

MINUTES OF THE REGULAR MEETING  
PASO ROBLES CITY COUNCIL  
SEPTEMBER 1, 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 existing.

1. The minutes of the regular Council meeting of August 18, 1987 were presented. Councilmember Dolan directed that the following amendments be made:

a. Item 4. Reference the third paragraph, Page 2 - Following "After a lengthy discussion," add during which it was indicated by the City Engineer that now, instead of requiring improvements to James at Grove Street, would in all probability create a substandard street grade.

b. Item 6. Reference the fifth paragraph, Page 3 - Following "After a lengthy discussion," add during which it was indicated by the City Engineer that leaving Maple Street open with subsequent street improvements without substantial cutting into the hillside would, in all probability, create a substandard street grade.

c. Item 9. Reference Condition 4. Add No revisions to the Use Permit would be effective or allowed until such time as satisfaction of all other conditions have been met, particularly the concerns of the Fire Department.

It was then moved by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to approve the minutes of the meeting of August 18, 1987 as amended above.

2. The City Clerk, Jerry Bankston, introduced Mr. Steven W. Martin, the newly appointed City Councilman, and then administered the Oath of Office to him. Mr. Martin then took his seat as a Councilmember.

3. The Mayor read Resolution No. 87-59, A RESOLUTION HONORING GARY E. STEMPER in its entirety, and then presented the Resolution to Mr. Stemper.

4. Proclamation, Bells Across America, adopted upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously.

5. The public hearing for the Housing Element of the City's General Plan, continued from the meeting of August 18, 1987 was continued to September 15, 1987 at 7:30 p.m. upon motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously.

6. Ordinance No. \_\_\_\_\_ N.S., AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES PERTAINING TO PROPERTY MAINTENANCE AND ABATEMENT OF PROPERTY NUISANCE, was reviewed by the Community Development Director.

Councilmember Ovitt expressed concern that the matter of temporary signs be addressed more specifically in the Ordinance.

The Director stated that the Department would work with the Chamber of Commerce and the BIA on a positive basis concerning signs, and that the

whole Code Enforcement program is designed to be a positive tool to work with the property owners and address situations.

The Mayor questioned Item 3. Storage for an unreasonable period of time . . . ., if it referred to outside storage and the Director answered that it was relating to outside storage. Councilmember Dolan asked for clarification of "unreasonable", and suggested that guidelines be offered as to what is "reasonable"; he further questioned staff regarding the appeals process.

The Director suggested, in regard to the term "unreasonable period of time", that staff prepare an administrative policy that would specify kinds of periods that may be used as a working guideline.

The Mayor then opened the public hearing.

Ms. Rosella Davis appeared and spoke in opposition to the Ordinance, specifically to the need to define the term "reasonable period of time".

There being no other comments either for or against the Ordinance, the public hearing was closed upon motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously.

Councilmember Dolan responded to the comments made by Ms. Davis stating that the public hearing is provided, the appeal procedure to the Planning Commission and City Council is provided, and that the need for the Ordinance would not have been established were it not for the growing number of complaints received by the City from residents regarding nuisances.

Staff confirmed that a substantial number of the followups are in response to complaints received from neighbors.

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

7. The Consent Calendar was presented. Items No. A, C and E were pulled from the Consent Calendar for discussion.

The City Manager requested that Item F, Approving Purchase Order No. 33566 to Palla Equipment for Purchase of Cab and Chassis for Dump Truck., be pulled from the Agenda and rescheduled for the meeting of September 15, 1987.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to approve the Consent Calendar, together with the recommendations as set forth therein, with the exception of Items No. A, C, E and F. Motion passed by the following roll call vote:

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

Those items on the Consent Calendar are as follows:

**B. Acceptance of Improvements - Tract 1159/Pacific Heights**

The City Council, at its meeting of August 18, 1987, approved a 45 day time extension to Tract 1159. Public improvements have now been completed and found to be in accordance with approved plans and specifications. In adopting the Consent Calendar, Council accepts the public improvements for operations and maintenance for Tract 1159/Pacific Heights.

