

MINUTES OF THE REGULAR MEETING  
PASO ROBLES CITY COUNCIL  
FEBRUARY 17, 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: Ovitt, Dolan, Stemper, Cousins and Russell; none being absent. Before roll call, an invocation was given by Councilmember Ovitt.

1. The minutes of the adjourned meetings of January 14, January 28, 1987 and the regular meeting of February 3, 1987 were presented and approved upon motion by Councilmember Dolan, seconded by Councilmember Stemper and passed with Councilmember Cousins abstaining on the minutes of January 28, 1987, and with the following amendments: January 28 - Item 2. Adding "Councilmember Ovitt discussed the possibility of allowing access through the development on 9th Street to the south and it was requested to be looked into.", and February 3 - Item 8. - " Councilmember Dolan abstained on Check No. 60276 and Councilmember Stemper abstained on Check No. 60092."
2. Proclamation March 15 through March 22, 1987 CAMP FIRE BIRTHDAY WEEK was read by the Mayor. Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to adopt said proclamation.
3. Proclamation FFA WEEK February 21-28 was read by the Mayor and upon motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously was adopted. Mr. Mark Clement, instructor of the FFA class in Paso Robles High School, introduced several students from the class who each gave a very informative presentation of the various aspects of the program.
4. Mr. Peter Roell, representing ACORN, gave a video presentation for Centennial Park Fundraising, followed by a brief update of the status of the fundraising.
5. The City Manager gave a background report on the Notice of Violation pertaining to Tract 1290/Country Club Meadows - Paso Robles Investments. Councilmember Stemper asked the City Attorney if there was any evidence that the Internal Revenue Service had placed liens against the subject property, and if so, how would that effect the residences. The City Attorney answered that there are liens against the property and that the effect they have depends upon the position of the trustees.

The Mayor opened the public hearing scheduled at this time to hear from the developer as to cause why the City should not take action to call upon the posted security and comments from the audience. Several residents and property owners gave testimony regarding the problems that exist within the development, among them were Janice Tackett, Mark Robertson, Don Grasel, Don Martin, Ms. F. Goodnight, Ed Howard, Nick Britian, Austin Stanfield, Lillian Stanfield and Eric Bower. The testimony consisted of complaints regarding dangerous conditions, dump sites, vandalism and theft, deteriorating vacant houses, etc.

Some of the citizens questioned the City Attorney as to the legality of the local financial institution involved with the development.

The Mayor directed staff to consider the possibility of City staff correcting some of the existing dangerous conditions.

Councilmember Dolan assured the residents and potential property owners that the City will not turn its back on those trying to get finals for their residences and will do its best to get the problems solved.

Councilmember Stemper asked the City Attorney if the City expends money towards the completion of public improvements, are those funds reimbursable by the bonding company? The City Attorney answered that he wasn't sure but some of the offsites that could be corrected should be where there is a particular danger.

After further discussion, it was moved by Councilmember Ovitt and seconded by Councilmember Dolan to authorize staff to file recordation of Notice of Violation pertaining to Tract 1290/Country Club Meadows and call the posted securities. Motion passed by the following roll call vote:

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

6. The City Manager gave a background report on the Notice of Violation pertaining to Tract 1334/Country Club Meadows - Paso Robles Investments, explaining that a public hearing has been scheduled at this time to hear from the developer as to cause why the City should not take action to call upon the posted security.

The Mayor opened the public hearing to the audience.

Mr. Charles Goble, owner of Lot 10, complained of a large hole in the ground that was a serious liability and wanted to know who was responsible for the liability, another property owner complained of an uncovered manhole, other citizens complained of vacant houses that were being vandalized and were in a deteriorating state.

Council authorized staff to place manhole covers where needed.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to close the public hearing.

It was moved by Councilmember Ovitt and seconded by Councilmember Dolan to authorize staff to file recordation of Notice of Violation and call upon posted securities. Motion passed by the following roll call vote:

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

7. The City Manager gave a background report on Notice of Violation pertaining to Tract 1118/Indian Village - M. Timm Development Company, explaining that a public hearing has been scheduled for this time to hear from the developer as to cause why the City should not take action to call upon the posted security. The Mayor opened the public hearing to the audience.

Mr. Bill Timm, the developer, explained the water contamination problem in the water line and requested a 45 to 60 day time extension to overcome the problem, and offered to post another \$30,000 bond in addition to the \$30,000 retention on the project to cover the cost of replacing the waterline if the contamination is not corrected. He explained that there are no people being serviced by the waterline at this time; that the four residences now occupied are being serviced by a temporary waterline.

It was moved by Councilmember Dolan, seconded by Councilmember Stemper and passed unanimously to close the public hearing.

