

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
JUNE 16, 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 Rev. Dave Parsons.

1. The minutes of the adjourned regular Redevelopment Agency/Council meeting and the regular Council meeting of June 2, 1987 were approved upon motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously.

2. The appeal of the Planning Commission denial of Variance 87001/Vernon Appling - Northwest corner of Spring and 36th Streets, for a 65 foot high sign to attract southbound 101 traffic was reviewed by the Community Development Director, who stated that the Planning Commission's basis for denying the request was the inability to make the necessary findings required by State Law.

The Mayor opened the public hearing.

Mr. Ray Bryant, representing the applicant, appeared and explained the need for a sign of such height.

Mr. Earl Kropp appeared and stressed the need for attracting highway traffic to the businesses on Spring Street and spoke in favor of the 65 foot high sign.

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

Councilmember Cousins stated that she believes the five (5) points of State law have been met. She stressed the need for a sign of the proposed height and referred to the other signs at the 24th Street offramp. She believes that it will be a hardship for the motel at that site not to have the sign and not a special privilege, it is C-2 zoning.

Councilmember Cousins moved that the Variance be approved, Councilmember Stemper seconded the motion for discussion.

Councilmember Dolan stated that he does not agree the City can make the State required findings. He believes that an effort should be made to make an arrangement with Caltrans to install a City Entrance sign.

Councilmember Cousins called for the question.

Motion passed by the following roll call vote:

is part of the old Boatman property for storage purposes. They offered \$250.00 per month and appropriate insurance coverage for a five month period, from 6-25-87 to 12-1-87.

Motion by Councilmember Dolan, seconded by Councilmember Stemper and passed unanimously to authorize the City Attorney to prepare an appropriate lease agreement between Hayward Lumber Co. and City for a portion of the Boatman property at \$250.00 per month and removal of buildings at the termination of the lease.

19. A letter from Sherman Smoot, of Executive Air Center, was presented which requested permission from the City Council to (1) paint and relocate the City owned Tee Hangers located at the Airport in an "as is" condition to parcel 62 and 63, all City fees and conditions waived, or; (2) allow someone to dismantle the hangars for salvage rights, and possibly relocate them elsewhere on the Airport at a lesser expense than they can (they have found it would cost \$75,000). The removal of the hangars is a condition of Mr. Smoot's lease.

After discussion, during which Mr. Mike Stalcupp of Executive Air Center appeared, it was moved by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that staff be authorized to bring back an addendum to the lease to relieve the lessee of the requirement of removal of the T-Hangars and to look into the feasibility of removal, surplus or possible selling of the buildings.

20. Due to the lateness of the hour, it was moved by Councilmember Dolan and seconded by Councilmember Cousins to defer the approval of the Planning Commission minutes of June 9, 1987 to the next meeting.

Motion passed by the following roll call vote:

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

21. A memo from the Community Development Director recommended the Council adopt a standard section for bikeways within open space areas to consist of a 8 foot wide bikeway paved with 2 inches of A.C. pavement over 4 inches of Class II base.

Motion by Councilmember Cousins and seconded by Councilmember Dolan to approve the recommendations of the Director. Motion passed by the following roll call vote:

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

22. A memo from the Community Development Director recommended that the Council direct staff to send CalTrans (and SLOACC) a letter requesting that all eligible portions of the rights-of-way for Routes 101 and 46, including Vine Street and Theatre Drive frontages and all offramps, be included within the landscaping master plan. (Staff will prepare the land use inventory and list of approved development projects and submit same before July 1, 1987.)

Motion by Councilmember Cousins, seconded by Councilmember Stemper and passed unanimously to approve the above recommendations by the Director.

23. Resolution No. 87-35, A RESOLUTION OF INTENTION FOR VACATING A PORTION OF NIBLICK ROAD IN THE CITY OF EL PASO DE ROBLES AND GIVING NOTICE OF TIME AND PLACE FOR A PUBLIC HEARING THEREON, was presented.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 87-35 be read by title only. The Resolution was read by title only.

Motion by Councilmember Stemper, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 87-35 be adopted thereby setting the time for public hearing at 7:30 p.m. on July 7, 1987.

24. A memo from the Director of Municipal Services presented the plans and specifications prepared by John Carollo Engineers for the Wastewater Treatment Expansion Project and recommended that the Council authorize staff to go to bid. The Engineer's estimate for the project is \$5,750,000.00.