**D. Resolution No. 87-60. A RESOLUTION ESTABLISHING INTERSECTION STOPS ON 17TH, 18TH AND 19TH STREETS AT PARK STREET**

As reflected in the Traffic Safety Committee minutes of August 19th, the Committee recommends installation of stop signs on 17th, 18th and 19th Streets at Park Street. The stop sign installations would complete the stretch between 16th and 21st Streets providing for a through street for Park. In adopting the Consent Calendar, Council accepts the recommendation of the Traffic Safety Committee and adopts Resolution No.87-60.

**G. Approval of Progress Payment No. 1 to Madonna Construction Company for Airport Project #3-06-0184-05**

In adopting the Consent Calendar, Council approves Progress Payment No. 1 to Madonna Construction Company for said Project in the amount of \$75,442.68.

**H. Approval of Progress Payment No. 2 to Tartaglia/Hughes for Airport Project #3-06-0184-05**

In adopting the Consent Calendar, Council approves Progress Payment No. 2 to Tartaglia/Hughes, consulting engineers, for said Project in the amount of \$10,444.35.

**Councilmember Dolan discussed Item A. Minutes of Traffic Safety Committee meeting of August 19, 1987**

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

Councilmember Dolan addressed Item 1 of New Business, Request for a 4-way stop at Niblick Road and Country Club Drive intersection. He stressed the need for a 4-way stop sign at this time. The Mayor recommended that some time be given to see how the traffic pattern develops. Councilmember Dolan stated that he would rather err to the high side than err on the short side and have something happen that will be regretted.

Councilmember Ovitt stated that standards applied to stop signs must be equal throughout the City and must not be done on an emotional basis.

Councilmember Martin questioned if there has been enough time since the bridge opening to look at traffic warrants.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins to approve the Traffic Safety minutes of August 19, 1987. Motion passed by the following roll call vote:

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

The City Manager added to the suggested action as set forth below the following sentence that the approval is contingent upon the submittal of a grading plan more in conformance with Tentative Tract Map, pertaining to Item C. Approval of Final Tract Map and Subdivision Agreement for Tract 1396/M. Timm Development, Inc.

The Subdivision Agreement for the development of Tract 1396, Certificate of Insurance, Performance and Payment Bonds, and the Final Tract Map have been received. The improvement plans have been changed to reflect the previously approved Cost Sharing Agreement between Centennial Park and this Tract development. In adopting the Consent Calendar, Council approves the Final Tract Map, accepts the Certificate of Insurance, Performance and Payment Bonds, and approves Subdivision Agreement.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously to approve Final Tract Map 1396 and authorize execution of the Subdivision Agreement, contingent upon the approval of the new grading plan being more in conformance with the Tentative Map.

Presentation for discussion of Item E. Award of Bid to Associated Professions, Inc. For Engineering Design Services For Airport Water Main Extension

The City Council, in discussion at its study session of April 1, 1987, indicated an interest in extension of the City's water main to service the Airport. At the Council meeting of July 7, 1987, the Council authorized staff to request proposals for Engineering Services for design of the Airport Water Main Extension. Engineers estimate of the project was \$18,000.00. The four qualifying proposals received are as follows:

<u>Firm</u>	<u>Amount</u>
Associated Professions, Inc., Paso Robles	\$14,800.00
John L. Wallace & Assoc., San Luis Obispo	22,560.00
Tartaglia/Hughes Engineering, Atascadero	22,783.00
North Coast Engineering, Paso Robles	28,001.00

In adopting the Consent Calendar, Council awards the contract for Engineering Design Services for Airport Water Main Extension to Associated Professions, Inc. in an amount not to exceed \$14,800.00.

