

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
MAY 19, 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 Pro Tem Cousins with the following Councilmembers answering roll call: Ovitt, Dolan, Stemper and Cousins; Mayor Russell being absent. Before roll call, an invocation was given by Rev. Carl Hafner.

1. Mayor Pro Tem Cousins requested that Agenda Items No. VI-A-3, Resolution Approving Use Permit No. 87005 To Establish a Bed and Breakfast Facility - Conway, and VI-A-4, Approval of Agreement in Satisfaction of Condition No. 15 to Use Permit No. 87005, be pulled from the Agenda and held over until the meeting of June 2, 1987 since Item No. VI-A-4 had not been received by the Council as yet for review.

Councilmember Dolan stated that he saw no reason to hold over the Resolution and that it should be adopted at this time.

The City Manager explained that the two items though related, could stand alone; that it is a discretionary matter with the Council.

The Mayor Pro Tem announced that the two items will be held over to the meeting of June 2, 1987.

Councilmember Dolan requested for the record that there be a motion to deviate from the Agenda.

Motion by Councilmember Ovitt and seconded by Councilmember Stemper to deviate from the Agenda. Motion passed on a three to one vote with Councilmember Dolan voting "no".

Motion by Councilmember Ovitt and seconded by Councilmember Stemper that Agenda Items No. VI-A-3 and VI-A-4 be held over to the meeting of June 2, 1987. Motion passed on a three to one vote with Councilmember Dolan voting "no".

2. The minutes of the Joint Redevelopment Agency/Council meeting of May 5, 1987 were presented and approved upon motion by Agency/Councilmember Ovitt, seconded by Agency/Councilmember Dolan and passed on a three to zero vote with Agency/Councilmember Cousins abstaining.

3. The minutes of the regular Council meeting of May 5, 1987 were presented and approved upon motion by Councilmember Stemper, seconded by Councilmember Dolan and passed unanimously with the addition to Item 11 (the addendum to the Port-A-Port lease parcels) that the Airport Manager indicated that the lease changes would be in conformance and consistent with the tentative indications of the new Master Plan for the Airport, at the request of Councilmember Dolan.

4. The Mayor Pro Tem announced that it was the time and place scheduled for public hearing pursuant to Resolution No. 87-19, 1987

Weed and Rubbish Abatement adopted in the meeting of April 21, 1987, and opened the public hearing.

There being no comments, either oral or written, it was moved by Councilmember Dolan, seconded by Councilmember Stemper and passed unanimously to close the public hearing.

It was then moved by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to approve the list of assessed property owners as shown in Exhibit A of Resolution No. 87-19, allow the City to abate the hazards thereon and place a lien against said property.

5. It was moved by Councilmember Ovitt and seconded by Councilmember Dolan that Agenda Item No. IV-C of the Consent Calendar be considered together with Item No. III-B. Motion passed unanimously.

Mayor Pro Tem Cousins requested clarification of the Amendment to Item No. IV-C, the Irrevocable & Perpetual Offer to Dedicate, Portion of Lot 41, Tract 1170, with regard to the time restriction set forth therein.

The City Attorney stated that the document could be approved with the deletion of the clause referring to completion within six months. Councilmember Stemper stated he saw no need to remove the clause, that it should remain as presented.

The Mayor Pro Tem then opened the public hearing on Item III-B, Vacation of Tree Planting Easement in Tract 1170.

A memo from the Director of Municipal Services explained that in an agreement with the developers of Tract 1170, Anciero and Sons, the City has agreed to vacate the tree planting easement of Lots 1, 35, 36, 37, 38, 39 and 40 that was required as a condition of approval for the construction of this tract. As a part of this agreement, Anciero and Sons have dedicated to the City a portion of Lot 41 in Tract 1170 which is necessary for the installation of the traffic signal at Creston and Niblick Roads.

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

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 87-25, A RESOLUTION TO VACATE A TREE PLANTING EASEMENT IN THE CITY OF EL PASO DE ROBLES, be read by title only. Resolution No. 87-25 was read by title only.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan to adopt Resolution No. 87-25 subject to the deletion of the clause in the dedication agreement requiring completion of improvements within six months of the recordation of the agreement. Motion passed on a three to one vote with Councilmember Stemper voting "no".

Order No. 1 is \$5,102.80, total of materials and labor. Change Order No. 1 brings the adjusted contract amount to \$51,667.80 which remains within the budget estimate of \$60,000. In adopting the Consent Calendar, Council approves Change Order No. 1, Progress Payment No. 2 (final) in the amount of \$33,707.52 to A.J. Diani Construction Co., and approves execution of Notice of Completion for Airport Parking Lot Project.

G. Minutes of Senior Citizens Advisory Board Meeting of May 11, 1987

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

H. Approval of Progress Payment No. 10 - Niblick Road Bridge - MCM Construction Company

In adopting the Consent Calendar, Council approves Progress Payment No. 10 in the amount of \$144,471.70 to MCM Construction Company for work completed on the Niblick Bridge.

