

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
NOVEMBER 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 Nick Russell with the following Councilmembers answering roll call: Cousins, Ovitt, Dolan and Russell; Councilman Stemper being absent. Following roll call an invocation was given by Rev. Guy Drummond.

1. The minutes of the regular meeting of November 4, 1986 were presented and approved upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously, with an amendment to the Item 4. Consent Calendar indicating that Councilmember Cousins abstained from voting regarding Item 4.D, Approval of Final Parcel Map PR 86-059 (Fennel/Clouston) Meadowlark at Creston Road.

2. The Mayor announced that the Council would deviate from the Agenda to present the minutes of the Planning Commission adjourned meeting of October 29, 1986 for the convenience of the Paso Robles Union School District pertaining to Item No. 2, Request by Paso Robles Union School District For a Determination of General Plan Consistency For an Elementary School Site in the Munari Annexation on the South Side of Nicklaus Street, West of Wade Drive, and No. 3, Request By Paso Robles Union School District For a Determination of General Plan Consistency For a Middle School site on the West Side of Creston Road, South of Lana Street, of said minutes. The Community Development Director, Bob Lata, reviewed the minutes.

Councilmember Ovitt requested Condition No. 5 of Item 2., relating to the plans and specifications for a bikeway along the creek, should be stated to include approved by the City and "consistent with the Park Master Plan". Dr. Richard Herzberg addressed the Council and stated that the School District had no problem coordinating the project to the Park Master Plan.

After further discussion, it was moved by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that the Planning Commission minutes of October 29, 1986 be approved, together with the findings and conditions as set forth therein, with the amendment to Condition No. 5, Item 2.

3. The Mayor announced that it was the time and place scheduled for a public hearing of an appeal filed by Jane Belmont to the Planning Commission decision to deny her application for a waiver of sidewalks at 1731 Filbert Street. The Community Development Director reviewed the staff report. The Mayor opened the public hearing. The applicant, Ms. Jane Belmont, appeared and presented her request for appeal, after which it was moved by Councilmember Dolan, seconded by

agreement to do the sprinkler system as required? The Mayor stated that the sprinkler system would be hinged on whether he has occupancy or anything at the end of the January 6th period.

The City Manager advised that it would be in writing that the sprinkler system would have to be a complete system in order to comply with the City's code and that he would have to submit that in such a timely fashion as to assure completion by January 6, 1987.

Councilmember Dolan again expressed his opposition by giving a history of the project and with setting January 6th as a date allowing more progress to take place, at which point he is concerned that they will never be able to stop the project if we wanted to; his vote is "no".

The above motion was passed by the following roll call vote:

AYES: Ovitt, Cousins and Russell
NOES: Dolan
ABSENT: Stemper

19. The City Attorney requested a closed session at the end of the meeting regarding Quail Run and the Niblick Bridge.

20. A letter was presented from Templeton Hills Seventh-day Adventist Church advising the City of their program of distribution of materials within the City between December 6 and 13, 1986. The City Attorney advised that the City has no right to restrict activities of church organizations.

Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to receive and file said letter.

21. The Mayor asked if there were any unscheduled public appearances; there were none.

22. Councilmember Dolan requested that no notification be sent to the State regarding the Geothermal Grant until he can do some more research, given the presentation that was made by Mr. Floyd Butterfield. Councilmember Ovitt disagreed and stated that while we were researching geothermal, we had two major projects in mind that would utilize it.

23. It was moved by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to adjourn to a closed session for the purpose of discussing Quail Run litigation and potential litigation regarding the Niblick Bridge.

At the closed session, Council approved acceptance of the Attorney's opinion regarding conflict and upon motion by Councilmember Cousins,

seconded by Councilmember Dvitt, and passed unanimously it was moved to adjourn to the regular meeting.

24. Upon reconvening the regular meeting, the Mayor read the City Attorney conclusion regarding the question of conflict of interest. It was moved by Councilmember Cousins, seconded by Councilmember Dvitt and passed unanimously to adjourn to 5:30 p.m. on December 1, 1986 in the City Council Chambers for the purpose of a joint study session with Templeton Community Services District.

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.

Councilmember Ovitt and passed unanimously to close the public hearing.