The Director explained that the City is in excess of 90% of the plant capacity; the requirement by the Regional Water Quality Control Board is that the City be out to bid or submit to the Regional Board a plan to mitigate impact.

There was a lengthy discussion regarding various methods of financing the plant expansion.

Motion by Councilmember Stemper, seconded by Councilmember Ovitt and passed unanimously to authorize staff to go out to bid upon determination of a financing package.

There was discussion of adjourning to discuss the above-mentioned financing package and disbursement of appropriated funds from Support Services Community Promotions and at 4:00, on July 6, 1987.

25. A memo from the Director of Administrative Services presented Resolution No. 87-36, A RESOLUTION OF THE CITY OF EL PASO DE ROBLES ACCEPTING AN INDIVIDUAL GRANT DEED FOR LOT 77 OF ASSOCIATED ALMOND GROWERS ORCHARD BUNGALOW TRACT.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 87-36 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Stemper, seconded by Councilmember Cousins and passed unanimously to adopt Resolution No. 87-36.

26. Resolution No. 87-37, A RESOLUTION OF THE CITY OF EL PASO DE ROBLES ADOPTING THE FINAL PROGRAM OF SERVICE BUDGET FOR THE FISCAL YEAR 1987-88 was presented.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 87-37 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Stemper to adopt Resolution No. 87-37 as amended by changing the figure for Airport Day and CC/BIA/UCB to a total figure of \$65,000.00. Motion passed by the following roll call vote:

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

27. It was moved by Councilmember Stemper, seconded by Councilmember Dolan and passed unanimously to adjourn to a closed session to discuss employee/employer relations with consultant, Bill Avery, and to discuss litigation.

At the closed session, no official action was taken, and upon motion by Councilmember Dolan, seconded by Councilmember Ovitt, and passed unanimously the closed session was adjourned to the regular meeting.

28. There being no further business it was moved by Dolan, seconded by Stemper, and passed unanimously to adjourn to 4:00 p.m on July 6, 1987 in the City Council Chambers for study session.

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

NOTICE OF ADJOURNMENT

YOU ARE HEREBY NOTIFIED that the meeting of the REDEVELOPMENT
AGENCY/ City Council of the City of El Paso de Robles, California,
held on June 16 1987 at 7:00 p.m. in the
Council Chambers, City Hall, 1030 Spring Street, Paso
Robles, California 93446, has been adjourned to
July 6, 1987 at 6:30 p.m. in the Council
Chambers, City Hall, 1030 Spring Street, Paso Robles,
California 93446.

DATE: June 16, 1987

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY: *Dawn Huckner*
DEPUTY CITY CLERK



City of El Paso de Robles

"The Pass of the Oaks"

AGENDA

CITY COUNCIL
ADJOURNED STUDY SESSION
JULY 6, 1987

CITY COUNCIL CHAMBERS
1030 SPRING STREET
4:00 P.M.

CALL TO ORDER

ROLL CALL

- I. DISCUSSION OF DISBURSEMENT OF APPROPRIATED FUNDS FROM SUPPORT SERVICES FUNDS FROM COMMUNITY PROMOTIONS
- II. DISCUSSION OF FINANCING OF WASTEWATER PLANT EXPANSION
- III. ADJOURNMENT - Naming the place and time if other than a regular meeting.

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

The City Attorney recommended that staff prepare a resolution of findings to satisfy State Law and bring the resolution back for Council action.

3. The Community Development Director reviewed the appeal by Beacon Oil Company of three (3) of the seven (7) conditions contained in the Resolution approving an amendment to Use Permit 83042.

The Mayor opened the public hearing.

Mr. Ken Kross, Construction Manager for Beacon Oil Company, appeared and explained the reasons for appealing Conditions No. 3, 4, and 6 in the amendment to Use Permit 83402.

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

Councilmember Cousins expressed concerns that the City would place conditions on the remodel when all conditions had been met when the station was first installed. While agreeing with the need to widen the radius of the corner, she does not think the applicant should pay the full cost of relocating the signals.

Mayor Russell also stated that he has a problem requiring Beacon Oil to pay for the relocating of the traffic signals and water line because they had done it before; and that the City should participate in the improvements now required.

