

MINUTES OF THE REGULAR MEETING  
PASO ROBLES CITY COUNCIL  
JANUARY 5, 1988

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: Martin, Ovitt, Dolan, Cousins and Russell; none being absent.

1. The minutes of the City Council meetings of December 15, 1987 were presented and approved upon motion by Councilmember Ovitt, seconded by Councilmember Cousins with an amendment to Item 6, 7th paragraph, by Councilmember Dolan who stated that his concerns were not economic but that the project was not feasible at this time because of a necessity for required improvements of Larkfield, Driftwood, Oriole and Meadowlark Streets.

The minutes of the meeting of December 23, 1987 were presented and approved upon motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed on a four to zero vote with Councilmember Dolan abstaining due to his absence.

2. A letter from Harlow Ford, President of the Pioneer Museum Trustees, was presented which requested the City Council consider an amendment to the Municipal Code as it relates to the Board of Trustees, number, terms and methodology of appointment of trustees. Mr. Harlow Ford addressed the Council, giving a brief history of the Board.

The requested amendment to the Municipal Code is recommended to read as follows:

"2.64.020 Board of Trustees--Appointment--Term--Vacancies.

The City Council shall appoint a board of nine (9) museum trustees to manage the museum. The trustees shall hold office for two (2) years and shall serve without compensation. Not less than thirty (30) days prior to expiration of the term of the trustees, they shall submit for the approval of the City Council the names of the museum trustees to serve for the ensuing two years. Thereupon notice of appointment shall be given in writing and an acceptance in writing shall be filed with the City Clerk. Vacancies shall be filled by appointment by the Board of Trustees for any unexpired term."

Discussion followed regarding the vacancies - the trustees shall recommend for the approval of City Council names of Museum Trustees to serve in the ensuing two years, and the vacancies for an unexpired term shall be filled by the Board subject to confirmation by the Council.

After discussion, it was moved by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to direct staff to prepare an ordinance amending the existing ordinance to be brought back to Council at the next meeting.

time. In adopting the Consent Calendar, Council authorizes Progress Payment No. 4 in the amount of \$97,726.00 to M. J. Herreck.

G. Authorization to Execute Lease Termination Agreement For Acquisition of Post Office

At the Council meeting of December 15, 1987, Council approved the necessary appropriations and authorized staff to proceed with acquiring the Post Office Building. In adopting the Consent Calendar, Council approves the Lease Termination Agreement and authorizes the Mayor and City Clerk to sign the Agreement.

8. The Pre-check Register for December 24, 1987 in the amount of \$1,283,197.12 and December 31, 1987 in the amount of \$292,081.78 was approved upon motion by Councilmember Ovitt and seconded by Councilmember Martin. Motion passed by the following roll call vote:

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

9. A memo from the Director of Administrative Services presented Resolution No.88-01, A RESOLUTION FIXING FEES AND CHARGES FOR SERVICES RENDERED IN THE COLLECTION AND REMOVAL OF GARBAGE AND WASTE MATTER AND RESCINDING RESOLUTION NO. 3059, and attached "Exhibit A" which set forth the new solid waste rates effective January 1, 1988, for Council's consideration.

There followed a lengthy discussion, wherein Councilmember Dolan questioned the validity of the amount of increase in the rates.

Mr. Fred Glenn, public accountant for Paso Robles Waste Disposal, reviewed the proposed rate increases.

Motion by Councilmember Ovitt, seconded by Councilmember Martin and passed unanimously that Resolution No. 88-01 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins that Resolution No. 88-01 be adopted. Motion passed by the following roll call vote:

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

10. The Community Development Director reviewed the continued request for time extension on Tract 1333/Munari. Mr. Ben Maddalena, representing the subdivision, appeared and gave an update of the Tract.

A letter from the Public Works Director to Mr. Maddalena, dated December 28, 1987, set forth several items that needed to be completed on the Tract.

It was pointed out that a map depicting the subdivision as being phased was never acted on by the Council.

Mr. Jack Munari, owner of the Tract, appeared and stated that he was willing to file one final map on the subdivision.

Motion by Councilmember Cousins to grant a six months time extension to the Tract with the submittal of a letter from Mr. Ben Maddalena which sets forth the proposed phasing for said Tract. The motion died for lack of a second.

Motion by Councilmember Ovitt to continue the matter, refer it back to staff for clarification of phasing with subsequent recommendation on how to proceed at the next meeting. Motion seconded by Councilmember Dolan, stressing the need to investigate the phasing and start the process for a phasing map.

Discussion followed, during which Councilmember Ovitt called for the question. Motion passed by the following roll call vote:

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

11. The Council considered the appointment of an ad hoc committee for preparation of an application to participate in the California Main Street Program.