Following discussion, it was moved by Councilmember Ovitt and seconded by Councilmember Dolan that the request for waiver of sidewalk requirement be granted and that staff be directed to draft a policy regarding "infill" sidewalk construction requirements taking into consideration vehicular and pedestrian traffic and safe curb transition. Motion passed by the following roll call vote:

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

4. The Mayor announced that it was the time and place scheduled for public hearing of an appeal filed by Gary Mulholland to the Planning Commission decision to limit development of 11 units on a 1.35 acre parcel, zoned R-2, PD, (PD 86005). A request to continue the hearing to December 16, 1986 at a time when a full Council would be present was received from the applicant. Councilmember Cousins stated her desire to hold the public hearing as scheduled.

The Community Development Director reviewed the project and advised that one letter of protest has been received.

The Mayor opened the public hearing. There were no comments from the audience.

Councilmember Ovitt moved that the public hearing be continued to December 2, 1986. Councilmember Cousins reiterated that she believed the public hearing should be held and concluded this date.

The Mayor asked for a second to the above-referenced motion and received none. Said motion died for lack of a second.

It was then moved by Councilmember Dolan and seconded by Councilmember Cousins to close the public hearing. The motion passed on the following roll call vote:

AYES: Cousins, Dolan and Russell
NOES: Ovitt
ABSENT: Stemper

Councilmember Dolan reviewed the history of the project pointing out that his records indicated that the approved EIS was for 8 units. Councilmember Ovitt stated that the Council had approved the EIS for 12 units. The City Manager advised that the Council had approved the Environmental Impact Statement for 12 units as reflected in the approved minutes and that action tonight was for the PD with an already approved EIS.

The City Attorney advised that as long as the public hearing had been held that the appellant should be allowed to speak.

Councilmember Ovitt presented a chronological review of the project.

The applicant, Gary Mulholland, stated that he was not prepared to make a presentation since he had expected a continuance of the public hearing.

Councilmember Cousins moved that the Council follow the Planning Commission recommendation of 8 units and deny the appeal. Motion seconded by Councilmember Dolan. Motion failed by the following roll call vote:

AYES: Cousins and Dolan
NOES: Ovitt and Russell
ABSENT: Stemper

The City Attorney stated that a two to two vote was a "no action" vote.

Motion by Councilmember Ovitt to hold the matter over to a full member Council in the meeting of December 2, 1986 at 7:30 p.m. Motion passed by the following roll call vote:

AYES: Ovitt, Dolan and Russell
NOES: Cousins
ABSENT: Stemper

5. The Consent Calendar was presented, and then it was moved by Councilmember Ovitt and seconded by Councilmember Cousins that the Consent Calendar be approved, together with the recommendations as set forth therein, said motion waiving reading of all resolutions. Those items on the Consent Calendar are as follows:

A. Approval of Progress Payment No. 4 in the amount of \$788,464.44 to MCM Construction Company - Niblick Bridge

In adopting the Consent Calendar, Council approves Niblick Bridge Pay Estimate No. 4 to MCM Construction.

B. Approval of Final Parcel Map PR 85-316 (Hayward Lumber) - 10th and Pine Streets.

Staff finds said map to be technically correct and all conditions of tentative approval have been met. In adopting the Consent Calendar, Council approves and authorizes the City Clerk to sign said map.

C. Approval of Final Parcel Map PR 85-312 (Sauret) Vine St and Beverly St.

Staff finds the map to be technically correct and all conditions of tentative approval have been met. In adopting Consent Calendar, Council approves and authorizes the City Clerk to sign said map.

D. Minutes of Senior Citizens Advisory Board Meeting of November 10, 1986.

In adopting the Consent Calendar, said minutes are received and filed.

Motion passed by the following roll call vote:

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

6. The Precheck Register was presented. Councilmember Dolan questioned the entry of Casa Estrella, \$1,000.00 Revenue Sharing Grant and was advised that it was a name change from San Luis Recovery, Inc. It was moved by Councilmember Ovitt and seconded by Councilmember Dolan to approve the Precheck Register for November 7, 1986 in the amount of \$547,473.45. Motion passed by the following roll call vote:

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

7. Staff advised that the minutes for the Planning Commission regular meeting of November 12, 1986 were not ready for presentation.

8. The Community Development Director reviewed the Preliminary Plan-Clouston for Single Family Residential Tract and Zone Change for Tentative Tract No. 1457 located at the northeast corner of Creston Road and Meadowlark Road. The Director indicated the Planning Commission's consensus of agreement with the Preliminary Plan as presented.

After discussion, it was moved by Councilmember Ovitt and seconded by Councilmember Dolan indicating general agreement with the preliminary plan in concept and to encourage the applicant to submit a formal development plan for the zone change with the understanding that there is no commitment on the part of the City. Motion passed with a 3 to 0 vote (Councilmember Cousins abstaining.)

