

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
APRIL 7, 1987

The City Council of the City of El Paso de Robles, meeting in regular session at 7:30 p.m. 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 meeting Joint City Council/Redevelopment Agency/Planning Commission on February 10, 1987, the adjourned regular meeting of City Council/Redevelopment Agency on March 17, 1987 and the regular meeting of City Council on March 17, 1987 were presented and approved upon motion by Councilmember Dolan and seconded by Councilmember Ovitt with the following amendments:

(1) February 10, 1987 - Item 1 - Planning Commission roll call includes Commissioner Tom Baron as present.

(2) March 17, 1987 Regular Meeting of City Council - Item 3 - Councilmember Cousins advised that she had learned that Heritage Oaks Bank had not loaned any money on the improvements on Tract 1185/Jack Cowden, but only on houses under construction within the Tract so she did not believe there was a conflict of interest in her voting on the issue (counsel had directed her to abstain on the vote); therefore, she was requesting that the action be withdrawn and held over until such time as the City Attorney has completed research and rendered an opinion on whether Councilmember Cousins had a conflict of interest on the issue.

Councilmember Stemper spoke on point of clarification to the issue, asking the City Attorney if under a conflict of interest was it not whether funds expended or received rather than for what purpose. The City Attorney replied that it was probably true, but he hadn't had a chance to research it.

The City Engineer was directed to hold over the recordation of the Tract Map on Tract 1185 (if not so done) until such time as the City Attorney has brought the matter back to Council.

(3) March 17, 1987 regular meeting of Council, Item 15, last paragraph - the word "hillside" is changed to "City" standards....

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

AYES: Dolan, Ovitt, Cousins (abstained on Redevelopment Agency minutes of February 10 and March 17, 1987), Stemper and Russell

NOES: None

ABSENT: None

Motion by Councilmember Cousins and seconded by Councilmember Ovitt to approve said lease for Parcels 18 through 22, subject to approval by the City Attorney, and authorize the Mayor and City Clerk to execute said document. Motion passed by the following roll call vote:

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

13. The Community Development Director, Bob Lata, reviewed the minutes of the Planning Commission meeting of March 24, 1987. There followed discussion regarding Item I.A. GPA 87-01(B), Rezone 87003 - Gene and Barbara Durand; the Mayor suggested an alternate proposal for the 20 ft. easement through a parking lot on the 2 1/2 acre parcel that sets behind the Oak Creek Auto Center be considered.

Councilmember Dolan discussed Item I.B. Use Permit 87003, Restaurant at the Airport; he questioned the requirement of Health Department review and the requirement of a readily accessible restroom; staff responded that it was not necessary as a condition. He also discussed Item I.B. Use Permit 87004, Carwash, questioning Conditions 9 and 10 in regard to the applicant's participation in installation of the storm drain and the water main from Park to Spring Street. Staff answered that a 50/50 participation of the cost of the storm drain was being considered. Tim Roberts, representing the owner, requested that the City also participate in the installation of the water main. After some discussion, it was determined that it would be the requirement of the owner to install the water main at no cost to the City, but that the City would participate in the installation of the storm drain on a 50/50 basis.

After further discussion, it was moved by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously to approve the Planning Commission minutes of the meeting of March 24, 1987 as presented, together with the findings and conditions as set forth therein.

14. The matter of the Notice of Violation pertaining to Tract 1133/Bel Air Estates - Wilpete Farms, was continued from the meeting of March 17, 1987. The City Engineer reported on the progress of the subdivision, advising that work on the retaining wall was not completed. Mr. Willie Reich, representing the developer, appeared and briefly reviewed the project.

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously to hold the matter over until the meeting of April 21, 1987.

15. The Director of Municipal Services presented a memo setting forth the results of bid received by the City Clerk at 2:00 p.m. on April 3, 1987 for Creston Road reconstruction Project No. 86-06, which was two (2) hours after the Agenda for this meeting was completed and posted.

It was moved by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to place the memo on the Agenda.

Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously that the Council finds that the bids were opened after the Agenda was posted and timing is of the essence in awarding this bid for acquisition of materials for the installation of the signal in conjunction with the Niblick Road Bridge.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt to award the bid to the low bidder, M. J. Hermreck, Inc. in the amount of \$710,578.80. Motion passed by the following roll call vote:

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

16. Ordinance No. 528 N.S., AN ORDINANCE AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES (REZONE 87006 - CLOUSTON), was presented for second reading and adoption.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that Ordinance No. 528 N.S. 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 second reading and adoption of Ordinance No. 528 N.S. Motion passed by the following roll call vote:

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

17. A letter from Helen Shumate, real estate agent for property owner, Betty Roby Dinius, requesting waiver of Council policy on the issuance of a "Will Serve" letter for water service to Lot 208 (1 acre in Orchard Bungalow Tract) in the Prospect Heights area outside the City's boundaries.

The City Engineer presented a map depicting the area and gave a history of the events leading up to the present time. He stated that the owners of the parcels in the area have been paying the water

assessment for several years. The Acting City Manager, Jay Lyon, stated that he had received a phone call from Ms. Dinius this date and that she had expressed her willingness to sign anything that would be required by the City indicating her willingness to annex. He explained to her that what necessitated the "will serve" letter was that she was attempting to sell the property. However, Mr. Lyon stated, in talking to the potential purchaser of the property, he had also expressed his willingness to annex to the City.

Councilmember Cousins stated that due to the previous payment for the water line and the expressed willingness to annex, she suggested the Council not deny the request for waiver of policy. The City Engineer noted that the previous "will serve" letter has expired.

Mrs. Shumate appeared and thanked staff for their presentation of the request for waiver.

The Mayor discussed the advisability of notification to all the property owners in the area since they have been paying assessments in the Assessment District, that a time period will be placed on the availability of "will serve" letters and the property owners in that area either annex to the City or could be denied access to City water.

It was moved by Councilmember Cousins and seconded by Councilmember Ovitt that the request for "will serve" letter be granted on Lot No. 208 for a one (1) year time period. Motion passed unanimously.

It was moved by Councilmember Ovitt and seconded by Councilmember Cousins to instruct staff to proceed with the investigation of the Infill Annexation. Motion passed unanimously.

19. A letter from Ms. Linda Smith, Quota Club Member, presented a proposal to conduct a raffle the proceeds of which are to be contributed to the Centennial Park Building Fund. The raffle prize would be the right to be the first person to officially cross the Niblick Bridge. Ms. Smith appeared and explained the proposal; the raffle tickets will cost \$1.00. There was discussion regarding the legality of the raffle; staff assured the Council that the proposed raffle was legal.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously to approve the concept of the winner of the raffle to be the first person to officially drive across the Niblick Bridge and is to be coordinated with the opening ceremonies, and that the proceeds go to the Centennial Park Building Fund.

20. Councilmember Cousins commended ACDRN and the Centennial Park Fundraising committee for their efforts and stated that she felt the Council should continue to endorse the project.

21. Councilmember Dolan questioned the status of the Visitors and Conference Bureau Agreement, with particular reference to the \$8,000 which is to be disbursed to the City.

He also stated that he believed, in regard to the Weddle project, after further research on his part, that Maple Street should be closed.

22. Councilmember Stemper questioned the Fire Chief regarding the requirement of designing the City streets for 40,000 lb. fire vehicles, when the greatest weight of the existing fire vehicles is 28,850 lbs. The Fire Chief responded that in the very near future the City will be acquiring aerial equipment that will be weighing 40,000 lbs.

23. Mayor Russell announced that the ceremony for the opening of the Niblick Bridge shall be on July 2, 1987.

24. Mayor Russell announced that the receipt of applications for the vacancy on the Planning Commission will close on April 10, 1987 and the appointment shall be made in the Council meeting of April 21, 1987.

25. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to adjourn to 7:00 p.m. on April 21, 1987 in the City Council Chambers.

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

Councilmember Cousins stated that she voted "AYE" on the Council meeting minutes of March 17, 1987 subject to her comments as set forth above.

It was moved by Councilmember Cousins and seconded by Councilmember Dolan to hold up the recording of Tract Map 1185 until an opinion has been received from the City Attorney at the next regular meeting on April 21, 1987 in regard to whether or not there is a conflict of interest with Councilmember Cousins. Motion passed by the following roll call vote:

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

2. The Mayor presented Nick Gilman with a Certificate of Recognition for his many years of dedicated service on the Planning Commission and expressed appreciation for Mr. Gilman's efforts as Chairman on the new Project Area Committee for the Redevelopment Agency.

