

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
DECEMBER 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, Qvitt, Dolan, Stemper and Russell. Following roll call, an invocation was given by Rev. Ed Hannis.

1. The minutes of the adjourned meeting of December 1, 1986 and the regular meeting of December 2, 1986 were presented. Councilmember Dolan requested that the minutes of December 2, 1986 reflect that he abstained from voting on the approval of the Planning Commission minutes of October 14, 1986 since it was his understanding that Item No. 1, File No. LLA 86001 was to have been removed, but was not, stating his abstention was for the reason that NCI is in the process of trying to acquire the subject property. (This Item was amended by the minutes of January 6, 1987 to reflect that Councilmember Dolan would have abstained on the vote on File No. LLA 86001 of the Planning Commission minutes of October 14, 1986 had he known that the item was not removed as he had believed it to be.)

He also requested clarification of Item 9, next to last paragraph, setting forth the action recommended by the City Engineer as follows:

- 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.

Councilmember Dolan further requested that Item. 12 of the minutes of December 2, 1986, approval of the Lease Agreement between the City and Paso Robles Swim Club, for the record indicate that the Director of Parks and Recreation confirmed that the Lease rates as proposed represent the cost to the City of Paso Robles for keeping the pool open during the Lease period for the people who are requesting the lease.

After discussion, Councilmember Cousins moved to approve the minutes of December 1, 1986 as presented, and to approve the minutes of December 2, 1986 as amended by Councilmember Dolan and set forth above. Motion died for lack of a second.

It was then moved by Councilmember Stemper and seconded by Councilmember Qvitt to approve the minutes of December 1, 1986 as presented, and the minutes of December 2, 1986 with noting

all terms and conditions unchanged. (The present agreement expires on June 30, 1987.)

Motion by Councilmember Ovitt and seconded by Councilmember Cousins to authorize the extension of said agreement to June 30, 1992 as recommended. Motion passed by the following roll call vote:

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

18. The Director of Parks and Recreation introduced Mr. R. L. Fisher, Debbie Fisher and Mr. Gerald Townsend, representing Western Heritage Enterprises, who presented the proposed Development Plan for Barney Schwartz Park.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt that the proposed Development Plan be accepted and referred to staff and the City Attorney for review to be brought back to Council for further discussion and action. Motion passed by the following roll call vote:

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

19. The City Manager presented a proposal from the North County Farmers Market Association for the operation of the Market within the City limits and a request for a change in the established setup and start time from 5:00 p.m. to 3:00 p.m.

The City Manager recommended that there be no change for December 23, 1986, and that for December 30, 1986 and January 6, 1987 the setup time be for 4:00 p.m. and start time at 4:30 p.m. for both days, and to defer action on the total proposed agreement to the Council meeting of January 6, 1987. The notification that there will be no parking after 4:00 p.m. shall begin by 2:30 p.m., and street closure to be at 4:00 p.m.

Motion by Councilmember Cousins to accept the recommendations of the City Manager as set forth above. Motion seconded by Councilmember Ovitt. Councilmember Dolan stated that he wants the BIA to work it out on their own first, and then come to the City if they can't. Motion passed by the following roll call vote:

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

20. A letter from Mr. Tom Richetti requested waiver of fees assessed by Resolution No. 2391 regarding storm drainage on a proposed six lot

subdivision; said fee being provided for under Municipal Code Section 22.20.185. The City Manager recommended that the Council receive and file the letter, thereby denying the request of fee waiver.

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

21. Councilmembers Cousins and Ovitt requested permission to leave the State. Motion by Councilmember Stemper, seconded by Councilman Dolan and passed that said permission be granted.

22. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Dolan 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.

Councilmember Dolan's abstention on File No. LLA 86001 and the clarification of Item 9, as set forth above. Motion passed by the following roll call vote:

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

2. The Fire Chief, Bob Adams, reviewed the incident which resulted in the saving of the life of Mr. Ronald Gow when he was removed from a burning structure by citizen Claire L. Koolman and Police Officer Edward Dobrinin and then assisted by citizens Joseph R. Yovanovitch and Michael A. Tappa in administering First Aid to the seriously injured Mr. Gow.

The Mayor commended each of the persons for their heroic actions and presented to them Awards of Merit.

The Fire Chief also commended Police Officers Allen Rowe and Jeff Trippon for their assistance during the incident.