9. The Community Development Director reviewed the Preliminary Plan of Midland Pacific for a General Plan Amendment from Manufacturing and Commercial/Light-Industrial to Low Density Residential with Commercial/Light-Industrial. The Director indicated the Planning Commission's interest in a change from manufacturing to Residential

but without a clear consensus on minimum lot area and the inclusion or elimination of the requested commercial land use designation.

A discussion followed wherein a representative from Midland Pacific briefly reviewed the proposed project stressing that they were aware of the sensitivity of the location of the project, as it would be a focal point seen from 101 Highway.

Councilmember Dolan stated that lot sizes should be at 8,000 to 10,000 square feet and that he concurred with no manufacturing.

Councilmember Cousins stressed the sensitivity of the property and the need to eliminate commercial.

Councilmember Ovitt pointed out the need to establish zone definitions recognizing different "commercial" uses and the question of utilization of open space.

Mayor Russell stated he supported the residential zoning with larger lot sizes and the need for expanding the "commercial" zone categories.

Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously that the Council is in agreement with the concept of the preliminary plan and encourages the applicant to submit a formal request for a General Plan Amendment consistent with the comments and recommendations as set forth by staff, and (in accordance with the City Attorneys' direction) the understanding that no commitment on the City's part exists.

10. The Community Development Director reviewed the Preliminary Plan for a General Plan Amendment for the Woodland property lying north of the Midland Pacific property for change from "Manufacturing" to "Commercial/Light-Industrial" with a Planned Development overlay. The Director reported the Planning Commission's opinion that the City should preclude retail commercial development on the Woodland property, and that consideration be given to the question of the utilization of the open space.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that the Council is in agreement with the concept of the preliminary plan and encourages the applicant to submit a formal request for a General Plan Amendment consistent with the comments and recommendations as set forth by staff, and (in accordance with the City Attorney's direction) with the understanding that no commitment on the City's part exists.

11. The Community Development Director reviewed the Preliminary Plan of Bonita Homes, Inc. for a General Plan Amendment change from "Manufacturing" to "Low Density Residential". The Director reported the Planning Commission's general agreement with the change; however,

noting the staff recommended retention of the Manufacturing zone and use of the existing park as a buffer/separation between residential and manufacturing uses. Mr. Jack Ghormley of Bonita Homes, Inc. gave a brief history of the property.

The Council expressed concern with the interfacing of a buffer between the proposed residential and the existing manufacturing; Councilmember Dolan stressed the importance to not impede any further industrial development by allowing adjacent residential development.

Motion by Councilmember Cousins and seconded by Councilmember Ovitt to approve in concept the preliminary plan and encourage the applicant to submit a formal request for General Plan Amendment consistent with comments and concerns presented, and (in accordance with the City Attorney's direction) with an understanding that no commitment on the City's part exists. Motion passed by the following roll call vote:

AYES: Cousins, Ovitt and Russell
NOES: Dolan
ABSENT: Stemper

12. The City Librarian presented a request, consistent with the Library Board's recommendation, for an increase in the service hours which were reduced after Prop. 13. with a proposed schedule as follows:

M,W,F,S	9:30 A.M. to 5:30 P.M.
T and Th	1:00 p.m. to 9:00 p.m.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to accept the Library Board's recommendation and authorize the City Librarian to increase the public service hours from 55 to 63 a week, beginning in January, 1987.

13. A Progress Report from the City Engineer was presented providing an updated status of subdivisions approved for construction, not yet completed and beyond the scheduled completion. The City Manager explained that the overdue subdivisions are in violation of the subdivision agreement and the developer is required to request an extension of time when the subdivision has/is not finalized by the scheduled date; if extension is not granted by the Council, then the City is to proceed with calling upon the security posted to guarantee completion of the required public improvements. He recommended that the Council grant a two week extension with the requirement that the developers come back to Council on December 2, 1986 with a written request for time extension and a program schedule for completion.

Councilmember Dolan stated that he believed that the Council should deny any further development opportunity by the subject developers in

the 13 listed subdivisions until the complete satisfaction of the existing requirements.

Mr. Robert Fiscalini asked the Council if he could address the matter of his subdivision at this time, but his request was denied.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins that an extension of time be granted to the thirteen listed subdivisions until December 2, 1986. Motion passed by the following roll call vote:

AYES: Ovitt, Cousins and Russell
NOES: Dolan
ABSENT: Stemper

14. Motion by Councilmember Dolan to deny any further development opportunity by the subject developers in the 13 listed subdivisions until the complete satisfaction of the existing requirements. The City Attorney was asked for an legal opinion regarding this procedure; he stated that he had no answer at this time. The motion died for lack of a second.

