

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
OCTOBER 7, 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. Larry Boyce.

1. The minutes of the regular meeting of September 16, 1986 were presented and approved upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously, with Councilman Dolan requesting that his expression of thanks to Finance Director, Phillip Molina, for his good work during his years with the City be included in Item 17.

2. The claims were presented. Motion by Councilmember Ovitt and seconded by Councilmember Stemper that the following claims be paid from their appropriate accounts:

DATE OF CLAIM	TOTAL PAID
SEPT 19, 1986	\$ 738,643.96

Motion passed by the following roll call vote:

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

3. Several members of the local 4-H Club presented Council and staff with cookies and the Mayor read a Proclamation proclaiming the week of October 5 - 11, 1986 as 4-H Club Week in the City of Paso Robles. The Mayor thanked the members and commended them and their leaders for their good efforts.

Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to adopt Proclamation, 4-H Club Week.

4. Councilmember Stemper asked that the Claims as set forth above in Item 2 be reconsidered as it was necessary for him to abstain due to a conflict of interest in connection with the payment to MCM Construction for work on the Niblick Bridge.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins that the claims be approved for payment as set forth above. Motion passed by the following roll call vote:

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

- ... and dining area used for the meals program
Agency on Aging.
- ... unanimously to authorize the Mayor and City Clerk to execute
letter from the Senior Advisory Committee effective immediately.
- A memo from the Director of Parks and Recreation presented a
letter from the Senior Advisory Committee effective immediately.
Martin Kuehl be appointed to the Committee effective immediately.
- Motion by Councilmember Stemper, seconded by Councilmember Cousins and
passed unanimously to approve the appointment of Mr. Kuehl to the
Senior Advisory Committee effective immediately for a two year term
expiring on June 30, 1988.
25. The City Manager recommended to the Council that they award the
proposal for a Classification and Compensation Study to Firby
Associates for interviews of 110 persons work force, the
total fee for said study to be \$15,800.00.
- Motion by Councilmember Cousins, seconded by Councilmember Ovitt and
passed unanimously to award the Classification and Compensation Study
to Firby Associates for an amount not to exceed \$15,800.00 and to
authorize the City Manager to execute the necessary documents.
26. The Council set a study session to be held on October 16, 1986
at 7:30 p.m. in the City Council Chambers for discussion of sewer
service with Templeton, options on wastewater plant expansion and
vesting tract maps.
27. Motion by Councilmember Dolan, seconded by Councilmember Stemper
and passed unanimously to adjourn to a closed session for the purpose
of discussing possible litigation pertaining to the Niblick Bridge.
- At the closed session, there was no official action taken and upon
motion by Councilmember Cousins, seconded by Councilmember Ovitt and
passed unanimously, the closed session was adjourned to the regular
meeting.
28. There being no further business, it was moved by Councilmember
Cousins, seconded by Councilmember Dolan and passed unanimously to
adjourn to 5:30 p.m. on October 8, 1986 in the City Council Chambers
for the purpose of the public hearing scheduled for Annexation No.
62, Theatre Drive.
Jerry Bankston, City Clerk

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE
UNTIL APPROVED BY THE CITY COUNCIL AT THEIR NEXT REGULAR
CC MINUTES 10/7/86

10/9/86 M. ~~to~~

Applicant agrees, as a condition of sale of each lot within the proposed subdivision, to require a written agreement from the Buyer by letter to be delivered to City through escrow consenting to an annexation to the City at such time as surrounding property requests annexation, such letter to be submitted in a form satisfactory to the City.

ABSTAINED: Stemper

5. Ms. Barbara Durand, Chairman of ACORN, presented an update on their activities, and advised of the recent hiring of a professional fundraising organization, Community Counselling Service Co., Inc., to conduct surveys in the community pertaining to fundraising for Centennial Park. Ms. Durand also gave an historical background of ACORN. She advised that ACORN is prepared to pay \$8,000 towards the \$11,000 fee for work performed by Community Counselling Service Co., and requested that the Council authorize the expenditure of the additional \$3,000 needed from City funds. Ms. Durand introduced Mr. Peter Roell, who will conduct said survey. Mr. Roell explained the manner in which the survey will be conducted.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins to authorize the expenditure of not to exceed \$4,000.00 for the community survey for fundraising.

