

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
AUGUST 18, 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, Cousins and Russell; one vacancy exists.

1. The minutes of the regular meeting of August 4, 1987 were presented and approved upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously.

2. Proclamation, proclaiming the months of September, October, November and December, 1987 as "Good Neighbor Months" was adopted upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously.

3. Mr. Don Jensen, the new Fire Engineer, was introduced by Fire Chief Bob Adams.

4. The Mayor announced that it was the time and place scheduled for public hearing pursuant to Resolution No. 87-45 declaring the intention of vacating a portion of Leland, James and Grove Streets, Parcel Map PR 86-289/Barraza. The Director of Municipal Services reviewed the proposed abandonments, after which the Mayor opened the public hearing.

Mr. Tim Roberts, representing the developer of the project, presented a brief history of the project and responded to comments from the Council and audience.

The following property owners appeared and spoke in opposition to the abandonment of the streets, specifically in opposition to the purpose of allowing higher density for the subdivision: Noel Shutt, Steve Meyers, Christie Spencer, Ms. L. Mueller, Denice Locke, Leonard Livingston and Mimi Shutt.

Mr. Leonard Livingston stated that he would accept the abandoned one half of Leland Street adjacent to his property.

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

Councilmember Cousins stated that she agrees with the property owners in opposing the abandonment for the purpose of increasing the density. She further stated that she was against abandoning James Street.

Councilmember Ovitt stated he believed that James Street should be left a full street with Grove and the abandonment of Leland and the

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to amend the above motion to include and approve the Addendum to Lease between Patroline Inc., and City as presented and authorize the Mayor and City Clerk to execute same.

The original motion was passed unanimously.

14. The Community Development Director reviewed the minutes of the Planning Commission meeting of August 11, 1987. After discussion, it was moved by Councilmember Ovitt and seconded by Councilmember Dolan to approve the minutes of August 11, 1987, together with the findings and conditions set forth therein. Motion passed by the following roll call vote:

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

15. A memo from the Community Development Director introduced Ordinance No. _____, AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING SECTION II OF ORDINANCE 525 N.S. TO ESTABLISH A REQUIREMENT FOR ISSUANCE OF CERTIFICATES OF OCCUPANCY FOR SINGLE FAMILY RESIDENTIAL DWELLINGS AND PRIVATE GARAGES, CARPORTS AND SHEDS, for first reading.

After discussion, it was moved by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously that said Ordinance be read by title only. The Ordinance was read by title only.

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

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

16. A memo from the Director of Municipal Services recommended that the Council authorize the filing of the application for installation of gates at the 12th Street railroad crossing. The Public Utilities Commission staff has determined that the crossing may meet warrants to be eligible for funding. The City's cost would be 10% of the \$100,000 estimate, or \$10,000.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously to approve the filing of said application.

17. A memo from the Director of Municipal Services recommended that the Council approve Progress Payment No. 1 to M.J. Hermreck Construction Co. for work completed on the Creston Road

Reconstruction Project No. 86-06 in the amount of \$88,491.98 and Change Order No. 1.

The Director explained the increased costs in the amount of \$61,256.00 as set forth in Change Order No. 1.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to authorize Progress Payment No. 1 and approve Change Order No. 1 for Creston Road Reconstruction Project DMS #86-06 to M. J. Hermreck Construction Co.

18. A memo from the Director of Parks and Recreation Department recommended the Council authorize the solicitation of bids for the construction of Phase I of Centennial Park, and also authorize Recreation Systems Inc. to prepare plans and specifications for Phase II.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to accept the recommendations of the Director to authorize solicitation of said bids for an amount not to exceed \$500,000, and to authorize Recreation Systems Inc. to prepare plans and specifications for Phase II.

19. A memo from the Director of Parks and Recreation requested the Council to send a letter to the San Luis Obispo County Board of Supervisors recommending items to be considered for the County Park Master Plan. The memo set forth three items to be considered.

Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to authorize staff to prepare a letter from the Mayor on behalf of the City Council to be sent to the appropriate authorities requesting that the following three concepts be incorporated into the County's Park Master Plan:

a. To investigate the possibility of the County of San Luis Obispo being involved in the development of a regional athletic facility which would be operated, maintained, and programmed by the City of Paso Robles upon its completion.

b. To investigate the use of the Salinas River as a cycling, jogging and equestrian trail.

c. That the County give consideration to building a multipurpose center similar to the facility that was built by the County just north of Arroyo Grande.

20. The terms of office for Cynthia Kaitfors, Georgia Collins and Greig Welch expired on June 30, 1987. All three members requested reappointment.

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously to reappoint Ms. Kaitfors and Collins and Mr. Welch to two year terms expiring on June 30, 1989.

21. The City received a resignation from Mr. Harry Coulson from the Airport Advisory Committee creating a vacancy which expires on June 30, 1989. Mr. Rick Minton's appointment to the Planning Commission, created a vacancy on a term due to expire June 30 1988. The Council had allowed him to stay on both Committees until the conclusion of the Airport Master Plan study.

Russell Root, Archie Hanson and Sam Siegel were considered for the two vacancies.

Motion by Councilmember Cousins and seconded by Councilmember Dolan that Archie Hanson be appointed to a term expiring on June 30, 1989 and that Sam Siegel be appointed to a term expiring on June 30, 1988. Motion passed by the following roll call vote:

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

22. The City Manager reported that applications for Council have been received from three persons and that the Council may appoint now or set a time for interviews and/or appointment.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that the City Council adjourn to August 26, 1987 at 7:30 p.m. in the City Council Chambers for the purpose of interviewing the applicants for the vacancy. Applications were received from Steve Martin, Dale Gustin and Melinda Stackhouse.

23. Councilmember Dolan commended the Police Department for efforts in assisting at the Mid-State Fair.

24. Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously to adjourn to a closed session for the purpose of discussing personnel matters. At the closed session, no official action was taken, and upon motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously, the closed session was adjourned to the regular meeting.

25. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to adjourn to 7:30 p.m. on August 26, 1987 in the City Council Chambers for the purpose of interviewing and appointing a member to the City Council.

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
City Council of the City of El Paso de Robles, California,
held on August 18, 1987 at 7:30 p.m. in the
Council Chambers, City Hall, 1030 Spring Street, Paso
Robles, California 93446, has been adjourned to
August 26, 1987 at 7:30 p.m. in the Council
Chambers, City Hall, 1030 Spring Street, Paso Robles,
California 93446.

DATE: Aug. 19, 1987

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY: Rawn Hudson
Deputy CITY CLERK

tradeoffs between Blackburn and the radius on Grove and James be the area where those tradeoffs be done.

Mayor Russell stated that he agreed with the property owners in their opposition to abandoning the streets to increase the density of the subdivision.

After a lengthy discussion, it was moved by Councilmember Cousins to not adopt the proposed Resolution as presented. Motion seconded by Mayor Russell and failed by the following roll call vote:

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

There followed discussion regarding the feasibility of deleting the abandoning of James and Grove Streets as set forth in the proposed Resolution.

Councilmember Dolan questioned if the tentative map would become null and void with the deletion of the abandonment of James and Grove Streets. The Director of Municipal Services responded that the map would have to be refiled because of the change in James Street and the public improvements.

It was then moved by Councilmember Ovitt and seconded by Councilmember Cousins that Resolution No. 87-57, A RESOLUTION VACATING A PORTION OF LELAND STREET IN THE CITY OF EL PASO DE ROBLES, be read by title only, with the deletion of the 2nd and 3rd paragraphs referencing the abandonment of James and Grove Streets.

Councilmember Dolan questioned if this would make the tentative map null and void and the Director of Municipal Services replied that the developer would now be required to improve Blackburn, Grove and James to full City street standards on all three sides.

Motion passed by the following roll call vote.

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

The Resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins that Resolution No. 87-57 be adopted as amended. Motion passed by the following roll call vote:

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

Mr. Leonard Livingston asked for clarification of the amended Resolution and then asked that the record show that he is in agreement with accepting the portion of Leland Street adjacent to his property. The Mayor advised him that he must submit a letter of application to the City requesting that the easterly portion of Leland be abandoned to him as the adjacent property owner, and that no fee shall be charged for said application.

