

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
DECEMBER 2, 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, Stemper and Russell; none being absent. Before roll call an invocation was given by Rev. Greg Ellis.

1. The minutes of the regular meeting of November 18, 1986 were presented and approved upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed with Councilmember Stemper abstaining due to his absence on that date. (This item was amended by the minutes of December 16, 1986 and January 6, 1987 as follows: Had Councilmember Dolan known that Item No. 1, of the Planning Commission minutes of October 14, 1986 not been removed as he had understood, he would have abstained from voting for the reason that NCI is in the process of trying to acquire the subject property.

Item 1 was further amended by clarification of Item 9 in the minutes of December 2, 1986, next to the last paragraph, setting forth the action recommended by the City Engineer therein.

2. A presentation of a large Bingo Card depicting a \$125,000 pledge to Centennial Park fundraising was made by the North County Senior Citizens, Inc. represented by Alma and Bud Conover (3rd Vice President and Bingo Chairman) and a check in the amount of \$10,000 was also presented as the first contribution toward the pledge.

Dr. David Atkinson, Chairman of ACORN, introduced Mr. Jerry Reneau as the Campaign Chairman of the Centennial Park fundraising drive now in progress who expressed his appreciation for the North County Seniors' pledge and stated his assurance that the drive would be a success.

The Council commended the groups on their efforts and support to the project and expressed appreciation for the time and efforts of the members of the groups in service to the community and directed staff to send an appropriate letter to the committees expressing appreciation.

3. Mr. Jeff Orcutt, representing the downtown Business Improvement Area, presented the BIA budget for 1986/1987 for the Council's information and requested certain changes be authorized such as the business tax be increased from 50% to 100%, enlargement of the BIA area and that an amount be appropriated from existing funds to meet current expenses and obligations now owing.

After discussion, it was moved by Councilmember Ovitt and seconded by Councilmember Stemper to authorize staff to appropriate the necessary funds to meet the current obligations of the BIA and to pay the existing amount owing in an amount not to exceed \$12,000.00. Motion passed by the following roll call vote:

NOTICE OF ADJOURNMENT

YOU ARE HEREBY NOTIFIED that the meeting of the
City Council of the City of El Paso de Robles, California,
held on December 2, 1986 at 7:30 p.m. in the
Council Chambers, City Hall, 1030 Spring Street, Paso
Robles, California 93446, has been adjourned to
December 10, 1986 at 5:30 p.m. in the Council
Chambers, City Hall, 1030 Spring Street, Paso Robles,
California 93446.

DATE: December 2, 1986

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY: 

CITY CLERK

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

4. The Mayor called a brief recess after which the meeting was called back to order.

5. The Mayor announced that it was the time scheduled for the closed 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) deferred for Council action at this time from the meeting of November 18, 1986.

The Community Development Director, Bob Lata, reviewed the matter, after which John McCarthy, representing the applicant, briefly reviewed the project pointing out that the project with the proposed 11 units.

Councilmember Dolan reaffirmed his contention that the EIR was approved for 8 units and he remains opposed to more than 8 units.

Councilmember Stemper stated that under the existing zoning, 13 units were allowable and he would support development up to the allowable zoning.

Councilmember Cousins moved to deny the appeal as presented by Gary Mulholland. Councilmember Dolan seconded the motion. Motion failed by the following roll call vote:

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

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that a maximum of 11 units be allowed.

Motion failed by the following roll call vote:

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

Motion by Councilmember Dolan and seconded by Councilmember Ovitt that a maximum of 10 units be allowed. Motion passed by the following roll call vote:

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

6. The Consent Calendar was presented. Item IV C. Minutes of the Airport Advisory Committee Meeting of November 13, 1986 was pulled from the Calendar for discussion. Motion by Councilmember Qvitt and seconded by Councilmember Dolan that the Consent Calendar be approved, together with the recommendations as set forth therein, said motion waiving reading of all resolutions in full, with the exception of Item IV C. Those items on the Consent Calendar are as follows:

A. Approval of Final Parcel Map 86-091 - (Paso Robles School District - Flanson School).

Staff finds the 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 and recordation.

B. Minutes of the Traffic Safety Committee Meeting of November 19, 1986

In adopting the Consent Calendar, Council authorizes the minutes of the Traffic Safety Committee meeting of November 19, 1986 to be received and filed.

D. Minutes of the Parks and Recreation Advisory Committee meeting of November 10, 1986.

In adopting the Consent Calendar, Council authorizes the minutes of the Parks and Recreation Advisory Committee meeting of November 10, 1986 to be received and filed.

Motion passed by the following roll call vote:

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

Item IV C. Minutes of Airport Advisory Committee meeting of November 13, 1986 were presented for discussion. Councilmember Qvitt reminded staff that the update of the Master Plan for the Airport continues to need updated information incorporated within the Master Plan. Motion by Councilmember Qvitt, seconded by Councilmember Dolan and passed unanimously the said minutes be received and filed.