3. An update on the Centennial Park Fundraising was given by Peter Roell, Dr. David Atkinson, Rick Minton and Dee Lacey. It was noted that fifty nine donations have been received totaling \$401,925.00 towards the goal of \$1.1 million dollars.

Mr. Ronald Paige, representing Recreation Systems, Inc., commended the citizens of this City for their efforts in fundraising for the Park, and reported on the plans for the development of Centennial Park.

4. Ms. Barbara Durand, representing the Friends of the Library, appeared stating that while they think Centennial Park is great, the folks supporting the Library someday will not settle for second billing any longer, they want to be Number One. She further reminded everyone that this is National Library Week and to also report that the Friends of the Library Special Furnishings Fund will receive an addition of \$3,200.00 which should allow them to receive the second increment of matching \$5,000 from the Otto Sharp Fund bringing the total to \$20,000.00 plus interest, and that they hope by this time next year they will know where and when they will be putting those furnishings.

5. The Mayor announced that it was the time and place scheduled for the continued public hearing of Notice of Violation pertaining to Tract 1118/Indian Village - M. Timm. The City Engineer advised that he has conducted a walk through of the Tract and that there are only 2 or 3 minor requirements to be completed; the water bacteriological test was good and the waterline can now be accepted after one more good test, and recommended that the public hearing be continued until

the next regular meeting at which time the subdivision should be ready for final acceptance.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to continue the public hearing of the Notice of Violation to the meeting of April 21, 1987. Motion passed by the following roll call vote:

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

6. The Mayor announced that it was the time and place scheduled for the continued public hearings of Notice of Violations for Tracts 1344/Indian Hills - M. Timm Development Company, and 1208/Indian Hills - Mission Development Company. The City Engineer reported on both Tracts advising that work was being completed and recommending that the public hearings be continued to April 21, 1987 at which time the subdivision should be ready for final acceptance.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt to continue the public hearing to April 21, 1987. Motion passed by the following roll call vote:

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

7. The Mayor announced that it was the time and place scheduled for public hearing of an appeal of the Planning Commission denial of Planned Development 80007-C by Douglas Dickson; the Planning Commission could not make the required findings to support the density transfer which the applicant is seeking.

The Acting City Manager, Jay Lyon, presented a petition signed by approximately 350 residents in the vicinity of the proposed project, in opposition to the construction of the Planned Development as proposed. The Community Development Director reported on the matter, after which the Mayor opened the public hearing for comments from the audience.

The following persons spoke in opposition to the development: Dennis Spencer, Richard Smithen, Walter Kuhn, Ms. Audrey Hoffmaster and Ms. Richard Holdren. In addition to concerns about the nature of the development, it was proposed that the City buy the subject property and use it for a public park. It was stated that the residents believed when they bought the neighboring property that the subject property would always be open space.

Mr. Tim Roberts, representing the developer, Douglas Dickson, reviewed the proposed Planned Development consisting of 54 units on 5.5 acres and answered questions posed by members of the audience and the Council.

Mr. Herbert Becker asked questions relating to the access to Scott Street from the development.

Mr. Ike Nnaji expressed his opinion that he supported Tim Roberts' concept of Planned Development.

After an extended presentation by Mr. Roberts, wherein he responded to the persons in the audience who were opposed to the development, the public hearing was closed upon motion by Councilmember Dolan, seconded by Councilmember Stemper and passed unanimously.

Council concurred that the issue to be resolved at this meeting was whether to allow the density transfer, thus either denying the appeal or granting the appeal.

Councilmember Dolan expressed his concern and agreed with members of the audience that the issues involved go beyond lot sizes and setbacks; however, he believes that history indicates to him that the density transfer was permitted in years past and that the 5.15 acres of land dedicated for the park open space and drainage was originally planned and dedicated in accordance with the requirements at that time and that remaining 5.5 acres would be appropriate for transfer of density which may now be in the best interests of the City.

Councilmember Cousins stated that her view is just the reverse; she agrees with members of the audience; after reviewed the history of the project she doesn't see where density transfer is really allowed; she would, therefore, vote for denial of the appeal.

Councilmember Stemper stated that he would agree with Councilmember Dolan, and doesn't believe that the Council should be put in the position to buy property and place it in open space for park use, and that the property had been posted for several years designating the zoning on the properties (which was not for a park).

There was discussion of the rights of the subject property owner and those of the property owners opposing the project.