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

6. The Mayor announced that it was the time and place scheduled for public hearing pursuant to Resolution No. 87-46 declaring the intention of vacating a portion of Maple Street - Tract 1499/H. T. Weddle. The Director of Municipal Services reported on the project, recommending that Maple Street be closed, after which the Mayor opened the public hearing.

Mr. Tim Roberts, representative for Mr. Weddle, reviewed the project advising that he was in favor of abandoning Maple Street.

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

Councilmember Cousins stated that she believes Maple Street should be left open, believing a fire response hazard would exist should the street be closed. The Fire Chief answered that the response time has been checked and is approximately the same for either route.

There was a lengthy discussion, after which it was moved by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that A RESOLUTION VACATING A PORTION OF MAPLE STREET IN THE CITY OF EL PASO DE ROBLES be read by title only. The Resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan that said Resolution be adopted. Motion failed by the following roll call vote:

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

Mayor Russell further explained that he did not believe it appropriate to approve abandonments of property in order to create higher density.

Councilmember Dolan stated that to not abandon Maple Street will create problems for the continuity of this particular subdivision.

7. The public hearing for the Housing Element of the City's General Plan was continued from the previous meeting. Upon motion by Councilmember Cousins seconded by Councilmember Dolan and passed unanimously the public hearing was continued to September 1, 1987 at 7:30 p.m.

8. The Mayor announced that it was the time and place scheduled for public hearing of Ordinance No. _____ N.S., AN ORDINANCE AMENDING ZONING CODE TO ESTABLISH AUTHORITY AND PROCEDURES TO REVIEW, CONDUCT HEARINGS, MAKE DECISIONS AND APPEAL DECISIONS RELATIVE TO LAND USE ENTITLEMENTS AND PERMITS AND TO AMEND EXISTING ZONING AND SUBDIVISION CODE SECTIONS REGARDING THESE MATTERS.

The Community Development Director reviewed the proposed Ordinance which has been approved by the Planning Commission.

The Mayor asked that under D. Section 21.16A.090 Building Permit Restrictions, the words be added, unless Planned Development plans are filed as required... He further recommended that Item C-2 of Exhibit A be amended to read "the Planning Commission shall have the responsibility and the duty" Also, Item D of Exhibit A shall be amended to read "The City Council shall reserve the authority to make final decisions on the following:"

The Mayor then opened the public hearing to the floor. There being no comments, either oral or written, it was moved by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously to close the public hearing.

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously that said Ordinance, as amended to reflect Mayor Russel's comments, be read by title only. The Ordinance was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Cousins that this constitutes the first reading and introduction of said Ordinance as amended above. Motion passed by the following roll call vote:

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

9. The Mayor announced that it was the time and place scheduled for public hearing for Amendment of Use Permit 86001 (Applicant: Clifford Weyrick/Club Montage). The Community Development Director reviewed the applicant's request to approve the amendment to Use Permit 86001 as follows: a) To delete Condition #10 which requires that Club Montage must be open to teenagers two nights per week; and b) To amend Condition #9c to change the closing hours for nights that the Club chooses to be open to teenagers.

He also explained that Mr. Weyrick is requesting that the closing hours for those times that the Club is to be open to teenager use be amended to coincide with the City's adopted curfew hours. The reconstruction of curbs, gutters, sidewalks and paving in Spring Street required by Conditions 3 and 4 of the Use Permit has not been completed. The City Engineer has indicated that compliance can be achieved through a bond or other security for an amount of \$4,000. Several other building code deficiencies also exist.

The Mayor opened the public hearing.

Mr. Clifford Weyrick, owner of Club Montage, appeared and supported his requests stating that the teenagers did not avail themselves of the use of the Club on the nights scheduled for their use, Sunday and Monday. He further stated that it was not financially possible for him to continue with the teenagers using the club.

Mr. Dale Gustin appeared and stated he was opposed to eliminating teenager nights.

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

Councilmember Cousins stated that she received a call this date from a trustee of the Plymouth Congregational Church objecting to granting Mr. Weyrick's request to delete any evenings during the week for teenagers since that was the basis of the club being allowed to open and the Church members believe that it should continue that way. She further stated that she feels the same way.