7. The Warrants for Pre-check Registers dated November 21, 1986 and December 2, 1986 were presented and approved for payment upon motion by Councilmember Qvitt and seconded by Councilmember Dolan with Mayor Russell abstaining on Invoice No. 57714. Motion passed by the following roll call vote:

AYES: Qvitt, Dolan, Cousins and Russell

NOES: None
ABSENT: None
ABSTAINED: Stemper

8. The minutes of the Planning Commission meeting of November 12, 1986 were reviewed by Bob Lata.

It was moved by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously that the minutes of the Planning Commission meeting of November 12, 1986 be approved, together with the findings and conditions as set forth therein.

9. The City Engineer presented a status report on active subdivisions within the City approved for construction, but not yet completed. The City Manager reviewed the various options before the Council. The Council's decision on each Tract is set forth as follows:

a. Tract 958 - Vista Del Rio - Massey Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to authorize a 30 day extension.

b. Tract 1022 - Kapreil Court - Clouston Motion by Councilmember Dolan seconded by Councilmember Ovitt and passed with Councilmembers Cousins and Stemper abstaining to authorize a one year extension to December 31, 1987.

c. Tract 1041 - Country Club Meadows - Paso Robles Investments Motion by Councilmember Dolan and seconded by Councilmember Ovitt to call upon the security. Motion passed by the following roll call vote:

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

d. Tract 1107 - Oak Creek Estates - Paso Robles Investments Motion by Councilmember Ovitt and seconded by Councilmember Dolan to call upon the security. Motion passed by the following roll call vote:

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

e. Tract 1118 - Indian Village - Timm Development Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed with Councilmember Stemper abstaining, to authorize a 30 day extension.

f. Tract 1133 - Bel Air Estates - Wilpete Farms Motion by Councilmember Cousins and seconded by Councilmember Stemper to authorize a 30 day extension. Motion passed by the following roll call vote:

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

g. Tract 1145 - Appaloosa Drive - Lenco Development, Inc. Motion by Councilmember Ovitt and seconded by Mayor Russell to authorize a 30 day extension. Motion passed by the following roll call vote:

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

h. Tract 1157 - Oak Creek - Paso Robles Investments Motion by Councilmember Ovitt and seconded by Councilmember Dolan to call upon the security. Motion passed by the following roll call vote:

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

i. Tract 1161 - Oak Creek - Paso Robles Investments Motion by Councilmember Dolan and seconded by Councilmember Ovitt to call upon the security. Motion passed by the following roll call vote:

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

j. Tract 1166 - Condo's 32nd & Spring - Glenwood Motion by Councilmember Ovitt and seconded by Councilmember Dolan that the Tract Map be returned to the developer unrecorded. Motion passed by the following roll call vote:

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

k. Tract 1167 - Country Club Meadows - QUM Company Motion by Councilmember Ovitt and seconded by Councilmember Dolan to authorize a 30 day extension. Motion passed by the following roll call vote:

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

1. Tract 1185 - Oak Creek - Glenwood Motion by Councilmember Dolan and seconded by Councilmember Ovitt to call upon the security. Motion passed by the following roll call vote:

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

The City Engineer reported that the following subdivisions are nearing their scheduled completion dates, and upon motion by Councilmember Ovitt and seconded by Councilmember Dolan the Council authorized the action as set forth below:

- a. Tract 1208 (Indian Hills). Recommend time extension of 30 days.
- b. Tract 1290 (Country Club Meadows). Call upon security.
- c. Tract 1334 (Country Club Meadows). Call upon security.
- d. Tract 1336 (Oak Creek Plaza). Call upon security.
- e. Tract 1344 (Indian Hills). Time extension of 30 days.)

Motion passed by the following roll call vote:

AYES: Ovitt, Dolan, Cousins (abstaining on Tracts 1290, 1334 and 1336) and Russell
NOES: None
ABSENT: None
ABSTAINED: Stemper

The City Manager commended the City Engineer, Mike Grantham, for his efforts in bringing the subdivisions to a current status.

10. The City Manager reported on the progress of the study on Jack Creek Dam held jointly with Templeton Community Services District on December 1, 1986 and recommended that the Council authorize staff to proceed with an agreement to file for the water rights and an agreement for site investigation, with phasing of the investigation to consider the seismic program as a first priority, with the ability to cancel upon receiving an unfavorable report. Total cost to the City not to exceed \$43,500.00 (The City and TCSD to share equally in the total cost of \$87,000.00).

The City Attorney recommended that the Council continue the retention of the Water Attorney, Martin McDonough.