Councilmember Dolan questioned what the options were should the contamination problem not be resolved at the end of the 30 day extension.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to grant a thirty (30) day time extension for Tract 1118 to allow time to solve the contamination of the waterline. Motion passed by the following roll call vote:

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

8. The City Manager gave a background report on the Notice of Violation pertaining to Tract 1185/Oak Creek - Glenwood Partnership, explaining that a public hearing has been scheduled for this time to hear from the developer as to cause why the City should not take action to call upon the posted security. The Mayor opened the public hearing to the audience.

Councilmember Ovitt questioned if the original annexation determine the responsibility for the park development and was told that the development of the park was phased and the delineation of the improvements to be completed and assigned to the Tracts, were at a time when the City was dealing with Bloch and Bower Development who sold off a portion, Tract 1185, to Glenwood Partnerships.

Mr. Glen Lewis, a partner of Tract 1185, presented a history of the Tract. Mr. Jack Cowden, a partner, also appeared. Mr. Lewis stated that he is an attorney and willing to work with the City Attorney in terms of the bond aspect, but the requirement of park improvements was a surprise to them; that the bond for Tract 1185 contains no money for park improvements.

The City Engineer explained that a search of the files had revealed the park requirement.

The City Attorney asked the developer, Mr. Jack Cowden, if he would object to furnishing him a copy of the escrow instructions for the purchase of Tract 1185 and was told that they had no objections.

It was moved by Councilmember Dvitt and seconded by Councilmember Dolan that the public hearing be continued to 7:30 p.m. on March 3, 1987 for further review of the matter by the City Attorney and the developer's attorney regarding escrow instructions and possible pursuit of the bonding company. Motion passed on a four to zero vote with Councilmember Cousins abstaining.

9. The Mayor called a five minute recess after which he called the meeting back to order, announcing that Councilmember Cousins had stepped down for the rest of the meeting.

10. The Consent Calendar was presented. Councilmember Dolan requested that Item C. be removed for discussion. Motion by Councilmember Dvitt 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. Motion passed by the following vote:

AYES: Dvitt, Dolan, Stemper (Abstained on Items  
IV H, I, J, and K), and Russell  
NOES: None  
ABSENT: Cousins

Those items on the Consent Calendar are as follows:

**A. Authorization to Solicit Proposals for Tree Planting Program**

Included in the Agenda packet is a staff memorandum with attached Request For Proposals (RFP) to provide for tree planting within approved subdivisions. To date, by virtue of approval of five (5) tracts which have been completed and accepted by the City, there is need to plant approximately 109 trees. In each of the tracts, fees have been paid into the street tree fund. In adopting the Consent Calendar, Council authorizes staff to solicit proposals, which shall be brought back to the City Council, for award.

**B. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ESTABLISHING SIGNATORY AUTHORITY FOR CERTAIN CITY OFFICIALS TO MAKE DEPOSITS AND WITHDRAWALS WITH THE LOCAL AGENCY INVESTMENT FUND**

Included in the Agenda packet is a resolution establishing signatory authority for Sidney Godsey, City Treasurer, Michael J. Compton, Director of Administrative Services, and Jerry Bankston, City Manager, to make deposits and withdrawals from the Local Agency Investment Fund (LAIF). This resolution is presented in order to modify previous authority by providing for Michael J. Compton as newly appointed Director of Administrative Services. In adopting the Consent Calendar, Council approves the above-entitled resolution.

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NO. 87-9

**B. A RESOLUTION/OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ESTABLISHING SIGNATORY AUTHORITY FOR CERTAIN CITY OFFICIALS TO MAKE DEPOSITS AND WITHDRAWALS WITH THE LOCAL AGENCY INVESTMENT FUND**

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NO. 87-10

**D. A RESOLUTION/OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPEALING RESOLUTION NO. 3002 AND ESTABLISHING VARIOUS BANK ACCOUNTS AND DESIGNATING CERTAIN CITY OFFICIALS WITH SIGNATORY AUTHORITY ON SAID BANK ACCOUNTS**

Included in your Agenda packet is a staff memorandum and accompanying resolution which establishes various bank accounts and designates City officials with signatory authority. This resolution is presented in order to provide signatory authority to Mike Compton as newly appointed Director of Administrative Services.

**E. Minutes of Senior Citizens Advisory Board Meeting of February 9, 1987**

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

**F. Minutes of Parks and Recreation Advisory Committee Meeting of February 9, 1987**

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

**G. Approval of Final Map and Subdivision Agreement For Tract 1350 - Parsons (Westside Vine at 28th St.)**

Included in the Agenda packet is the Tract Map for Tract 1350 and accompanying Subdivision Agreement. The Certificate of Insurance, Letters of Credit, improvement plans and fees have been received. Staff finds the map to be technically correct. In adopting the Consent Calendar, Council approves the Final Map for Tract 1350,

authorizes its signing and recordation by the City Clerk, and authorizes the Mayor and City Clerk to sign the Subdivision Agreement.