3. The Mayor presented Good Citizenship Awards to citizens Janet Anderson and Shirley Rodriguez for the life-saving actions they took to assist a child's parents in clearing the air passage of an 18 month old child who was choking and in respiratory arrest and commended them for their outstanding actions.

4. The Mayor announced that it was the time scheduled for public hearing of General Plan Amendment - 86-04, Zone Changes - Bonita Homes, (Area A), which was reviewed by Community Development Director, Bob Lata, explaining that the Planning Commission at its public hearing held December 9, 1986 recommended approval of the GPA and zone change from : "Manufacturing" to "Low Density Residential" with PD - 5 Overlay for approximately 16 acres west of Airport Road and north of Turtle Creek Park. The Director stated that he had received one letter of opposition to the zone change from C.T.S. Keene. The Mayor then opened the public hearing.

Several citizens from the Bonita Homes area appeared and expressed their opposition to the zone change.

Councilmember Dolan stated he believed the zoning should remain light manufacturing with appropriate noise buffers designed and installed.

Mr. Jack Ghormley, representing Bonita Homes, addressed the Council and explained that they had been working with City staff for several years with the general understanding that the property was potentially residential.

There being no further comments, the Mayor closed the public hearing.

Councilmembers Stemper and Cousins were in favor of light manufacturing.

Mayor Russell suggested the consideration of moving Linne Road between C.T.S. Keene and the subject property thus creating a buffer zone between manufacturing and residential.

Councilmember Ovitt stated a possible need for an EIR focussed on noise.

Motion by Councilmember Dolan and seconded by Councilmember Cousins to deny the General Plan Amendment 86-04/Bonita Homes, for a zone change from Manufacturing to Low Density Residential. Motion passed by the following roll call vote:

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

5. The Mayor called a short recess after which he called the meeting back to order.

6. The Mayor announced it was the time scheduled for a public hearing for a General Plan Amendment and zone change for three parcels which were added to the Theatre Drive Annexation at the public hearing on the Annexation. The Community Development Director reviewed the matter, after which the Mayor opened the public hearing. It was noted that the Planning Commission recommendation to Council included a request for Council consideration of waiver of fee for General Plan Amendment and zone change applications submitted within six months by an owner of property included within the Theatre Drive Annexation.

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

Councilmember Dolan stated that he believed waiving the fees for the three parcels would be appropriate. Mayor Russell stated opposition to waiving the fees citing the fact that the recommended zoning was consistent with the present zone and the annexation didn't create any additional burden because fees would have been charged by the County.

Motion by Councilmember Cousins, seconded by Councilmember Stemper and passed unanimously to approve the Negative Declaration of Environmental Impact for General Plan Amendment No. 86-04 "Area D".

Resolution No. 3177, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING AMENDMENT 86-04(D) TO THE LAND USE ELEMENT OF THE GENERAL PLAN WHICH PROVIDES FOR THE DESIGNATION OF APPROXIMATELY 3 PARCELS OF LAND LOCATED WITHIN ANNEXATION 62 (THEATRE

DRIVE) FOR RURAL RESIDENTIAL AND HIGHWAY COMMERCIAL LAND USES, was presented. Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that said Resolution be read by title only. Resolution No. 3177 was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that Resolution No. 3177 be adopted. Motion passed by the following roll call vote:

AYES: Ovitt, Stemper, Cousins, Dolan and Russell
NOES: None
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 (THREE PARCELS ADDED TO THEATRE DRIVE - ANNEXATION 62), was introduced for first reading. Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that said Ordinance be read by title only. The Ordinance was read by title only.

Councilmember Dolan stated that he wished said Ordinance to include the noted recommendation for fee waiver from the Planning Commission.

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

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that this constitute the first reading of said Ordinance. Motion passed by the following roll call vote:

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

7. The Consent Calendar was presented. Item IV - E. was pulled for discussion. It was moved by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously 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 - E. Those items on the Consent Calendar are as follows:

A. Approval of Final Tract Map 1215 and Subdivision Agreement - Almond Springs Estates

Staff finds the map to be technically correct and all conditions of tentative approval have been met, including fees paid. In adopting the Consent Calendar, Council approves and authorizes the Mayor and

City Clerk to sign said agreement and authorizes the City Clerk to sign the map and record same.

