

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
JANUARY 6, 1987

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. Following roll call an invocation was given by Rev. David Parsons.

1. The minutes of the regular meeting of December 16, 1986 were presented. Councilmember Stemper referred to the minutes of the December 1, 1986 adjourned joint study session with Templeton Community Services District regarding the Jack Creek Dam. He stated that he found no reference to TCSD being designated as the lead agency in the joint efforts to be undertaken; however, a recent correspondence from TCSD indicated that they were taking the leadership and Councilmember Stemper questioned if that fact is missing from the minutes. It was then moved by Councilmember Ovitt and seconded by Councilmember Dolan that the matter be brought up as a deviation from the Agenda under City Manager matters later in the meeting. Motion passed by the following roll call vote:

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

Councilmember Stemper then questioned the language in the minutes of December 2, 1986 in reference to Councilmember Dolan's abstention on File No. LLA 86001. The City Manager further clarified the matter by stating that Councilmember Dolan would have abstained on the vote had he known the item was on the agenda, since North County Industries was considering purchase of the subject property.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that the minutes of the regular meeting of December 16, 1986 be approved with the amendment Councilmember Dolan's intended abstention in the minutes of December 2, 1986. Motion passed by the following roll call vote:

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

2. Mr. John Ligtermoet, Vice President of Customer Service for Sky West Airlines, reviewed a proposed Letter of Agreement in concept between Sky West and the City for the introduction of commuter airline service to the Paso Robles Airport, which includes a commitment from the City to complete certain capital improvements to the terminal area as well as the waiving of operating fees for a period of two years. He stated that they anticipated an April 1, 1987 start date.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to enthusiastically approve the Letter of Agreement in concept and refer the agreement to staff and the City Attorney for review and comments and bring

22. The Mayor requested staff to consider the possibility of replacing the Planning Commission and Council members on the Airport Advisory Committee with 1 to 3 lay members to be drawn from the applications recently received for the vacancy, with the Council and Planning Commission representatives to remain as a liason only; and to bring back to Council at the next meeting a recommendation for 1 to 3 members on the Advisory Committee.

23. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to adjourn to 5:30 p.m. on January 14, 1987 in the City Council Chambers for a study session regarding receipt of proposal and discussion of Tract 1397/Dickson.

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.

it back to the Council at the next regular meeting. Motion passed by the following roll call vote:

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

Mayor Russell commended Messrs. Sherman Smoot and Walter McKinley on their diligent and dedicated efforts in bringing commuter airline service to the Paso Robles Airport.

3. The Mayor opened the public hearing for Notice of Violations on the following listed Tracts:

- Tract No. 1041/Country Club Meadows
- Tract No. 1157/Oak Creek Estates
- Tract No. 1161/Oak Creek Estates

There being no comments either written or oral, the public hearing was closed upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to adopt as findings the reports from staff on the subject Tracts and to authorize the recordation of the Notice of Violations on the above-listed Tracts. Motion passed by the following roll call vote:

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

4. The Mayor opened the public hearing for Notice of Violation on Tract No. 1107/Oak Creek. No comments were received, either oral or written. In accordance with staff recommendation, it was moved by Councilmember Ovitt and seconded by Councilmember Dolan to continue the public hearing to the regular meeting of January 20, 1987. Motion passed on a four to zero vote with Councilmember Cousins abstaining.

5. The Consent Calendar was presented, and upon motion by Councilmember Ovitt 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. Motion passed by the following roll call vote:

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

Those items on the Consent Calendar are as follows:

A. Approval of Policy P-1, Continuation of Medical Benefits Under the Consolidated Omnibus Budget Reconciliation Act of 1985 ("COBRA")

COBRA amends the Federal Public Health Service Act to require that group health plans of covered public employers provide employees and certain family members the opportunity to continue at their expense health care coverage at group rates for up to 36 months where coverage would otherwise terminate. In adopting the consent calendar, Council authorizes charging the legally allowed 102 percent of premium for such continuation of coverage. This would not affect the council policy of offering medical coverage at 100 percent of premium to retiring employees.

B. Minutes of Airport Advisory Committee Meeting of December 11, 1986

In adopting the Consent Calendar, Council receives and files minutes of the Airport Advisory Committee Meeting of December 11, 1986.

C. Accepting Public Improvements - Tract 1079/Terrace Hill Estates

Public improvements for Tract 1079 have been completed and found to be in accordance with the approved plans. In adopting the Consent Calendar, Council accepts public improvements for Tract 1079.