Councilmember Dolan stated that the City should strive to reach a solution which works towards everyone's interests.

Mayor Russell questioned whether 54 units should be allowed when the zoning map and the General Plan allows 6 units per acre. The Planned Development allows the City to require the best development for the area and the City, and the questions of inherited rights has no justification.

Councilmember Ovitt reviewed the history of the project and the proposed development and then spoke to the density transfer, of which he has nothing against, and that the Planned Development and the comments made by the public at this meeting would be scrutinized by the Planning Commission (which will make this project more difficult for the developer).

The City Attorney stated that the question before the Council is whether or not when the 5 acres was dedicated for the Park, that the intent in dedicating that land was to transfer the density from that 5 acres for Park to this particular 5 acre parcel. He noted that in the typical PD zone there is no question that the open space is being preserved for the balance of the development, but that doesn't exist here. He further stated that he is also concerned on looking at the map that a substantial portion of the project is within the 100 year flood plain, that the City can face absolute liability for flood damage.

Tim Roberts responded by stating the developer has addressed the matter of the buildings being within the 100 year flood plain.

Councilmember Cousins moved that the Council concur with the determination of the Planning Commission that they could not make the required findings and thusly, the subject Planned Development cannot be made, and direct staff and City Attorney to prepare a resolution of findings for consideration, and that the City Council would be willing to consider a new Planned Development application based on the underlying R-1 zoning density, maintaining a minimum lot area of 6,000 square feet. The motion died for lack of a second.

Councilmember Dolan questioned if approval of the density transfer could be made at this time conditioned on clarification by the City Attorney on the flood plain issue within the next two weeks. It was, however, determined that the issue will be resolved further into the project.

The Mayor asked Mr. Douglas Dickson, the applicant, how much land he purchased and Mr. Dickson responded that it was the 5.5 acres.

Councilmember Ovitt moved to allow for density transfer and instruct the Planning Commission to review the proposed Planned Development. the motion was seconded by Councilmember Dolan. Discussion ensued, after which the above motion was amended on motion by Councilmember Dolan and seconded by Councilmember Ovitt to include the figure of density transfer to be in the range of 44 units but not to exceed 48 units. The motion to amend the original motion passed on the following roll call vote:

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

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

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

The City Attorney directed the Council to instruct staff to prepare findings for presentation at the next regular meeting.

The Council requested permission from Mr. Douglas Dickson to continue the subdivision map; Mr. Dickson gave verbal consent for said continuation.

8. The Mayor called a five minute recess after which he called the meeting back to order with all Councilmembers present.

9. The Consent Calendar was presented. Item F was removed from the Consent Calendar for discussion.

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, with the exception of Item IV F. Motion passed by the following roll call vote:

AYES: Cousins, Ovitt, Dolan, Stemper (abstaining on Item E) and Russell
NOES: None
ABSENT: None

Those items on the Consent Calendar are as follows:

A. Approval of Final Parcel Map PRAL 86-280 - Burr/Webber (Hilltop & Cherry Streets)

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

B. Approval of Final Parcel Map PR 86-303 - Nerelli (Southwest Corner of Pacific Avenue & Peachy Court)

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

C. Approval of Final Parcel Map PR 86-260 - Guasti (Westside of Osos Way, East of Vista Grande)

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

D. Approval of Plans and Specifications and Authorization to go to Bid/Osborne Water Well Improvements DMS #86-02

In adopting the Consent Calendar, Council approves the plans and specifications and authorizes staff to solicit bids for the Osborne Water Well Improvements.

E. Approval of Progress Payment No. 1 to Safety Electric Company - Melody/Creston and Pioneer/Creston Traffic Signal DMS #86-10

In adopting the Consent Calendar, Council approves Progress Payment No. 1 in the amount of \$33,411.60 to Safety Electric Company for DMS #86-10.

G. Minutes of Parks and Recreation Advisory Committee meeting of March 9, 1987

The above-referenced minutes are included in the Agenda packet. In adopting the Consent Calendar, said minutes are received and filed with the exception of Items B and C which Items will be brought back to the Council under Departmental action items with Advisory Committee recommendations.

H. Award of Bid for Subdivision Street Tree Planting to Wright-Way Landscaping.

The City Council, at its meeting of February 3, 1987, authorized staff to procure bids for the purpose of planting trees in certain new subdivisions in the City. The funding of this project comes from fees paid by the developer into the Street Tree Fund. Included in your Agenda packet is a memorandum setting forth the results of the bid process and a contract with Wright-Way Landscaping, the low bidder.