B. Approval of Development Agreement Tract 1350 - Jay Parsons (Westside Vine at 28th Street)

Staff has received the Certificate of Insurance and soils report for the Development Agreement for Tract 1350, and all fees have been paid. In adopting the Consent Calendar, Council approves and authorizes the Mayor and City Clerk to sign the Development Agreement.

C. Declaring the Barn Structure on City Owned Property (Centennial Park) as Surplus Property

In adopting the Consent Calendar, Council declares the barn structure located on the site for Centennial Park as surplus property and authorizes staff to solicit bids for its sale.

D. Approval of Policy A-1, Agenda Procedures

Staff has prepared for Council approval policy and procedures pertaining to format, content and administration of agenda-related procedures becoming effective January 1, 1987. In adopting the Consent Calendar, the Council approves and adopts the attached Policy A-1.

F. Receipt of Minutes of Parks and Recreation Advisory Committee

In adopting the Consent Calendar, Council receives and files minutes of the Park and Recreation Advisory Committee meeting of December 8, 1986.

G. Receipt of Senior Citizen Advisory Board Minutes

In adopting the Consent Calendar, Council receives minutes of the regular meeting of the Senior Citizens Advisory Board of December 8, 1986.

Item E. **Approval of Transfer from Otto Sharp Fund to ACORN in the amount of \$150,000.00** In adopting the Consent Calendar, Council authorizes per established procedures the transfer from the Otto Sharp Fund to ACORN \$150,000.00 as requested by the Otto Sharp Estate Selection Committee, was presented for discussion by Councilmember Dolan.

Councilmembers Cousins and Dolan abstained from voting on Item E. since they are on the Board of Directors of ACORN.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that Item E. be approved thereby authorizing the transfer of \$150,000.00 from the Otto Sharp Fund to ACORN. Motion passed by the following roll call vote:

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

8. The Pre-check register dated December 4, 1986 in the amount of \$326,503.13 was presented. Motion by Councilmember Ovitt and seconded by Councilmember Stemper that said Pre-check Register be approved in the amount of \$326,503.13. Motion passed by the following roll call vote:

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

9. The Community Development Director introduced the new Assistant Planner, Meg Williamson and the Council welcomed her.

10. The Planning Commission minutes for the regular meeting of November 25, 1986 were reviewed by the Community Development Director, Bob Lata.

Councilmember Dolan proceeded to discuss Item 2. Old Business A. Tract 1397 Planned Development 80007-C and EIS 86007, applicant Douglas Dickson, for a 54 Lot Zero-Lot Line Planned Development on the South Side of Scott Street, West of Creston Road, and requested that any action on said subject be tabled.

Mr. Douglas Dickson, the applicant, appeared and stated that he could consider tabling the matter until the middle of January.

It was then moved by Councilmember Cousins and seconded by Councilmember Dolan that the minutes of regular meeting of the Planning Commission on November 25, 1986 be approved, together with the findings and conditions as set forth therein, with the exception of Item 2.A which shall be held over until the meeting of January 6, 1987. Motion passed by the following roll call vote:

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

11. The minutes from the regular meeting of the Planning Commission on December 9, 1986 were presented. Councilmember Cousins, having discovered that the copy of said minutes was missing from her Agenda

packet, moved that approval of the minutes be held over until she has had time to review them; the motion was seconded by Councilmember Dolan. The Mayor asked staff if there were any issues in the minutes that would be effected negatively if held over and was told that there were. Motion failed by the following roll call vote:

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

The Community Development Director, Bob Lata, then reviewed the minutes of the Planning Commission meeting of December 9, 1986. Discussion followed regarding Item 3.C, Parcel Map PR 86-260, applicant William Guasti, 2 Lot Single Family Residential at 934 Osos Way with particular attention to the C.C. & R.s.

Councilmember Dolan questioned if the Covenants could be different for that area than the rest of the El Dorado Estates and if anyone in the City had reviewed them. Councilmember Stemper stated he did not believe it was necessary to hold up the developer another two weeks for the City to look at the C.C. & R.s.

Councilmember Ovitt questioned the fact of bringing in the Covenants when it is not our responsibility to enforce the Covenants. The City Attorney stated that was true but that the City Council and the Planning Commission has in the past attempted to follow the Covenants.

The Mayor concurred that in the majority of the cases, the Council has tried to adhere to the C.C. & R.s.