15. Resolution No. 3174, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING THE APPLICATION FOR GRANT FUNDS UNDER THE COMMUNITY PARKLANDS ACT OF 1986 FOR CENTENNIAL PARK, was presented.

The Director of Parks and Recreation explained that the City is eligible to apply for revenue made available by Proposition 43, the 1986 State Park Bond Act, of which the City's share is \$37,000.00, and he recommended that those funds upon receipt be used for Centennial Park.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed that Resolution No. 3174 be read by title only. The Resolution was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt that Resolution No. 3174 be adopted. Motion passed by the following roll call vote:

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

16. The Director of Parks and Recreation requested authorization for Recreation Systems, Inc. to proceed with the preparation of plans and specifications for Phase I of Centennial Park in an amount not to exceed \$53,500.00

Motion by Councilmember Dolan and seconded by Councilmember Ovitt to authorize Recreation Systems, Inc. to prepare Plans and Specifications for Phase I of Centennial Park in an amount not to exceed \$53,500.00. Motion passed by the following roll call vote:

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

17. AN ORDINANCE REQUIRING PERMITS FOR ALARM COMPANY OPERATORS AND ALARM SYSTEM USERS, BY ADDING TO CHAPTER 5 OF THE MUNICIPAL CODE OF THE CITY OF PASO ROBLES, was introduced for first reading. The Police Chief reviewed the ordinance and noted some changes were to be made in the wording of the ordinance, i.e., California Private Investigator and Adjuster Act changed to California Alarm Company Act, and the City Attorney directed that the Section numbers be assigned. The Police Chief stated he will be coming back to Council with a resolution setting fees to be charged for false alarms.

The Police Chief answered several questions regarding the alarm system posed by the Council; Councilmember Dolan mentioned availability of 2 hour to 4 hour backup in the event of power failure. Staff was directed to research the matter.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that the ordinance be read by title only. The ordinance was read by title only.

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

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

18. The City Manager reported on the status of the progress of the nuisance abatement at the Country Club. He stated that because of the length of time to get mechanical drawings of equipment, plan check had been delayed; even though the owners made an honest effort, they have not been able to meet the deadline.

The Fire Chief reported to Council on the status of the sprinkler system at the Country Club and stated that his recommendations were (in accordance with the NFPA 13, Standard For The Installation of Sprinkler Systems) that the entire building was to be installed with a sprinkler system. The City Manager advised that staff was anticipating reviewing and approving the plans for a complete sprinkler system, and would report back to Council by January 6, 1987.

Duane Picanco, Planning Commission member, addressed the matter. Councilmember Dolan stated he was opposed to issuance of a building permit until the safety work was completed. The Mayor explained that the building permit has to be issued before they can start work on safety requirements. Councilmember Dolan again stated he does not agree that the City has to issue a building permit prior to start of work on the footings.

The City Manager further explained the process of issuance of a building permit in accordance with the submission of plans for the safety construction. He stated that two structural engineers have stated that when the required changes are met, the structure will be safe.

The City Attorney stated that he had suggested that a letter should be written stating that if certain steps are taken, then a building permit should be issued.

It was moved by Councilmember Ovitt and seconded by Councilmember Cousins to authorize the issuance of a building permit for the structural safety improvements upon approval of the plans and specifications.

Motion passed by the following roll call vote:

AYES: Ovitt, Cousins and Russell
NOES: Dolan
ABSENT: Stemper

The City Attorney suggested that the issuance of the first building permit be on condition that Jack Munari acknowledges that the entire building will be sprinkled.

The City Manager stated that January 6, 1987 was the recommended deadline for installation of the sprinkler system. The City Manager recommended that the Council set a completion date for the construction of the safety features. The Mayor stated that he sees no problem with January 6, 1987 being the date set for the completion of the safety construction as well as the fire safety and submission of design plans for approval by Architectural Review Committee.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins that by January 6, 1987 the submission of design plans and architectural renderings to Architectural Review Committee will be completed, the sprinkler system as approved by the City Engineer and Fire Chief will be installed, and the structural safety items will be completed.

Councilmember Dolan questioned if they were going to tie this back to the first motion to indicate that his ability to proceed based upon the issuance of a building permit is going to be contingent upon his