The City Attorney advised that Councilmembers Cousins and Dolan, as members of the Board of ACORN, have a conflict of interest and should abstain. Councilmember Cousins withdrew her second.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that the above motion be restated authorizing an amount not to exceed \$4,000.00 to be expended from the Park Development Funds for the above-mentioned survey. Motion passed by the following roll call vote:

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

6. Ms. Sandy Hatch appeared and briefly reported on the organization, AID, Neighbors Helping Neighbors, after which it was moved by Councilmember Dolan, seconded by Councilmember Cousins and passed unanimously to adopt PROCLAMATION PROCLAIMING THE MONTHS OF OCTOBER, NOVEMBER AND DECEMBER 1986 AS "GOOD NEIGHBOR MONTHS". Councilmember Ovitt, North County Chairman of United Way, reported on that organization's activities.

7. The Police Chief reported on Crime Prevention Month and introduced McGruff, the Crime Dog, as part of National Crime Prevention Month.

Resolution No. 3163, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES IDENTIFYING OCTOBER, 1986 AS CRIME PREVENTION MONTH IN PASO ROBLES, was introduced for Council's consideration.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that Resolution No. 3163 be read by title only. Resolution No. 3163 was read by title only.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to adopt Resolution No. 3163.

8. Ordinance No. 522 N.S., 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), was presented for second reading and adoption.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that Ordinance No. 522 N.S. be read by title only. Ordinance No. 522 N.S. was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that this constitute the second reading and adoption of Ordinance No. 522 N.S. Motion passed by the following roll call vote:

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

9. The Consent Calendar was presented. Items G-1-a, G-1-c, G-4 and G-6 were pulled 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-1-a, G-1-c, G-4 and G-6. Those items on the Consent Calendar are as follows:

G-1-b Library Board of Trustees meeting of Sept. 8, 1986.
(Recommend minutes be received and filed.)

G-2 Memo from Director of Municipal Services recommending that Council award the portable air compressor bid to Ingersoll-Rand in the amount of \$11,510.54. (Recommend accept Director's recommendations.)

G-3 Memo from Director of Municipal Services presenting Resolution No. 3164, A RESOLUTION ACCEPTING GRANT OF EASEMENT FROM SIX CORPORATION FOR THE PURPOSE OF SANITARY SEWER AND STORM DRAIN OVER PORTION OF LOT 59 OF TRACT 876 IN CITY OF EL PASO DE ROBLES, for Council's consideration. (Recommend adoption.)

G-5 Memo from Director of Municipal Services presenting request from Downtown merchants for use of City sidewalks for sidewalk sale October 9th and 10th. (Recommend approval.)

Item G-1-a, Traffic Safety Commission meeting of Sept. 17, 1986, (Recommend minutes be received and filed.), was presented for discussion, after which it was moved by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to approve and file said minutes.

Item G-1-c, Airport Advisory Committee meeting of Sept. 29, 1986, (Recommend receive and file.), was presented for discussion, particularly the Committee's request that Council authorize and encourage the Airport Advisory Committee to investigate the possibility of expansion of Airport Day activities with a report back to Council regarding the costs and scope of such an expansion. Councilmember Dolan stressed the need for expansion of industrial promotion at the Airport.

Motion by Councilmember Dolan to approve the recommendation of the Airport Advisory Committee and encourage investigation of the possibility of expansion of Airport Day activities. Motion seconded by Councilmember Ovitt and passed unanimously.

The Airport Manager was requested to provide Council with copies of Airport Lease Site Development Standards.

Councilmember Stemper requested clarification of the reference to Mr. Gerald Townsend's (R.L. Fisher's Co.) interest in Airport Day and the long-reaching effects it might have on the development of Barney Schwartz Park. It was explained that interest referred to recreational activities that could be coordinated between the two facilities.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that said minutes be approved as presented.

Item G-4, Memo from Director of Municipal Services presenting request for will serve letter for water - Lot 6, Tract 650 Wallace Industrial Park - Westco Capital Corporation. (Recommend accept Director's recommendations.), was presented for discussion. Council discussed the need for the requirement that no will serve letter be issued until such time as a formal application for annexation to the City is received, and that when an application for annexation is made through the County that the City be kept informed.