Councilmember Ovitt stressed the need for the widening of the curb radius, providing handicapped ramps, moving the utilities back and improving the water line.

Councilmember Stemper did not agree with requiring the applicant to install a new water line; he believes it would be prudent to improve the signal, radius of the corner and provide handicapped ramps at this time.

Councilmember Dolan believes the curb radius should be widened, he would agree to the improvements being required up to a not to exceed figure of \$25,000.

Motion by Councilmember Cousins to uphold Condition 3. to close the driveway on 24th Street, and that Conditions No. 4 and 6 be upheld with the City being open to negotiations with Beacon Oil should the cost of the conditions exceed \$25,000 for City participation. Councilmember Dolan seconded the motion.

The Director of Municipal Services suggested that Conditions 3 and 4 be the applicant's responsibility and the City share 50/50 on Condition 6, the extension of a 12" water main and fire hydrant in Spring Street from 24th Street south 200 feet.

Councilmembers Cousins and Dolan withdrew the previous motion and second.

Motion by Councilmember Dolan and seconded by Councilmember Cousins that Conditions 3 and 4 be approved as presented and that Condition 6 be approved as presented with the City participation on a 50/50 basis. Motion passed by the following roll call vote:

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

4. The Consent Calendar was presented; Items C, D and F were pulled for discussion.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed on a four to zero vote with Councilmember Stemper abstaining on Item A that the Consent Calendar be approved, together with the recommendations as set forth therein, with the exception of Items C, D and F. Those items on the Consent Calendar are as follows:

A. Acceptance of Improvements/Tract Map 1107/P.R. Investments

Staff finds that all public improvements have been completed in accordance with approved plans and specifications. In adopting the Consent Calendar, Council accepts the public improvements for operation and maintenance.

B. Approval of Request to Use City Sidewalks for Crazy Daze Promotional - July 2-5, 1987/Business Improvement Association

The BIA requests permission to have sales on the sidewalk for a Crazy Daze promotion on July 2 through 5, 1987, with Park Street closed from 12th to 14th Streets. In adopting the Consent Calendar, Council grants permission for said sale, and refers the matter to staff for coordination.

E. Minutes of Airport Advisory Committee meeting of May 28, 1987

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

Councilmembers Dolan and Stemper questioned Item C., Approval of Request to Use City Property (Pioneer Park and Corner of 21st and Pine Streets) for Parking Cars During Mid-State Fair

In adopting the Consent Calendar, Council grants permission for Paso Robles Swim Club, Paso Robles Babe Ruth League and Paso Robles Youth Football Booster Club to park cars during the Mid-State Fair on Pioneer Park and City owned Lot at 21st and Pine Streets.

Councilmember Dolan asked why the Boy Scouts of America did not represent Paso Robles, and was told that none of the boys were from Paso Robles. Councilmember Stemper questioned the reason for lowering the percentage that the City received from 25% to 20% of the gross profits, and was told that there is a third entity sharing revenue with the Football Team.

Mayor Russell stated if staff and Advisory Committee members are participating in the event, that he could see the 20% coming to the City, but not if they weren't participating.

It was moved by Councilmember Dolan and seconded by Councilmember Ovitt that Item C be approved as presented. Motion passed by the following roll call vote:

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

Councilmember Stemper questioned Item D. Minutes of the Parks and Recreation Advisory Committee Meeting of June 8, 1987

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

Councilmember Stemper asked for clarification of the \$15,000 allocated from the Park Development Fund and Mayor Russell asked for clarification of Committee member Welch's request that new projects be reviewed by the City's legal department before the project is initiated.

Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously that Item D be approved as presented.

There followed discussion regarding Item F. Minutes of the Traffic Safety Committee meeting of May 20, 1987

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

Staff reported on the need for additional handicap sidewalks and ramps (Item 4) and the feasibility of South River Road becoming a oneway road (Item 5).

Motion by Councilmember Cousins, seconded by Councilmember Stemper and passed unanimously to approve Item F as presented.

5. At this time, the Mayor announced that due to the lateness of the hour, for the benefit of those persons in the audience waiting to hear the matter of the Bed and Breakfast, it would be considerate to deviate from the Agenda. Councilmember Ovitt said that it would not be fair to those other persons waiting for other matters.