Motion by Councilmember Ovitt, seconded by Councilmember Martin and passed unanimously to appoint Councilmembers Dolan and Martin to said committee with a request to the Planning Commission that they appoint one member to the committee and request the Chamber of Commerce and Business Improvement Association also submit a recommendation of an individual for their respective boards to serve as members.

12. A staff memorandum presented the proposed contract and support information relevant to a contract with West and Doubledee, Architects, Inc., for predesign and site selection services for a new library. Said contract provides for two elements, predesign and site selection on a time and materials basis at an amount not to exceed \$15,000.00. Mayor Russell stated that he felt the proposed contract was premature.

The City Manager and the City Librarian gave a brief summary of the proposed new library.

Motion by Councilmember Cousins and seconded by Councilmember Martin to approve said contract for an amount not to exceed \$15,000.00 and authorize the Mayor and City Clerk to execute said document. Motion passed by the following roll call vote:

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

13. Ordinance No. \_\_\_\_\_, AN ORDINANCE ADDING CHAPTER 17.303 TO THE MUNICIPAL CODE, ENTITLED BUILDING SECURITY, was tabled on recommendation of the City Manager.

14. The City Attorney requested a closed session at the end of the meeting for the purpose of discussion of Oak Creek Park.

15. Motion by Councilmember Cousins, seconded by Councilmember Martin and passed unanimously to accept with regret the resignation submitted by Ms. Margaret Pasternak from the Paso Robles Housing Authority, directing staff to send appropriate letter for recognition of her services.

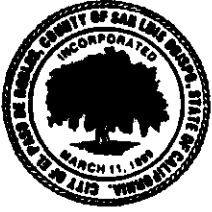
16. Councilmember Cousins requested permission to leave the State for a medical emergency; permission was granted.

She also raised questions to staff regarding street signing, and requested a "Don't Block Intersection" sign at 12th and Spring Streets intersection.

17. Motion by Councilmember Ovitt, seconded by Councilmember Martin and passed unanimously to adjourn to a closed session for the purpose of discussion Oak Creek Park. At the closed session, there was no official action taken and upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously the closed session was adjourned to the regular meeting.

18. There being no further business, it was moved by Councilmember Martin, seconded by Councilmember Dolan and passed unanimously to adjourn to a study session at 7:00 p.m. on January 13, 1988 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.



# City of El Paso de Robles

*"The Pass of the Oaks"*

## 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

January 5, 1988 at 7:30 p.m.

in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446, has been adjourned to

January 13, 1988 at 7:00 p.m. in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446.

DATE: January 6, 1988

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY: *Dawn Hudson*

DEPUTY CITY CLERK

3. The Mayor announced that it was the time and place scheduled for the public hearing of the Union/46 Specific Plan continued from the meeting of December 15, 1987. The Community Development Director, Bob Lata, reviewed the matter and presented a letter from the Morro Group, who prepared the Draft Final Specific Plan, dated January 4, 1988, which set forth comments on projected impacts for increase in units in the Specific Plan.

The Mayor then continued the hearing to the audience.

Mr. John McCarthy addressed the Council stating that he wished to commend staff, in particular Associate Planner, Helen Bailey, and the Director, Bob Lata, for their time and efforts expended on this project. He also addressed the fee schedule, stressing that he advocates collection of fees at the building permit stage. He urged the Council to consider the flexibility of having an average of lot dimensioning as per Councilmember Dolan's suggestion rather than a strict 12,000 square foot lot minimum.

Mr. John Trowbridge, addressed the Council stressing his concerns with the open space requirements, for facilities for horses, bike and pedestrian trails, and the requirement that the almond trees remain. He stressed the need for the City to "retain flexibility" in the Plan.

Mr. Robert D. Hill appeared and reiterated Mr. Trowbridge's concerns as set forth above, and that he had previously requested to have his family's property withdrawn from the Specific Plan. The Mayor then stated that he took exception to Mr. Hill's comment regarding Mr. Funk's statement of 2 units per acre as if it were a surprise, since Mr. Hill was in attendance at the same meeting when the Council directed Mr. Funk to consider 2 units per acre. Mr. Hill responded that it was a surprise because the property owners had talked about 2 lots per acre as being economically infeasible and tantamount to a moratorium on any development. He further stated that he desired to have an open discussion with Council and had a 38 page document he had intended to discuss with Councilmember Dolan and Councilmember Cousins; he was informed that the Council does not function in a body of less than a quorum - the Council is a five member body.