Mr. Weyrick advised the Mayor that he had been told verbally to hold up on the improvements of the curb and gutter since the City planned on working out a plan to widen the street all at once.

The City Manager explained that Mr. Weyrick had offered to set back the curb and gutter immediately rather than posting a bond; the City Manager advised him of other options of furnishing securities, but heard nothing further from Mr. Weyrick.

The public hearing was closed upon motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously.

After a lengthy discussion, it was moved by Councilmember Dolan, seconded by Councilmember Cousins and passed unanimously that Resolution No. 87-58, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES TO AMEND USE PERMIT 86001 (WEYRICK - CLUB MONTAGE), be read by title only, amended as follows:

Condition 1. This nightclub must be open for teenagers no fewer than four (4) nights per month, one of which shall be either Friday or Saturday night, including special events.

Condition 4. The first sentence is deleted. The owner will post a performance bond or provide Certificate of Deposit issued to the City for the amount necessary to complete the improvements of curb, gutter, sidewalk and paving to make a smooth transition between the lip of the gutter and existing paving in Spring Street in front of the project. The owner shall also submit a letter to the City stating that he will not oppose participation in any assessment district proposed to accomplish these improvements.

Condition 10. This permit is conditioned on operation for teenagers at least four (4) nights a month, and if not so opened and operated, this Use Permit is subject to immediate review and/or revocation.

Former Condition 10 becomes Condition 11.

Motion by Councilmember Dolan and seconded by Councilmember Cousins that Resolution No. 87-58 be adopted as amended. Motion passed by the following roll call vote:

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

10. The Consent Calendar was presented. The City Manager asked that Item IV M., Approval of Final Tract Map and Subdivision Agreement for Tract 1396/M. Timm Development Inc., be pulled from the Agenda and tabled. Items VI A, G and I were also pulled for discussion.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins to approve the Consent Calendar, together with the recommendations as set forth therein, with the exception of Items No. IV A, G, I and M. Motion passed by the following roll call vote:

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

Those items on the Consent Calendar are as follows:

B. Minutes of the Parks and Recreation Advisory Committee Meeting of August 10, 1987.

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

C. Approval of Purchase Orders for City Vehicles

Bids were requested and have been received for the purchase of seven vehicles which were authorized in Fiscal Year 1987-88 Budget. Included in your Agenda packet is the bid summary sheet and a copy of the authorizing purchase orders. In adopting the Consent Calendar, Council approves Purchase Order No. 33529 in the amount of \$34,435.69 to Palla Equipment of Paso Robles for vehicles as specified in attachment and Purchase Order No. 33530 in the amount of \$42,586.56 to Pete Johnston G.M. of Paso Robles for vehicles as specified in attachment.

D. Approval of Annual Street Striping Contract for 1987-88

In adopting the Consent Calendar, Council authorizes staff to request bids for the City's annual street striping program and authorizes an expenditures not to exceed \$40,000.00.

E. Approval of Annual Street Preventative Maintenance Overlay Program

In adopting the Consent Calendar, Council authorizes staff to request bids for the City's street overlay contract and authorizes an expenditure not to exceed \$150,000.00.

F. Approval and Adoption of Revised Traffic Circulation Plan

In adopting the Consent Calendar, Council approves the revised Traffic Circulation Master Plan as recommended by the Planning Commission and as considered by the City Council at the Study Session of August 12, 1987.

H. Approval of Final Progress Payment No. 11, Acceptance of Guarantee Security and Approval of Filing of Notice of Completion For Niblick Road Bridge

In adopting the Consent Calendar, Council approves Final Progress Payment No. 11 to MCM Construction Company in the amount of \$226,558.18, accepts posted guarantee security, and Filing of Notice of Completion for Niblick Road Bridge project.

J. Request for Time Extension for Tract 1159/Pacific Heights

Tract 1159/Pacific Heights expired July 15, 1987. The public improvements are near completion and work is proceeding on schedule for resolution of remaining punch list items. The applicant is requesting a 45 day time extension which will expire September 1, 1987. There are no affected home owners. In adopting the Consent Calendar, Council grants a time extension of 45 days to expire on September 1, 1987 for Tract 1159.