Councilmember Dolan questioned the 100% differential between the high and low bids received. There was discussion regarding the quality of work to be performed by the low bidder, Associated Professions, Inc.

Councilmember Cousins stated that she had questioned staff regarding the difference and it is her understanding that staff has questioned the bidder in regard to the difference and that they are standing behind the bid, and if so, she thinks they should approve it.

The Mayor stated that it was up to the City Manager and City Engineer to be responsible for the project being completed in a satisfactory manner to City standards.

Motion by Councilmember Cousins and seconded by Councilmember Ovitt to approve the award of bid for engineering design services for the Airport Water Main Extension to Associated Professions, Inc. in the amount of \$14,800.00. Motion passed by the following roll call vote:

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

8. The City Manager announced that Item F, Bid Results for Seven-Yard Dump Truck, of the Consent Calendar, was pulled by virtue of failure to provide the sufficient required notice to the other bidders that this would be the meeting that it was to be considered, and that the matter will be held over to the Council meeting of September 15, 1987.

9. The Pre-check Register for August 20, 1987 (\$3,109,957.16) and August 28, 1987 (\$121,339.10) was presented. Motion by Councilmember Cousins and seconded by Councilmember Ovitt to approve said Warrants. Motion passed by the following roll call vote:

AYES: Cousins, Ovitt (abstaining on #69204 and #69379),  
Dolan, Martin (abstaining on #69145 and #69319) and Russell  
NOES: None  
ABSENT: None

10. The Community Development Director reviewed the minutes of the Planning Commission meeting of August 25, 1987. Discussion ensued regarding Item I.A. Union/46 Specific Plan, specifically the continuation of bridge and school fees. It was indicated that school fees are statutory by State law upon which the City has no option. Councilmember Dolan requested that there be some clarification of bridge fees issued, and that until such time that all bridge crossing needs are met, the bridge fee may not go away.

Mayor Russell corrected a statement made by him in the minutes wherein he was quoted as saying that the bridge fee would be paid off in seven years, when, in fact, he stated the bridge fees would be in effect for at least seven more years, and possibly longer, as the contract states, and that any change to the fee can be made as needed.

Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously, that the minutes of the Planning Commission meeting of August 25, 1987 be approved, together with the findings and conditions as set forth therein, as amended by Mayor Russell above, with Councilmember Dolan abstaining on Item No. C, File No. PR-87-140, since the Lot Line Adjustment occurs within 300 ft. of NCI properties.

11. A memo from the Director of Municipal Services recommended that Council review current policies regarding septic system use, and provide staff with guidelines regarding possible revisions. The Director reviewed the City's present requirements relating to the current developments and subsequent restrictions placed upon them; and recommended that the two ordinances be reconsidered based upon the fact that the projects will most likely connect to the system in the near future, and could install a "dry sewer" along with their septic tank system. He further explained that Theatre Drive has been annexed within one mile of the Salinas River, and with the restriction of no septic systems within one mile of the River, development would be prohibited absent a sewer line. He recommended that the City allow the septic tank system installations if they do provide for a dry sewer line, so that when sewer becomes available, they can connect to it and abandon the septic systems.

Councilmember Cousins reminded Council and staff that the Ordinance was adopted to help get the Clean Water Grant.

The Director advised of a letter recently received from the Water Quality Control Board informing the City of a new regulation that came into effect last year which would require the City to adopt certain standards and enter into an Memorandum of Understanding with the Water Quality Control Board in order to have approval authority.

Councilmember Dolan moved that staff be authorized to prepare revisions of the Ordinance to allow septic systems within one mile of the Salinas River; changed to be in conformance with the Water Quality Control Board recommendations, and in the commercial and industrial zones, provided that dry sewer lines be provided as part of installation and that the wording be included that the individual be required to connect to the sewer system upon failure of the septic systems.

The motion was seconded by Councilmember Martin. Councilmember Ovitt stated that in accordance with the County's practice, that the City should set an acreage size in the policy being considered.