In adopting the Consent Calendar, Council approves award of bid to Wright-Way Landscaping in the amount of \$80.00 per tree and authorizing the Mayor and City Clerk to execute all necessary documents.

I. Authorization For an Additional Police Officer for FY 86-87 - Police Department

The City Council, at its Study Session of March 28, 1987, received a report and recommendation from staff for the hiring of an additional Police Officer within this fiscal year. In adopting the Consent

Calendar, Council authorizes the hiring of an additional Police Officer with the appropriate budget adjustments for Fiscal Year 1986-87 and the establishment of an eligibility list for future new hires to positions when authorized by Council or for vacancies when they occur.

J. Approval of Position Classification of Fire Engineer and Authorization to Fill the Position.

The City Council, at its Study Session of March 28, 1987, received a staff report and recommendation for the creation of position classification of Fire Engineer with authorization to fill the position in Fiscal Year 1986-87. In adopting the Consent Calendar, Council approves the creation of the position classification of Fire Engineer, the job description as presented and authorization to recruit and fill the position.

The following Item was presented for discussion: **F. Minutes of Traffic Safety Committee Meeting of March 18, 1987**

The above-referenced minutes are included in the Agenda packet. The Committee recommends:

- (1) The posting of "Tow-away Zone" for the hours of 3:00 p.m. to 6:00 p.m. on the north side of 13th Street in front of Palla Equipment, from Paso Robles Street west to Riverside Avenue, and
- (2) The posting of "No Parking" on the north side of Scott Street between Commerce Way, west to the wash and the area between Commerce Way and Bonita Homes. (See map)

In adopting the Consent Calendar, Council approves Items (1) and (2) as set forth above, and receives and files the minutes.

Councilmember Ovitt, referring to Item (1), advised that he had received numerous phone calls from citizens concerned with the traffic in the morning hours between 7:00 and 9:00 a.m. as well as the evening hours on 13th Street in front of Palla Equipment and suggested that the hours be included in the posting of "Tow-away Zone". The Director of Municipal Services stated that the traffic study performed revealed that parking was not the problem, it was the left turning at Riverside and 13th Street.

After further discussion, it was moved by Councilmember Ovitt and seconded by Councilmember Cousins to amend Item (1) of the minutes to include the hours of 7:00 a.m. to 9:00 a.m. for posting of "Tow-away Zone". Motion passed by the following roll call vote:

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

ABSTAINED: Russell

Motion by Councilmember Ovitt and seconded By Councilmember Dolan to approve the Traffic Safety Committee minutes of the meeting of March 18, 1987 as amended. Motion passed by the following roll call vote:

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

10. The Pre-check Register for April 1, 1987 was presented and approved upon motion by Councilmember Cousins and seconded by Councilmember Ovitt by the following roll call vote:

AYES: Cousins, Ovitt, Stemper (abstaining on Invoice Nos. 63218, 63500, 63549, and 63262), Dolan (abstaining on Invoice No. 63179), and Russell (abstaining on Invoice No. 63125)
NOES: None
ABSENT: None

11. A memo from the Airport Manager presented an addendum to the Patroline lease at the Airport which allows for the removal of Parcels 20, 21, and 22 from that lease which includes the removal of the City-owned T-hangar facility from the premises; the addendum also adds Parcels 62 and 63 to the lease which have been requested for the purpose of reconstructing the T-hangar facility, as well as additional portable hangars. The Airport Manager recommended the Council approve the Patroline addendum as presented and authorize the Mayor and City Clerk to execute the document.

Motion by Councilmember Cousins and seconded by Councilmember Ovitt to approve said addendum, subject to approval of the City Attorney, and authorize the Mayor and City Clerk to execute said document. Motion passed by the following roll call vote:

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

12. A memo from the Airport Manager presented a new lease agreement with Air Capital Corporation for five (5) parcels in the Airport Industrial Park which includes Parcels 18 through 22 for the purpose of constructing a minimum of two - 25,000 to 30,000 sq. ft. industrial buildings along an extension of Wing Way and Fuselage Way south of Rollie Gates Drive. The Airport Manager recommended that the Council approve said lease and authorize the Mayor and City Clerk to execute said document.