Councilmember Dolan requested discussion regarding Item F., Approval of Contract with Kyle and Avery For Consultant Services in Employer/Employee Relations

Included in the Agenda packet is a contract for consultant services in employer/employee relations between the City and the Firm of Kyle and Avery. The City, for the past several years, has had a contract with the firm of Becker and Bell with Bill Avery as the City's principal consultant. The proposed contract is identical in all areas as the City's former contract. By agreement with Becker and Bell, Mr. Avery is authorized under the firm of Kyle and Avery to assume the City's consultant relationship. In adopting the Consent Calendar, Council approves the contract with Kyle and Avery and authorizes the Mayor and City Clerk to execute same, contingent upon the approval of the City Attorney.

Councilmember Dolan commented that he believes the time is coming when the City should look into having the employer/employee relations handled in-house instead of hiring a consultant; but that it is necessary to hire a consultant this year.

Councilmember Stemper stated that he disagrees; he knows that the City staff has the expertise and ability; however, the small cost of hiring a consultant takes a load off of management who has to work with the employees the rest of the year. He referred to approval expressed by the Union officials when the City first engaged the services of a professional, Bill Avery, eight years ago. Mayor Pro Tem Cousins concurred.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to authorize the Mayor and City Clerk to execute the contract with Kyle and Avery.

7. The Pre-check Register for May 7, 1987 (\$1,519,268.74) and May 15, 1987 (\$296,274.04) was presented and approved upon motion by

Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously with Councilmember Stemper abstaining on Invoice No. 65201, MCM Construction.

8. The minutes of the Planning Commission meeting of April 28, 1987 had been reviewed by the Community Development Director in the meeting of May 5, 1987, and were now presented for approval. Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to approve said minutes. Councilmember Dolan questioned if the approval of the minutes affected the discussion of the preliminary review; he was told it did not.

The minutes of the Planning Commission meeting of May 12, 1987 were reviewed by the Community Development Director. Councilmember Stemper expressed concerns regarding Item I-E, Tract 1508, and the requests of the School District for all the signalization that was attached to the subject project, noting that in the past the City has seen fit to have signalization fees to take care of the load on a particular development. The Community Development Director answered that the recommendation was made that the signalization fees be used for cumulative impact of the growth that this tract would bring, and that the tract support the cost of the share of the signals that were requested by the School District. The signalization fees would be paid in addition to the recommended contributions should the Council agree with this approach.

Councilmember Dolan stated he has the same concern with the way the sidewalks are being configured coming out of the development and the development of a feathering technique to larger sized lots.

Councilmember Ovitt questioned the lack of a bond requirement on Item I-D, Use Permit 87007, Sand Mining Operation. Staff answered that the Commission might have felt that it was not necessary on a one year permit.

Councilmember Ovitt requested that should Use Permit 87007 continue past a one year period, that a bond be submitted.

An additional condition was added that there be establishment of ownership responsibility including boundaries before issuance of the Use Permit.

It was then moved by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously with Councilmember Stemper abstaining on Item I-C, Use Permit 87012, to approve the Planning Commission minutes of May 12, 1987, together with the findings and conditions as set forth therein, including the two additional conditions placed upon Use Permit 87007 as set forth above.

9. The Community Development Director summarized the request of Clayton Leavitt for Preliminary Review of an office Development located on the north side of Creston Road, between Trigo and Ivy Lanes. Mr. Leavitt presented his proposal.

Councilmember Ovitt expressed concern over ingress and egress on Creston Road and the policy of protection of the downtown core.

Councilmember Stemper stated he saw no problem with the proposal, there being only one driveway to Creston Road.

Councilmember Dolan expressed concern for traffic problems due to the location in the bend of the street; he did not believe that the office facilities would generate staggered hours thereby alleviating traffic problems; he does not believe that the City will not widen Creston in the future, that the project is premature.

Mr. Don Freeman, who lives directly behind the proposed office development, stated his opposition to the development going into a residential community. He said other neighbors were opposed to it.

Mayor Pro Tem Cousins requested that the Planning Commission take into consideration the aesthetics of the proposed complex in relation to the adjacent homeowners.

10. The Community Development Director reviewed the appeal of Glen Garvin to the Planning Commission denial of time extensions for Tracts 1299, 1300 and 1301, Riverglen Investment. Mr. Dennis Bethel, engineer for the project, appeared in support of the requested time extensions. Mr. Glen Garvin reviewed the project and stressed the need for their project to get to Master Plan Committee as soon as possible; that the time extensions were needed to satisfy the financing of the project.

After a lengthy discussion, it was moved by Councilmember Stemper to grant a one year time extension on the Tracts. The motion died for lack of a second.

It was then moved by Councilmember Ovitt and seconded by Councilmember Dolan to deny the request for time extension and that staff be directed to expedite the Master Plan Review and work with the applicant to maintain his financing. The motion passed on a three to one vote with Councilmember Stemper voting "no".