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously that Item G-4 be referred back to staff for further review and report back to Council within two weeks.

Item G-6, Memo from Director of Municipal Services presenting request for water and sewer services S/E corner of Creston Road and Meadowlark Road - Christian Life Center. (Recommend accept Director's recommendations.), was presented for discussion.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to approve the Director's recommendations to grant the request in accordance with the conditions as set forth in said memo, with Item 6. amended as follows: "Applicant will submit a letter requesting annexation to the City prior to issuance of said will serve letter."

Motion passed by the following roll call vote:

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

10. The Planning Commission minutes for the meeting of September 23, 1986 were reviewed by Councilmember Cousins, after which she recommended that two items be held over, No. 2. Old Business A., Vesting Tract 1396 and EIS 86005, for 46 Lot Subdivision, Applicant - M. Timm Development, and 2.B., Vesting Tract 1417 and EIS 86014, 86 Lot Subdivision - Applicant Johnson-Miller Development, for further review and study by staff as to the City's position in vesting tracts with no proper ordinance defining the procedure.

Representatives from the two tracts appeared and stated that they were unaware of a problem existing with vesting tracts, and that they were prepared to proceed with tentative map approval. The Council received input from the City Attorney on the subject of vesting tracts.

After a lengthy discussion, it was moved by Councilmember Cousins and seconded by Councilmember Dolan to postpone action on Item No. 2.A. Tract 1396, EIS 86005, and Item No. 2.B., Tract 1417 and EIS 86014, for further clarification and study of vesting tracts by staff and report back to Council in two weeks. Motion passed by the following roll call vote:

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

There being no further discussion, it was moved by Councilmember Cousins and seconded by Councilmember Dolan that the minutes of the Planning Commission meeting of September 23, 1986, be approved together with the findings and conditions as set forth therein, with the exception of the two items as set forth above. Motion passed by the following roll call vote:

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

11. A memo from the City Librarian recommended that the Council allocate \$763.62 (interest from Library Trust Fund) from unbudgeted

carry-over funds to be deposited in Fund 228 (Paso Robles Library Trust Fund).

Motion by Councilmember Stemper, seconded by Councilmember Ovitt and passed unanimously to accept the recommendation of the Librarian.

12. A memo from the City Manager presented the Escrow Agreement between the City and MCM Construction, Inc., which provides for the release to MCM Construction sums which the City would otherwise be required to withhold from progress payments to MCM under Section 20103 of the Public Contract Code for work performed on the Niblick Road Bridge. The Agreement also provides for approved securities and certificates of deposit in the amount of \$437,770; approval of the Finance Director and City Attorney has been received.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to authorize the City Clerk and Mayor to execute all necessary documents with the stipulation that MCM Construction, Inc. be required to provide two (2) official signatures on said documents. Motion passed by the following roll call vote:

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

13. A memo from the Director of Municipal Services presented the bids received on equipment and set forth the recommended award of same.

The Mayor stepped down due to conflict of interest.

The City Manager explained that there was a total low bid on the equipment of \$96,192.88 and recommended that the Council authorize the transfer of \$80,263.00 from Council's unappropriated budget to the appropriate equipment accounts to allow for cash payment for the equipment (the difference having been budgeted previously).

Motion by Councilmember Stemper and seconded by Councilmember Ovitt to approve the above recommendations. Motion failed by the following roll call vote: (The Mayor having stepped down did not vote.)

AYES: Ovitt and Stemper
NOES: Cousin and Dolan
ABSENT: None

The City Manager further explained the benefits of paying cash for the equipment as opposed to financing it, after which it was moved by Councilmember Ovitt and seconded by Councilmember Stemper to authorize the transfer of \$80,263.00 from Council's unappropriated budget to appropriate equipment accounts for cash payment. Motion

passed by the following roll call vote: (The Mayor having stepped down did not vote.)

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

The City Attorney advised Council to note that under Section 1091, (7) of the Government Code, interest is remote.

The Mayor resumed his seat, and pointed out that the City had realized a savings of \$8,000 by going out to bid locally for the equipment purchased.