NO. 87-12

H. RESOLUTION/ACCEPTING GRANT DEED FOR SEWER PURPOSES/NIBLICK GARDEN APARTMENTS - HILLTOP DEVELOPERS, INC.

In adopting the Consent Calendar, Council adopts the above-entitled resolution.

NO. 87-13

I. RESOLUTION/ACCEPTING GRANT DEED FOR EASEMENT FOR PUBLIC UTILITY PURPOSES/NIBLICK GARDEN APARTMENTS - HILLTOP DEVELOPERS, INC.

In adopting the Consent Calendar, Council adopts the above-entitled resolution.

NO. 87-14

J. RESOLUTION/ACCEPTING IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE PROPERTY FOR A PUBLIC RIGHT-OF-WAY ROAD PURPOSES/NIBLICK GARDEN APARTMENTS - HILLTOP DEVELOPERS, INC.

In adopting the Consent Calendar, Council adopts the above-entitled resolution.

K. Acceptance of Public Improvements For Lilac Lane/Niblick Garden Apartments - Hilltop Developers, Inc.

In adopting the Consent Calendar, Council authorizes acceptance of public improvements - Lilac Lane of Niblick Garden Apartments for maintenance purposes.

Item IV C., Resolution No. 87-10, RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES ADOPTING AN INVESTMENT POLICY FOR PUBLIC FUNDS, was presented for discussion.

Councilmember Dolan questioned Item 7. of the Resolution with reference to no fund with a balance of less than \$10,000 will receive interest and citing the previous instance where the Friends of the Library were allowed to receive interest with a less than \$10,000 balance. It was explained that the system will remain as is until budget time when an individual account may be modified. Councilmember Dolan mentioned that he prefers not to have financial items on the Consent Calendar.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Item IV C. be approved as presented.

11. The Pre-Check Register for February 13, 1987 was presented. The Mayor stressed the need to make further effort to purchase locally.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan that the above-mentioned Pre-Check Register be approved for payment in the

approve the attached Request for Proposal for consultant services, for preparation of a Specific Plan for the Union/46 area.

After discussion, it was moved by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to accept the recommendations of the Director and approve the preparation of the above-referenced RFP.

14. Progress Payment No. 7 to MCM Construction in the amount of \$273,306.98 for work completed on the Niblick Road Bridge which had been approved for payment earlier in the meeting in approval of the Pre-Check Register, including Change Order No. 5, was presented.

15. A report from the City Engineer on the status of the active subdivisions (overdue) was presented, together with staff recommendation regarding granting of time extensions of issuance of Notice of Intent to call upon the posted securities. It was noted that one letter of request for time extension has been received.

Mr. Gary Nelson, representing Tract 1133/Bel Air Estates - Wilpete Farms - appeared to report on the status of the Tract and the steps being taken to complete the requirements, particularly in regard to the requirement of the block wall along Niblick Road and along Lot 18. There was discussion regarding the block wall along Lot 18 by Mr. Ken Love, the adjacent property owner, pertaining to the sharing the costs of said block wall.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt to grant a 30 day time extension on the subdivision agreement for completion of improvements on Tract 1133. Motion past by the following roll call vote:

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

The City Engineer reviewed the status of Tract 1208/Indian Hills - Mission Development. After discussion, the City Engineer recommended that the Tract be granted one last 30 day time extension.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt that Tract 1208 be granted one last 30 day time extension on the subdivision agreement. Motion passed by the following vote:

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

The City Engineer reviewed the status of Tract 1344/Indian Hills - M. Timm Development, Inc. After discussion, the City Engineer recommended that the Tract be granted a 30 day time extension.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan that Tract 1344 be granted a 30 day time extension. Motion passed by the following vote:

AYES: Ovitt, Dolan and Russell

NOES: None

ABSENT: Cousins

ABSTAINED: Stemper

16. The City Manager reported that the work on the signalization on both Creston Road/Pioneer and Creston Road/Melody has been started.

17. The Council received a Citizens Petition regarding the absence of a block wall on the South side of Niblick Road from Lilac Lane to the eastern end of the Niblick Garden Apartments which requested the Council to require that the block wall be built. Also, a staff report setting forth a chronology as it pertains to decisions made relative to the wall which confirmed that the installation of the wall was not placed as a condition of the development; berms and landscaping along Niblick Road in lieu of a wall adjacent to the residential area was approved.

There followed discussion, wherein Council was advised that staff had contacted the developer and there was consideration of extending the block wall from a proposed commercial property on the corner in the future.

Mr. Doug Brooks spoke on behalf of the petitioners.

18. Permission was granted to Councilmember Ovitt to leave the State from February 27, to March 3, 1987.

19. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to adjourn to 6:30 p.m. on March 3, 1987 in the City Council Chambers regarding the Redevelopment Agency.

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORDS UNTIL APPROVED BY THE CITY COUNCIL AT THEIR NEXT REGULAR MEETING.