessary documents.)

G-6 Memo from Airport Manager presenting FAA Payment Request for work completed on Airport Improvement Project #3-06-0184-04. (Recommend approval of payment requests and authorization for City Manager to execute necessary documents.)

Item G-2, Memo from Director of Municipal Services presenting request for outside water service - Golden Hill Jehovah Witness Church. (Recommend accept Director's recommendations.), was presented for discussion. A member of the audience, Dale Gustin, and the Mayor questioned recommendations of the Director as to serving seven parcels when the City's policy is to serve only one single family residence, and at such time additional service is requested the applicant shall submit a letter requesting annexation to the City.

It was moved by Councilmember Dolan and seconded by Councilmember Stemper that the matter be held over until the return of the Director of Municipal Services, who was out of town for the week.

Mr. Charles Dunham, representing the Golden Hill Jehovah Witness Church, appeared and explained that he had been informed that there is a will-serve letter on the property at the present time, which fact he will endeavor to verify.

Councilmember Stemper amended the above referenced motion as follows: City will issue a will-serve letter to Kingdom Hall and subsequent will-serve letters upon application of annexation for further development. Motion died for lack of second.

Councilmembers Stemper and Dolan withdrew the first motion and second.

It was then moved by Councilmember Ovitt and seconded by Councilmember Stemper that said will-serve letter be issued in accordance with Items 1 and 2 of the recommendations as set forth in the Director's memorandum and Items 3 & 4 amended as follows:

3. Applicant shall submit a letter requesting annexation to the City at such time as the property is proposed for subdivision.

4. Usage to be limited to serve this 1.7 acre parcel to be used for the new Kingdom Hall site.

Motion passed by the following roll call vote:

AYES: Ovitt, Stemper, Dolan and Russell

NOES: Cousins  
ABSENT: None

Item G-4, Memo from Finance Director presenting allocation of interest income. (Recommend acceptance and approval of allocation.), was presented for discussion. Questions were posed regarding the General Fund, Hospital District and Library Funds.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to approve Item G-4 as presented. Motion passed by the following roll call vote:

AYES: Cousins, Ovitt, Dolan, Stemper and Russell  
NOES: None  
ABSENT: NONE

10. The Planning Commission minutes of the meeting of September 9, 1986 were reviewed by Councilmember Dolan. There followed discussion regarding item 3. New Business, Application by Paso Robles Union School District to abandon a portion of 36th Street between Oak and Vine Streets. Council believes that the School District should be held to the same restrictions and requirements regarding off-site improvements as other developers.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt to approve the minutes of the Planning Commission meeting of September 9, 1986, together with the findings and conditions as set forth therein. Motion passed on a four to one vote with Councilmember Stemper voting "No".

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that staff be instructed to send a letter to the Paso Robles Union School District regarding the need to budget for off-site improvements .

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that a public hearing be set for 7:30 p.m. on October 21, 1986 in the City Council Chambers for the purpose of the proposed abandonment of a portion of 36th Street between Oak and Vine Street.

11. The City Planner, Ed Gallagher, recommended that Council set a public hearing for consideration of possible revocation of Use Permit No. 80039, Wells Products West located at 435 Dry Creek Road.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that said public hearing be set for 7:45 p.m. on October 21, 1986 in the City Council Chambers.

12. The City Planner, Ed Gallagher, asked Council for direction regarding Item 4. Miscellaneous Business and Communication. A. Letter of Request from Jack Sinton to Operate a Helicopter in the R-1 Zone, from the Planning Commission minutes of September 9, 1986. Council directed staff to spend only a minimum of time on further research into the matter.

13. A memo from the City Manager recommended adoption of Resolution No. 3160, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ESTABLISHING MEMBERSHIP FOR BOARD/COMMITTEE OF THE PARKING AND BUSINESS IMPROVEMENT AREA, as called for in City Ordinance No. 517 N.S. consistent with the adopted Bylaws of the BIA.

Mr. Jeff Orcutt, representative for the BIA, advised that the organization approved of said resolution.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 3160 be read by title only. The resolution was read by title only.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 3160 be adopted.

14. The City Manager presented Resolution No. 3161, A RESOLUTION ACCEPTING NEGOTIATED EXCHANGE OF PROPERTY TAX REVENUE AND ANNUAL TAX INCREMENT FROM THE COUNTY OF SAN LUIS OBISPO TO THE CITY OF EL PASO DE ROBLES (ANNEXATION NO. 62 - THEATRE DRIVE), for Council's consideration.

After a detailed review of the resolution and its attachments by the City Manager, wherein he advised that the County had agreed to provide minute action confirming that the parties agreed to negotiate a rate of tax increment at a time when, but not later than ten (10) years, it was moved by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that Resolution No. 3161 be read by title only. Resolution No. 3161 was read by title only.

The City Attorney recommended that the above-mentioned minute action from the County be incorporated into the resolution when received.

Motion by Councilmember Cousins, seconded by Councilmember Stemper and passed unanimously that Resolution No. 3161 be adopted as read with the amendment as stated by the City Attorney.

15. The City Manager recommended that the Council set a public hearing for the Theatre Drive Annexation No. 62. It was decided to adjourn from the Council meeting of October 7, 1986 to 5:30 p.m. on October 8, 1986 in the City Council Chambers for that purpose.

16. The City Manager recommended contingent upon City Attorney review of bidding requirements that Council approve the City's participation with VandenBerghe Construction in the paving of Creston Road along that project at an expenditure of approximately \$75,000 to \$77,000.

Motion by Councilmember Stemper, seconded by Councilmember Ovitt and passed unanimously that, in the interest of public safety, staff be instructed to proceed with said project as expeditiously as possible due to the forthcoming rainy season.

17. The Mayor announced the resignation of Finance Director, Phillip Molina, effective October 3, 1986.

18. A memo from the City Librarian recommended the Council accept a grant from the State Library to purchase library materials and adopt the accompanying Resolution No. 3162, A RESOLUTION APPROVING AN APPROPRIATION OF SPECIAL REVENUE LIBRARY MATERIALS RURAL GRANT FUND #226 FOR FISCAL YEAR 1986/1987.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that Resolution No. 3162 be read by title only. Resolution No. 3162 was read by title only.

Motion by Councilmember Dolan, seconded by Councilmember Stemper and passed unanimously that Resolution No. 3162 be adopted.

19. A memo from the Director of Municipal Services presented Progress Payment No. 2 to MCM Construction for work completed on the Niblick Road Bridge, and recommended that the Council authorize said payment in the amount of \$319,217.41.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to approve the Director's recommendations. Motion passed by the following roll call vote:

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

20. A memo from the Director of Municipal Services recommended that the Council approve the plans and specifications for the 13th Street Traffic signal modifications and authorize the project to go to bid.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously to approve the Director's recommendations.

21. A memo from the Director of Parks and Recreation reported the receipt of a grant of \$100,000 from the Otto F. Sharp Fund for the purpose of construction of Centennial Park. He recommended that a special fund be established for the purpose of construction of Centennial Park and that this fund be called the Centennial Park Building Fund or Civic Facilities Building Fund.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins to accept the Director's recommendations. Motion passed on a four to one vote with Councilmember Stemper abstaining.

22. Councilmember Stemper requested permission to leave the State from September 20 through September 27, 1986; permission was granted.

23. The Mayor requested a closed session for the purpose of discussion of a personnel matter.

24. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to adjourn to a closed session.

At the closed session, personnel matters were discussed with no official action taken, and upon motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously the closed session was adjourned to the regular session.

25. Upon motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously, the meeting was 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.