14. A memo from the Director of Municipal Services presented Resolution No. 3165, A RESOLUTION OF INTENTION FOR VACATING A PORTION OF 36TH STREET BETWEEN OAK AND VINE STREETS AND GIVING NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING THEREON, (Georgia Brown School - P.R. School District) for Council's consideration.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that Resolution No. 3165 be read by title only. Resolution No. 3165 was read by title only.

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously to adopt Resolution No. 3165.

15. The City Attorney requested a closed session at the end of the meeting for discussion of possible litigation pertaining to the Niblick Bridge.

16. A memo from the Airport Manager presented the John Hamon lease at the Airport and recommended that Council approve the revision of the lease on Parcels 1 - 4 and authorize the Mayor and City Clerk to execute all necessary documents.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to approve the Airport Manager's recommendations.

17. A memo from the City Manager presented an addendum to the Lou Nunno lease at the Airport, which in essence, removes from Parcel 36 and assigns to Parcel 35 .98 acres and increases Parcel 54 by reducing Parcel 53 by 1.0 acres. A resolution of the issue of lease rate and rent escalation was discussed.

It was then moved by Councilmember Ovitt and seconded by Councilmember Cousins to refer the matter back to staff for further negotiation with Mr. Nunno and recommendation back to Council. Motion passed by the following roll call vote:

AYES: Cousins, Ovitt, Stemper, Dolan and Russell

NOES: None
ABSENT: None

18. A memo from the Fire Chief and Airport Manager presented Resolution No. 3166, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING GRANT APPLICATION FOR FUNDS UNDER THE FEDERAL AVIATION ADMINISTRATION FOR PURCHASE OF CRASH-FIRE-RESCUE VEHICLE, and accompanying Grant application with the recommendation that Council adopt said resolution thereby approving the Grant Application and authorizing the City Manager to execute the necessary documents to submit to FAA for their consideration.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 3166 be read by title only. Resolution No. 3166 was read by title only.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to adopt Resolution No. 3166.

19. A memo from the Director of Municipal Services recommended Council authorize Progress Payment No. 3 to MCM Construction for work performed on the Niblick Road Bridge in the amount of \$589,498.31.

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

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

20. A memo from the Director of Municipal Services presented a request for annexation and for will serve letter for water from George W. Turner on Golden Hill Road for 7.71 acres which he hopes to purchase and develop. At the September 16, 1986 Council meeting, the Council granted a will serve letter for water to the West Paso Robles Congregation of Jehovah's Witness for their proposed new Kingdom Hall to be built on a 1.7 acres parcel which is a portion of said 7.71 acres.

Mr. Charlie Dunham, representing the West Paso Robles Congregation of Jehovah's Witness, appeared and presented a copy of a will serve letter for water for said property issued by the City of Paso Robles in 1980, and stressed the need for the Council to honor said letter or issue a current letter which would allow the purchase and development of the property in question.

After a lengthy discussion, it was moved by Councilmember Cousins and seconded by Councilmember Ovitt that a will serve letter for water be issued to George W. Turner for the 7.7 acres parcel.

Councilmember Ovitt moved to amend the above motion as follows:

1. That the will serve letter be limited to a one year time period;
2. That the proposed subdivision be annexed to the City of Paso Robles;
3. That any subdivision of this property prior to annexation to the City shall be set to City standards and review;
4. That applicant agrees, as a condition of sale of each lot within the proposed subdivision, to require a written agreement from the Buyer by letter to be delivered to City through escrow consenting to an annexation to the City at such time as surrounding property requests annexation, such letter to be submitted in a form satisfactory to the City.

Motion seconded by Councilmember Stemper. Motion passed by the following roll call vote:

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

The Mayor asked for a roll call vote on the original motion as set forth above:

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

22. The Director of Municipal Services requested the Council to authorize the closing of designated streets for Pioneer Day Parade Route.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to approve the Pioneer Day Parade Route.

23. A memo from the Director of Parks and Recreation recommended that the Council approve two leases between the City and the Area Agency on Aging as presented and authorize the Mayor and City Clerk to execute same. The leases are as follows:

a. For office space in the Senior Center which is used by the Retired Senior Volunteer Programs under the auspices of Area Agency on Aging; and