Motion by Councilmember Dolan and seconded by Councilmember Stemper to accept the recommendations of staff as set forth above, to authorize the expenditure for an amount not to exceed \$43,500.00, and to continue the retention of Attorney Martin McDonough. Motion passed by the following roll call vote:

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

11. The Mayor read in its entirety Resolution No. 3175, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES SUPPORTING THE EFFORTS OF A COMMUNITY ORGANIZATION RECOGNIZING NEED ("ACORN") IN THE DEVELOPMENT OF CENTENNIAL PARK AND THE COMMUNITY COMPLEX CENTER. The City Attorney stated that the records should reflect that Councilmembers Cousins and Dolan are members of ACORN for which they receive no salary.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that Resolution No. 3175 be adopted as read. Motion passed by the following roll call vote:

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

The Director of Parks and Recreation recognized Debbie Anthoni, the Department's Recreation Programmer and Cal Poly artist, Robin Carmick, for their fine work in designing a logo for the Parks and Recreation Department. Debbie Anthoni then presented each Councilmember with a T-shirt displaying the logo.

12. The Director of Parks and Recreation Department presented the Lease Agreement between the City and the Paso Robles Swim Club and recommended that Council approve said Lease Agreement and authorize the Mayor and City Clerk to sign said Agreement.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously approve the Lease Agreement and authorize the Mayor and City Clerk to sign same.

13. Ordinance No. 523 N.S., ORDINANCE REQUIRING PERMITS FOR ALARM COMPANY OPERATORS AND ALARM SYSTEM USERS, ADDING TO CHAPTER 5 OF THE MUNICIPAL CODE OF THE CITY OF PASO ROBLES, was presented for second reading and adoption. Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously that Ordinance No. 523

N.S. be read by title only. Ordinance No. 523 N.S. was read by title only.

Motion by Councilmember Cousins and seconded by Councilmember Qvitt that this constitutes the second reading and adoption of Ordinance No. 523 N.S. Motion passed by the following roll call vote:

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

14. Resolution No. 3176, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES, CALIFORNIA, ESTABLISHING THE ALARM SYSTEM PERMIT FEE AND THE FALSE ALARM SERVICE FEE, was presented. Motion by Councilmember Cousins, seconded by Councilmember Qvitt and passed unanimously that Resolution No. 3176 be read by title only. Resolution No. 3176 was read by title only.

Motion by Councilmember Qvitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 3176 be adopted.

15. The City Manager recommended that the Council authorize staff to direct the Farmers Market, beginning the week of December 9, 1986 through January 7, 1987 to move the Market to 12th Street between Pine and Park. The Market is to start the formation of sales vehicles on the curb side of the Park and would only proceed to the north side of 12th Street after all spaces have been filled. The pedestrian shopping would occur street side. Within this recommendation, staff would also be asking Council to authorize the merchants to display sidewalk sales on the evenings that the Farmers Market is in operation. It would be staff's intention to closely monitor the situation and report back to Council in the meeting of January 6, 1987 with a recommendation pertaining to any other changes.

Motion by Councilmember Cousins, seconded by Councilmember Qvitt and passed unanimously to authorize the move as set forth above effective December 9, 1986 and authorize the downtown merchants to do sidewalk sales and display consistent with the Tuesday evening Farmers Market.

16. The Community Development Director, Bob Lata, reviewed a written communication from Mr. C.J. Weyrick regarding Use Permit No. 860001 (Club Montage) wherein Mr. Weyrick is seeking to change hours of operation and limit access by teens to Sunday evenings (one night per week), plus other special events.

Motion by Councilmember Cousins and seconded by Councilmember Dolan to direct staff to respond to Mr. Weyrick's letter of November 14, 1986, advising him again of the process for modification to the Use Permit and should Mr. Weyrick choose to pursue a modification, a

... scheduled before the appropriate body.
... abstained stating possible conflict due to sale
... following original approval of the Use Permit. Motion
... following roll call vote:
ABSTAINED: Cousins, Dolan and Russell
 Stemper
 Quitt
 Mr. Clifford Weyrick appeared and stated his request.

17. Councilmember Dolan reported on the Hillside Ordinance Field Trip and a recommendation that came out of it by the Planning Commission that any request for sidewalk waivers be accompanied by a bond paid into a sidewalk fund for the future.
He also referred to the validity of EIS documents when conditions and circumstances change over a period of years. The City Manager stated that a re-review of the document would be made by staff on an individual basis to see if a new situation exists.

18. Council determined that the matter of the review of the options available pertaining to the Library be held over to a study session on December 10, 1986 at 5:30 p.m.

19. There being no further business, it was moved by Councilmember Dolan, seconded by Councilmember Stemper and passed unanimously to adjourn to December 10, 1986 at 5:30 p.m. in the City Council Chambers for the purpose of a study session on options available to the Library.
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.

CC MINUTES 12/2/86