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

6. The matter of the Agreement by Richard and Robina Conway declaring the El Dorado Estates Homeowners Association as an additional primary insured and a covenant to provide effective long-term assurance of such indemnity and insurance as prepared by the City Attorney was presented.

In the meeting of June 2, 1987, Mr. Sam Siegel asked the Council what was the City going to do about those persons living in the vicinity of the Bed and Breakfast who did not belong to the El Dorado Estates Association in regard to liability insurance.

Mr. Dick Conway appeared and read a letter from his insurance company which stated that there was no problem in endorsing the Eldorado Estates Homeowners Association as an additional insured, but it would be a problem to endorse the Association as an additional primary insured. Also, the insurance company did not want to add individuals where possible.

Councilmember Dolan suggested that those persons not belonging to the Association should also form a group and seek similar insurance. He expressed concern that to do it any other way would set a precedent the City could not live with. He suggested that the word "primary" be stricken from the agreement and he further stated that City policies should dictate the manner in which use permits are handled in the event of any violations and, therefore, not necessary in the Agreement.

Councilmember Ovitt stated that the intent was to name specific areas adjacent to Walnut Street where there is no named ownership of the street.

There followed a lengthy discussion with the City Attorney and Council participating, after which it was moved by Councilmember Dolan and seconded by Councilmember Stemper, that until such time as clarification of the liability issue for all people doing business in that area, that the condition of requirement of additional insurance be stricken from the use permit and the insurance issue shall be tabled for six (6) months or earlier pending a review of the matter.

The City Attorney stated that the Conway's insurance company also required that the stipulation be made in the Agreement that only registered guests of the Bed and Breakfast facility would be covered.

Following another lengthy discussion, the above-mentioned motion was failed by the following roll call vote:

AYES: Dolan and Stemper
NOES: Ovitt, Cousins and Russell

After further discussion, it was moved by Councilmember Ovitt to require that the El Dorado Estates Homeowners Association be additionally insured as well as the property fronting on Walnut Drive as requested by the owners of that property from the Bed and Breakfast facility to Union Road. Motion seconded by Councilmember Cousins.

The City Manager expressed concerns regarding procedure, that the mechanism was not there to administer the Agreement.

Councilmember Cousins withdrew her second to the above motion; the motion died for lack of a second.

Councilmember Cousins moved to adopt the agreement as set forth by the City Attorney with the word "primary" stricken and include "coverage for registered guests of the Bed and Breakfast only". Motion seconded by Mayor Russell. Councilmember Dolan asked if they were going to set a policy, and were all the people in that area prepared to provide the exact same insurance as the Association in the event of the conduction of any business in that area.

Motion failed by the following roll call vote:

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

The City Attorney stated that there was the option of putting it as a condition of the Use Permit.

Mr. Conway stated that an additional policy for the El Dorado Homeowners Association can and will be done and put in action by June 1987.

Councilmember Cousins pointed out that the reopening of the public hearing is illegal; the Council should approve what they have before them or open another public hearing.

Motion by Councilmember Cousins to approve the Agreement as prepared by the City Attorney striking the word "primary" and including

"registered guests of the Bed and Breakfast only". Motion died for lack of a second.

Councilmember Stemper moved that they table the insurance situation of the Use Permit until staff can study it and come back to Council with clarification; allowing the Conways to continue with the Bed and Breakfast project; motion seconded by Councilmember Dolan.

Councilmember Cousins asked the City Attorney if this did not require another public hearing. He replied that his understanding was that this meeting was to clarify what could be done to the Agreement.

Motion passed by the following roll call vote:

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

7. The Mayor called a five (5) minute recess after which he called the meeting back to order with all Councilmembers present.

8. The Pre-check Register for June 4, 1987 in the amount of \$2,166,104.99, and for June 15, 1987 in the amount of \$306,193.46 was approved upon motion by Councilmember Cousins and seconded by Councilmember Dolan. Motion passed by the following roll call vote:

AYES: Cousins, Ovitt, Dolan (abstaining on Invoice Nos. 66002), Stemper (abstaining on Invoice Nos. 63500, 63566, 66504, 66068 and 66067), and Russell (abstaining on Invoice No. 66067)
NOES: None
ABSENT: None

9. A memo from the Director of Administrative Services presented Resolution No. 87-33, A RESOLUTION ESTABLISHING WATER UTILITY RATES AND OTHER VARIOUS WATER UTILITY FEES.