6. The Pre-check registers dated December 19, 1986 in the amount of \$1,076,827.86 and January 2, 1987 in the amount of \$306,687.23 were presented, and upon motion by Councilmember Ovitt and seconded by Councilmember Cousins, said warrants were approved by the following roll call vote:

AYES: Cousins, Ovitt, Dolan and Russell (Abstained on Check to Palla Equipment.)
NOES: None
ABSENT: None
ABSTAINED: Stemper

7. A memo from the Airport Manager recommended that Council approve the low bid submitted by Pete Johnston General Motors for the new Airport Maintenance Vehicle (mid-size pickup truck) and authorize the purchase of a 1987 Chevrolet S-10 pickup in the amount of \$9,594.45, which funds are available from the present Airport operating budget.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to approve the Airport Manager's recommendations as set forth above.

8. The minutes of the Planning Commission meeting of December 23, 1986 were reviewed by the Community Development Director, Bob Lata. It was moved by Councilmember Stemper, seconded by Councilmember Ovitt and passed unanimously that the minutes of the Planning Commission meeting of December

23, 1986 be approved, together with the findings and conditions as set forth therein.

9. An ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING SECTION II OF ORDINANCE 515 N.S. TO ESTABLISH A REQUIREMENT FOR ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SINGLE FAMILY RESIDENTIAL DWELLINGS AND PRIVATE GARAGES, CARPORTS AND SHEDS, was introduced for first reading.

Following a staff report and brief discussion, Councilmember Cousins stated that she believed the requirement of a "Certificate of Occupancy" to be an invasion of privacy.

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

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

10. The matter of the continuance of action of approval of the Planning Commission minutes of November 25, 1986 and December 9, 1986, relative to Tentative Tract 1397, applicant Douglas Dickson, was presented. It was moved by Councilmember Dolan and seconded by Councilmember Ovitt with the understanding that Mr. Dickson consents to continuing the matter to the next regular Council meeting, allowing for further review in the joint Planning Commission/Council study session on January 14th. Motion passed by the following roll call vote:

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

11. Resolution No. 87-1, A RESOLUTION ACCEPTING A GRANT OF EASEMENT FOR STORM DRAIN MAINTENANCE PURPOSES FROM C AND M PROPERTIES, 6TH & SPRING IN THE CITY OF EL PASO DE ROBLES, (Clouston and Mundee), was presented for Council's consideration.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 87-1 be read by title only. The Resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan that Resolution No. 87-1 be adopted. Motion passed by the following roll call vote:

AYES: Ovitt, Dolan, and Russell

NOES: None
ABSENT: None
ABSTAINED: Stemper and Cousins

12. Resolution No. 87-2, A RESOLUTION ACCEPTING A GRANT DEED FOR PUBLIC RIGHT-OF-WAY PURPOSES, TWENTY-FIVE FEET OF LOT 32 OF PROSPECT HEIGHTS; PEDRO LOPEZ AND MOISES AND GORGONIA S. LOPEZ, was presented for Council's consideration.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that Resolution No. 87-2 be read by title only. Resolution No. 87-2 was read by title only.

Motion by Councilmember Stemper and seconded by Councilmember Ovitt that Resolution No. 87-2 be adopted. Motion passed by the following roll call vote:

AYES: Stemper, Ovitt, Cousins and Russell
NOES: None
ABSENT: None
ABSTAINED: Dolan (proposed purchase of adjoining Lot 28 by NCI)

13. The City Engineer, Mike Grantham, presented an updated status report for "overdue" subdivisions and recommended certain actions for the Council to take on each tract as set forth below:

a. Tract 958 (Vista Del Rio) - Motion by Councilmember Dolan and seconded by Councilmember Ovitt to accept the tract and retain a guarantee bond for one year. Motion passed by the following roll call vote:

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

b. Tract 1118 (Indian Village) - Motion by Councilmember Dolan and seconded by Councilmember Ovitt to hold over to the staff meeting of January 8, 1987 and then call upon security if the matter could not be resolved. Motion passed by the following roll call vote:

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

c. Tract 1133 (Bel Air Estates) - Motion by Councilmember Ovitt and seconded by Councilmember Dolan to authorize a time extension of 30 days. Motion passed by the following roll call vote:

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

ABSENT: None

d. Tract 1145 (Appaloosa Drive) - Motion by Councilmember Ovitt and seconded by Councilmember Dolan to accept the tract and retain a guarantee bond for one year. Motion passed by the following roll call vote:

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

e. Tract 1167 (Country Club Meadows) - Motion by Councilmember Ovitt and seconded by Councilmember Dolan that there be immediate correction of the fire hydrants and then accept the tract and retain a guarantee bond for one year. Motion passed by the following roll call vote:

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

f. Tract 1185 (Oak Creek) - Motion by Councilmember Dolan and seconded by Councilmember Ovitt to call upon security for completion. Motion passed by the following roll call vote:

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

g. Tract 1208 (Indian Hills) - Motion by Councilmember Ovitt and seconded by Councilmember Dolan to authorize a time extension of 30 days. Motion passed by following roll call vote:

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

h. Tract 1290 (Country Club Meadows) - Motion by Councilmember Ovitt and seconded by Councilmember Dolan to call upon security for completion. Motion passed by the following roll call vote:

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

i. Tract 1334 (Country Club Meadows) - Motion by Councilmember Ovitt and seconded by Councilmember Dolan to call upon the security for completion. Motion passed by the following roll call vote:

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

J. Tract 1336 - (Oak Creek Plaza) - Motion by Councilmember Dolan and seconded by Councilmember Ovitt to call upon the security for completion. Motion passed by the following roll call vote:

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

K. Tract 1344 (Indian Hills) - Motion by Councilmember Ovitt and seconded by Councilmember Dolan to authorize a time extension of 30 days. Motion passed by the following roll call vote:

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

14. The City Manager reported on the status of the nuisance abatement at the Country Club stating plans for the sprinkler system are in plan check, that a contract has been let between owner and contractor for the total sprinkler system and that the roof structure is scheduled for review by the Architectural Review Committee.

Motion by Councilmember Cousins and seconded by Councilmember Dolan to continue the matter to the March 3rd meeting for further update.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to amend the above motion directing that Council receive an update on the nuisance abatement every 30 days thereafter until completed. Motion passed by the following roll call vote:

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

The motion stated above continuing the matter to the March 3rd meeting for further update was passed by the following roll call vote:

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

15. The City Manager reported on the Farmers Market. He stated that the Farmers Market is looking for another site which will allow them to sell for a longer period of time and recommended that Council authorize staff to meet with the members of the Farmers Market to identify other sites with a 60 day time limit for finding another site and submission of a proposal to Council. And in the meantime to authorize the Market to continue setting up at 4:00 p.m, starting selling at 4:30 p.m. in the same location on 12th Street. He further stated that this was approved by the Farmers Market but the BIA objected to the hours.

Councilmembers Cousins and Dolan expressed concern for the hours.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper to approve the City Manager's recommendations as set forth above. Motion passed by the following roll call vote:

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

16. Ordinance No. 524 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 - ANNEXATION 62, (Three Parcels Added to Theatre Drive), was presented for second reading and adoption. Motion by Councilmember Ovitt, seconded by Councilmember Stemper 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 Stemper that this constitutes the second reading and adoption of Ordinance No. 524 N.S. Councilmember Dolan stated that he was voting "no" because he thought the City should waive the fees for application for rezone for the three parcels as he had stated in the introduction of the Ordinance. Motion passed by the following roll call vote:

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

17. Resolution No. 87-3, 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 63 - DOOLEY, was presented for Council's consideration. Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 87-3 be read by title only. The resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper to adopt Resolution No. 87-3. Motion passed by the following roll call vote:

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

Quitt introduced the matter of the Joint Powers Services District and questioned if (1) a contract with Jack Creek and Templeton Community Services District is approved that as far as he is on this situation? The Mayor said that the City Attorney has been approved that he had submitted a letter from the Manager of the Templeton Community Services District to property owners in the proposed Jack Creek Dam area regarding plans to proceed with the dam site.

Councilmember Dolan expressed his concerns stating that he had met with property owners and toured the Santa Rita Creek area. He questioned the potential dam sites in the Santa Rita Creek area. He questioned the advisability of entering into an engineering agreement at this time. The Director of Municipal Services advised that he had been requested to attend a meeting of the property owners in the dam site area.

After a lengthy discussion, it was moved by Councilmember Dolan and seconded by Councilmember Quitt that the City shall not incur further liability or expense until a contract is signed and that Templeton Community Services District be notified that there shall be no more communications regarding the Jack Creek Dam unless jointly approved and signed by both parties; and further, that the Council finds subsequent to necessary to take action on this matter which became known subsequent to the issuance of the Agenda in view of possible litigation. Motion passed by the following roll call vote:

AYES:
NDES:
ABSENT:

Dolan, Quitt, Cousins, Stemper and Russell
None
None

19. The City Manager recommended that the Council set a study session for reviewing a presentation by Halferty Development Company. It was set for 5:30 on January 28, 1987 in the City Council Chambers.

20. Mr. Chuck Chiado registered his objections to Sonic Cable T.V.'s recent rate increase and requested the Council take some action to prevent it. Mr. Jay Lyon explained that the Council could do nothing as a body that if enough citizens discontinued using the Cable and/or brought competing cable company, they may be forced to reduce the rates.

21. Councilmember Stemper received permission from the Council to travel to the State on January 19 through 25, 1987.