Councilmember Dolan moved that the Council approve the Planning Commission minutes of December 9, 1986 with the stipulation that Item C. 86-260 is approved subject to staff's confirmation of the absence of conflict of C.C. & R.s for this particular request and that with the stipulation Item 7 (Douglas Dickson) be continued for further Planning Department review.

The motion died for lack of a second.

The Mayor questioned whether the clock continues to run on tentative tracts while a Planned Development is still under consideration. Staff was unable to provide an immediate answer and was instructed to report back.

Motion by Councilmember Stemper and seconded by Councilmember Ovitt that the Planning Commission minutes of December 9, 1986 be approved as presented with Item 7 - A (Douglas Dickson) being held over. Motion carried by the following vote:

AYES: Stemper, Ovitt and Russell, with Russell abstaining on Item

B, Use Permit 86022
NOES: Cousins and Dolan
ABSENT: None

There followed a lengthy discussion in response to the Planning Commission's request for Council direction regarding the merits of 3,000 square foot lots.

Motion by Councilmember Stemper and seconded by Councilmember Qvitt that the Planning Commission look at the concept of Planned Development for 3,000 square foot lots. Councilmember Dolan stated that the Planning Commission has already looked at the subject twice. Motion failed by the following roll call vote:

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

Motion by Councilmember Qvitt, seconded by Councilmember Stemper and passed unanimously that the Council hold a joint study session with the Planning Commission to study the concept of smaller lots and a development plan, and receive staff's answer to the question regarding timing of tentative tract approving in relation to consideration of Planned Developments; said study session to be held at 5:30 p.m. on January 14, 1987.

12. The Community Development Director, Bob Lata, presented a proposed policy which would require Specific Plans prior to approval of subdivision and/or development plans for certain parts of the City with proposed steps to be taken.

Motion by Councilmember Qvitt and seconded by Councilmember Dolan to approve the policy and procedure and bring the matter back to the Council study session on January 14, 1987. Motion passed by the following roll call vote:

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

13. The Fire Chief presented the current Automatic Aid Agreement with the CDF/San Luis Obispo County Fire Department and recommended that the Council reaffirm same; approve and adopt the minor changes in the boundaries of the response area; and authorize the City Clerk to certify those changes as shown on map designated as Attachment No. 1. The general boundaries for the aid requests are as follows:

North - San Marcos Road/Wellsona
East - Jardine Road/Union Road/Penman Springs
South - South River Road/Neal Springs
West - 46W/Arbor Road/Adelaide Road

with request to include the roadways for ease of dispatching; the entire Jardine Road area of homes would be included.

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously to approve the recommendations of the Fire Chief and authorize City Clerk to certify to same.

14. The Fire Chief recommended that the Council award the Airport Station Fire Engine Bid to the lowest responsible bidder, FMC/Van Pelt of Oakdale, California in the amount of \$141,275.83 and that the Council appropriate \$3,300.00 from the Council's Contingency Fund to cover the down payment and authorize a 5 year lease purchase plan with FMC/Van Pelt (the budgeted in this year's budget being \$30,054.00).

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously to approve the recommendations of the Fire Chief and award said bid to FMC/Van Pelt in the amount of \$141,275.83, with the first year's payment being \$33,326.00, and authorize an appropriation of \$3,300.00 from the Council's Contingency Fund to go towards said payment.

15. The Director of Municipal Services recommended that the Council award the contract for signalization of Melody/Pioneer Roads at Creston Road to Safety Electric of Fresno in the amount of \$125,843.00 (the cost of the signalization of both intersections being the obligation of the developer).

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to accept the recommendations of the Director and award the bid to Safety Electric of Fresno in the amount of \$125,843.00 for signalization at Melody/Pioneer roads at Creston Road.

16. The Director of Municipal Services recommended that Council approve Progress Payment No. 5 to MCM Construction co. for work completed on the Niblick Bridge and authorize payment in the amount of \$603,185.18 to MCM Construction.

Motion by Councilmember Cousins and seconded by Councilmember Ovitt to approve Progress Payment No. 5. Motion passed by the following roll call vote:

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

17. The Director of Municipal Services recommended that the Council authorize the existing Agreement between the City and Edgar Wiebe for the operation of the landfill to be extended to June 30, 1992 with