Councilmember Dolan suggested that the wording of the Ordinance be "accept as otherwise prohibited or discouraged by the State Water Quality Control Board or any agency, that the City permits . . .", and not specify minimums.

Councilmember Ovitt stated that the City does not have to be the same as the County, can be more restrictive on it, he is more opposed to septic on small acreages than to putting in a line, pump stations or pretreatment systems.

The Director stated that all septic systems should be considered as a "temporary" means.

Councilmember Ovitt referred to a "holding system" that had to be pumped regularly for industrial usage.

Councilmember Cousins questioned if industrial plants are required to have a discharge permit; staff answered that they did.

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

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

12. The Mayor called a brief recess, after which he called the meeting back to order with all members present.

13. The Mayor read Resolution No. 87-61, A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE CITY OF PASO ROBLES AND THE PASO ROBLES CHAMBER OF COMMERCE FOR CHAMBER TO CONTINUE TO PROVIDE PROMOTIONAL ACTIVITIES ON BEHALF OF THE CITY OF PASO ROBLES, and accompanying Agreement, explaining that he had prepared a revised Resolution which was proposed for adoption.

Mr. Roger Elkins, the new Executive Manager of the Paso Robles Chamber of Commerce, reviewed the Resolution and Agreement stating that the Chambers feels very comfortable with the proposal.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 87-61 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan that Resolution No. 87-61 be adopted, thereby authorizing the execution of said Agreement, and specify allocation of funding the Chamber and subrecipients. Motion passed by the following roll call vote:

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

14. Ordinance No. 537 N.S., AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES ESTABLISHING CHAPTER 21.23A OF THE ZONING REGULATIONS TO CONTAIN THE DECISION, HEARING AND APPEALS REGULATIONS AND REPEALING VARIOUS SECTIONS OF THE ZONING REGULATIONS WHICH WILL BE SUPERSEDED BY THE NEW CHAPTER, was presented for second reading and adoption.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 537 N.S. be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan that this constitutes the second reading and adoption of Ordinance No. 537 N.S. Motion passed by the following roll call vote;

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

15. Ordinance No. 538 N.S., 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, was presented for second reading and adoption.

Motion by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that Ordinance No. 538 N.S. be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan and passed unanimously that this constitutes the second reading and adoption of Ordinance No. 538 N.S. Motion passed by the following roll call vote:

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

16. The Joint Powers Agreement with the San Luis Obispo Area Coordinating Council was presented for annual ratification. Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that the Mayor and City Clerk be authorized to execute said document.

17. The City Attorney recommended that the Agreement between and Robert Roberts (Quail Run) be deferred to the next meeting. Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously that said Agreement be held over until the meeting of September 15, 1987.

18. Motion by Councilmember Dolan, seconded by Councilmember Cousins and passed unanimously that the letter received from Clyde Shoe submitting his resignation to the Housing Authority be accepted with regrets.

19. The City Manager informed the Council and public that he and the City Engineer have conferred relative to the construction activities on Creston at Niblick Roads that as a construction zone safety measure, temporary 4-way stop signs for both Creston and Niblick Roads.

20. Councilmember Ovitt commented on the fact that all City Departments who participated in the operation of the Mid-State Fair should be commended for their efforts.

21. There being no further business, it was moved by Councilmember Ovitt, seconded by Councilmember Martin and passed unanimously to adjourn to September 9, 1987 at 7:00 p.m. in the City Council Chambers for a 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  
City Council of the City of El Paso de Robles, California,  
held on Sept 1, 1987 at 7:30 p.m. in the  
Council Chambers, City Hall, 1030 Spring Street, Paso  
Robles, California 93446, has been adjourned to  
Sept 9, 1987 at 7:00 p.m. in the Council  
Chambers, City Hall, 1030 Spring Street, Paso Robles,  
California 93446.

DATE: 9-2-87

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY: Dawn Hudson  
Deputy CITY CLERK