K. Approval of Lease for Use of Municipal Pool - Paso Robles School District

The Lease Agreement for the coming year is consistent with prior leases except in a reduced monthly rental rate which reflects a decrease in operating expenditures due to improved heating efficiencies. The lease agreement is from February 1, 1988 through May 31, 1988 at a monthly charge of \$4,785. In adopting the Consent Calendar, Council approves the lease agreement between the City and the Paso Robles School District.

L. Approval of Lease for Use of Municipal Pool - Paso Robles Swim Club

The Lease Agreement for the coming year is consistent with prior leases except in a reduced monthly rental rate which reflects a decrease in operating expenditures due to improved heating efficiencies. The lease agreement is from September 1, 1987 through January 31, 1988, excluding the month of December, at a monthly charge of \$4,785. In adopting the Consent Calendar, Council approves the lease agreement between the City and the Paso Robles Swim Club.

Councilmember Dolan referred to Item A. **Minutes of the Airport Advisory Committee Meeting of July 30, 1987**, and questioned the Advisory Committee's approval of the proposal for expanded services under a sublease by Mid-Cal Airmotive. The Mayor expressed concern for Committee approval when the procedure was for Use Permit review on any sublease. Staff was directed to follow the established procedure.

Motion by Councilmember Dolan, seconded by Councilmember Cousins and passed unanimously to approve Item IV A. as presented with staff to follow the established procedure in accordance with the above understanding.

Councilmember Dolan questioned Item G. Approval of Change Order No. 1, Final Progress Payment No. 2 and Notice of Completion, DMS Project No. 86-10 - Osborne Water Well.

In adopting the Consent Calendar, Council approves Change Order No. 1, Final Progress Payment No. 2 to Smith and Smith, Inc., in the amount of \$29,009.97, and authorizes the Filing of the Notice of Completion.

Councilmember Dolan referred to Change Order No. 1, in particular, the additional cost of fencing for an amount of \$2,826.30. Staff explained the necessary upgrading of the fence materials. Motion by Councilmember Dolan seconded by Councilmember Ovitt and passed unanimously to approve Item G. as presented.

Discussion followed regarding Item IV I. **Request for "Will Serve" Letter - Water for Four Lot Subdivision on Golden Hill Road / Bill Hawk**

The City had previously issued a "Will Serve" Letter to the applicant, Covenant Church and School, for a 13.47 acre parcel. This letter is required by the County in order to approve his proposed parcel map creating a four-lot subdivision. This parcel is within the "Infill Annexation" area, and the applicant has agreed to annexation. In adopting the Consent Calendar, Council approves the issuance of a "Will Serve" letter subject to all previous conditions including the requirement for an agreement from the applicant or future owners of the property to consent to annexation at such time as annexation may occur.

Rev. Bill Hawk, representing the Covenant Church and School, appeared in support of the request and stressed the need to separate the Church from the School thereby necessitating a separate will serve letter for water. After a lengthy discussion regarding the feasibility of annexing the property, it was moved by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to hold the matter over to allow staff to discuss annexation procedures with LAFCO.

11. The Pre-Check Register for August 3, 1987 (\$743,285.93), August 7, 1987 (\$179,93), and August 19, 1987 (\$965,586.63), was presented and approved on motion by Councilmember Ovitt and seconded by Councilmember Dolan. Motion passed by the following roll call vote:

AYES: Ovitt, Dolan and Russell (abstaining on #68472)
NOES: None
ABSENT: None
ABSTAINED: Cousins

12. The Airport Manager presented the Airport Designated Land Use Plan as prepared by the Airport Advisory Committee for Council's review.

13. A memo from the Airport Manager requested the City Council to authorize the removal and disposition of the City-owned T-hangar building on Parcel 20 at the Airport; in the Council meeting of June 16, 1987, the Council relieved Patroline, Inc. of its requirement to relocate the T-hangar facility from Parcel 20.

A memo from the City Attorney presented three possible alternatives in the disposition of the hangars.

After discussion, it was moved by Councilmember Dolan, seconded by Councilmember Cousins and passed unanimously to declare the hangars obsolete and unusable, not up to code, and a potential hazard may exist, and to authorize the City Attorney and City Manager to enter into an agreement with the Department of Forestry for removal of the hangars.