After discussion, Item 1.c. of the Resolution was corrected to read "That all accounts . . . be billed at twice the above rates."; and that Section 2. b. be changed to read "The fee for providing water service after hours and on weekends shall be thirty dollars (\$30.00)."

Motion by Councilmember Ovitt, seconded by Councilmember Stemper and passed unanimously that Resolution No. 87-33 be read by title only. The Resolution was read by title only.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to adopt Resolution No. 87-33 as amended above.

10. A memo from the Director of Administrative Services presented Resolution No. 87-34, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES GRANTING LIABILITY CLAIM SETTLEMENT AND CLAIM REJECTION AUTHORITY TO THE DIRECTOR OF ADMINISTRATIVE SERVICES. Motion by Councilmember Dolan, seconded by Councilmember Cousins and passed unanimously that Resolution No. 87-34 be read by title only; the resolution was read by title only.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 87-34 be adopted.

11. A memo from the Airport Manager presented the FAA Grant Offer together with associated Grant Assurances for Airport Improvement Project #3-06-0184-05 for Council's consideration.

Motion by Councilmember Dolan to accept the Grant Offer in the amount of \$411,908.00 with \$45,676.00 authorized as a loan from City General Fund to Airport Enterprise Fund for the City's match. Motion passed by the following roll call vote:

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

12. A memo from the Airport Manager recommended the Council accept the low bid of Madonna Construction Company for the overlay and reconstruction of Airport taxiways "A" & "B" and authorize the Award of Contract to Madonna in the amount of \$353,975.00, together with the execution of the associated contract documents as required.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to accept the recommendations of the Airport Manager and award said contract to Madonna Construction in the amount of \$353,975.00 and authorize the execution of all necessary documents. Motion passed by the following roll call vote:

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

13. A memo from the Airport Manager recommended the Council approve FAA Payment Request #1 in the amount of \$27,070.15 and authorize its execution and submission as required, and upon receipt of said funds from FAA, authorize the payment of the Statement of Professional Services (5-9-87) to Tartaglia-Hughes in the amount of \$29,972.50.

Motion by Councilmember Cousins and seconded by Councilmember Ovitt to accept the recommendations of the Airport Manager and authorize said payment in the amount of \$29,972.50 to Tartaglia-Hughes. Motion passed unanimously.

14. A memo from the Airport Manager recommended the Council approve the pre-application package for the FAA/Airport Improvement Projects, and authorize the the execution of the various elements as required, and its subsequent submission to the FAA for their consideration.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously to authorize the execution of said documents and then submission to FAA.

15. A memo from the Director of Municipal Services recommended that a will serve letter for water be issued subject to all the City's usual requirements with an expiration date of one year, as requested by Jake Duke and William Baron for Parcel No. 20-141-32 southside of Ardmore Avenue.

The Director advised that a formal application for annexation of the property has been submitted to LAFCO.

Motion by Councilmember Cousins, seconded by Councilmember Stemper and passed unanimously to authorize the issuance of said will serve letter as recommended by the Director.

16. A memo from the Director of Municipal Services presented an appeal of denial by the Oak Tree Committee submitted by Mr. Dan Peterson for removal of an Oak tree on his property at 1102 Railroad Avenue. Mr. Peterson has stated that the tree prevents him from providing the 17 parking spaces required for retail sales. The Director recommended that the appeal be denied based upon the fact that the tree is a healthy 24-inch specimen.

After discussion, wherein Mr. Peterson appeared and supported his appeal, it was moved by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously to deny the appeal until such time as Mr. Peterson submits a planned development for the property.

17. A letter from Mr. Bruce Bailey, Regional Director for the Paso Robles Shrine Club requested permission to have a parade from 9:00 a.m. to 10:00 a.m. on August 22, 1987 on Spring Street from 11th to 21st Streets, then to Riverside, disbanding at Mid-State Fairgrounds. Mr. Bailey appeared and advised Council that the necessary insurance was being provided.

Motion by Councilmember Stemper, seconded by Councilmember Dolan and passed unanimously to authorize said parade instructing the Police Chief to make the necessary arrangements for safety concerns, and authorizing City staff to assist in providing special barricade and detours.

18. A letter from Tom Martin, Manager of Hayward Lumber Co., requested the City to lease the property at 10th and Pine Street that