11. The Community Development Director presented the recommendation of the Council Sub-committee for the selection of a consultant to prepare the Union/46 Specific Plan and EIR which was The Morro Group for a fee of \$89,630.00.

It was moved by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 87-28, A RESOLUTION APPROVING AN APPROPRIATION OF UNAPPROPRIATED RESERVE FUNDS FOR CONSULTANT SERVICES (UNION/46 SPECIFIC PLAN AREA), be read by title only. Resolution No. 87-28 was read by title only.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to adopt Resolution No. 87-28.

Motion by Councilmember Dolan seconded by Councilmember Ovitt and passed unanimously to approve the selection of The Morro Group as

consultant to prepare the Union/46 Specific Plan, for a fee not to exceed \$89,630.00.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to authorize the Mayor and City Clerk to sign the contract between the City and The Monro Group, subject to the City Attorney's approval.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to authorize the consultant to proceed.

12. A memo from the Director of Parks and Recreation recommended that the Council award the contract to provide a Parks and Recreation Element of the General Plan to the firm of Saito and Associates of Fresno. The Director reviewed the three proposals received; Saito and Associates - \$15,150.00; Sedes Site and Environmental Design - \$16,200.00; Western Heritage Enterprises - \$18,500.00

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to accept the recommendation of the Director to award said contract to Saito and Associates. Motion passed unanimously.

The Director announced that a meeting will be held on May 21, 1987 by the County Master Plan Committee and urged all interested persons to attend.

13. Ordinance No. 531 N.S., AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES ADDING TITLE 6, CHAPTER 6.04 TO THE MUNICIPAL CODE ADOPTING PURCHASING PROCEDURES, was presented for second reading and adoption.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 531 N.S. be read by title only. The Ordinance was read by title only.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that this constitutes the second reading and adoption of Ordinance No. 531 N.S.

14. Ordinance No. 532 N.S., AN ORDINANCE AMENDING THE MUNICIPAL CODE OF THE CITY OF EL PASO DE ROBLES PERTAINING TO WATER RATES AND REGULATIONS, was presented for second reading and adoption.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 532 N.S. be read by title only. The Ordinance was read by title only.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that this constitutes the second reading and adoption of Ordinance 532 N.S.

15. Ordinance No. 533 N.S., AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING SECTION 9.04.011 AND ESTABLISHING SECTION 9.04.012 OF THE MUNICIPAL CODE AS IT PERTAINS TO THE CONSUMPTION OF ALCOHOLIC BEVERAGES IN PUBLIC, was presented for second reading and adoption.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 533 N.S. be read by title only. The Ordinance was read by title only.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that this constitutes the second reading and adoption of Ordinance No. 533 N.S.

16. The recommendation of appointment to Citizens Transportation Advisory Committee will come back to Council in the meeting of June 2, 1987.

17. The Addendum to the Wastewater Interceptor Treatment and Disposal Agreement between the City and Templeton Community Services District was presented for Council's approval. Councilmember Dolan questioned the auditing procedure for payments that will be made by TCSD. The City Attorney responded that the specific language as to when they pay will override; they could not use the argument that they would have to have our audit before they owe any money. The City Attorney assured Council that he would ask for a letter from TCSD clarifying that they understand the language.

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to approve said Addendum.

18. It was moved by Councilmember Ovitt, seconded by Councilmember Dolan to set the budget session for June 10, 1987 beginning at 8:30 a.m. in the Paso Robles Inn. Motion passed unanimously.

19. Councilmember Ovitt reported that he will be representing the San Luis Obispo Coordinating Council at the Caltrans meeting in Sacramento on May 28, 1987 wherein there will be consideration of the funding for Paso Robles Highway 46/101 Interchange.

20. Mr. John Trowbridge addressed the matter of weed abatement on the property along Highway 101 from Highway 46 to the County Yard.

21. Motion by Councilmember Stemper, seconded by Councilmember Dolan and passed unanimously that Councilmember Cousins and Mayor Russell be granted permission to leave the State.

22. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously to adjourn to June 2, 1987 at 6:30 p.m. 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

MINUTES OF THE SPECIAL MEETING
PASO ROBLES CITY COUNCIL/REDEVELOPMENT AGENCY/
PLANNING COMMISSION/PROJECT AREA COMMITTEE
MAY 18, 1987

The City Council/Redevelopment Agency/Planning Commission/Project Area Committee of the City of El Paso de Robles, meeting in joint special session at 7:30 p.m. on the above date, was called to order by Mayor/Chairman Nick Russell with the following Council/Agencymembers answering roll call: Ovitt, Dolan, Stemper, Cousins and Russell; none being absent.

1. Marshall Krupp, of Community Systems Associates, Inc., reviewed the Draft Environmental Impact Report for the Redevelopment Plan, after which the Council received the report.
2. The Mayor/Chairman called a recess, after which he called the meeting back to order with all members present.
3. After further review and discussion, it was moved by Council/Agencymember Ovitt, seconded by Council/Agencymember Dolan and passed unanimously to adjourn to 7:00 p.m. on May 19, 1987 in the Council Chambers.

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