Councilmember Cousins reminded Mr. Hill that at the previous public hearing he had mentioned a 38 page epistle he was going to bring to the Council, and that she had personally asked Mr. Hill if he could get it to them, the Council, before the next meeting, and that he said he would try. She then asked him if he had tried to contact her; Mr. Hill answered that he had not.

The Mayor asked Mr. Hill if he had copies of the alleged report to present to the Council for their consideration at this time. Mr. Hill restated his intent to sit down with Councilmembers Dolan and

Cousins with the document and then to present it to every member of the Council.

The Mayor stated that these public hearings were scheduled to receive input and information from the public, in order to make a decision on the matter, not some time in the future and not through individual meetings.

Mr. LeMoyné Shinn, a property owner within the Specific Plan, addressed the Council in regard to a marketing survey he had conducted, which was included in the agenda packet. He stressed that marketing information should be an integral part of the Specific Plan.

Mr. Irwin Gains, owner of the northeast corner of the Specific Plan, questioned if the maximum density at this time was three units per acre and was connecting to a sewer line required; he was told that it was; he asked when would sewer be available and was told that would be dictated by how development takes place in that area.

Mr. Jack Cowden, requested a point of clarification regarding whether a developer could request a different zoning at some time; he was told he could.

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

4. The Mayor called a short recess after which the meeting was called to order with all Councilmembers present.

5. The matter of Union/46 Specific Plan was continued at this time for Councilmember comments.

Councilmember Ovitt explained that the Specific Plan is a new process of planning which should answer many of the problems regarding development and the impacts of density, traffic, economics, etc., on the surrounding area. That which is before the Council this evening is a viable plan, to look beyond an isolated proposal to eliminate considerable problems, further down the road. To refute the statement that the Council does not listen, he cited changes which have been made to date and discussions which are continuing regarding open space, densities, buildable slopes and almond trees.

Councilmember Ovitt stated he agrees with Mr. Trowbridge and sees no need for horse facilities. He referred to the "ambiguity between the 30% and 40% slope"; which needs to be defined. The intent to leave the trees was to mitigate unnecessary landfills and cuts, leaving it to the future property owner to use the trees or take them out. He agreed that fees should be charged at the time of development, but

not all of them. Those at impact should be charged at the time of building permit.

Councilmember Dolan stated that he agrees that this is a planning process in response to the call for effective planning. He praised staff and the Morro Group. He agrees that improvements rendered of benefit to the entire community should have costs of these improvements spread to the entire community. He has concerns with charging some of the fees at the time of the issuance of building permit because of an immediate need for the services the City intends to provide. He believes, that though it may be a difficult burden to pay fees at the time of the tentative map, residential development does not support itself in terms of the services provided. Councilmember Dolan referred to Mr. Shinn's presentation and expressed appreciation for his reconciliatory manner.

He stated for the record in response to Mr. Hill that he was here and available as promised on December 30th and has not been out of the area without the ability to receive messages. He questioned the effort that was alleged to have been made to making contact with him. He further pointed out that he is not aware of any attempt by any member of staff, Council or Morro Group to ignore whatever residents of the area may have asked for. He referred to the many changes that have been made based on input received at public hearings.

Councilmember Martin then addressed Mr. Hill, regarding his letter which was received during the meeting of December 15, 1987. Councilmember Martin questioned, in view of the comments tonight, did Mr. Hill still believe the process represents an utter failure of the municipal process and Mr. Hill responded that he did. Councilmember Martin further questioned him regarding his reference to incidents of dishonesty and insincerity. Mr. Hill referred to a Planning Commission or Planning Department study session where he alleges Councilmember Dolan stated that "if you think that you are going to get any density at all, you have another think coming", implying that the Council didn't care what the property owners wanted, but would tell them what they need. He stated that was insincere. Councilmember Martin than asked him to explain the allegation of dishonesty. Mr. Hill responded that the dishonesty came in the failure of the Council to consider property owner requests and cited a meeting with Mayor Gary Stemper, where they were told by Mayor Stemper to stop their process on the subdivision because the City was going to specifically plan the area and they would get it just the way they want it. Mr. Hill stated his belief that where representation is known to be false, or at least incorrect, it is either intentional or negligent. Councilmember Martin reminded him that it was a five member Council not a one member. Mr. Hill answered that Mr. Stemper was the Mayor and told him what was going to happen.



Councilmember Martin referring to Mr. Hill's letter asked Mr. Hill in what respect he considered the Plan to be unconstitutional. He stated that was in the 38 page document he was preparing and he was referring to vague and ambiguous. Mr. Hill was asked if he had the 38 page document and he answered that he wanted to get into a session with Councilmembers Dolan and Cousins to go through the document item by item. The Mayor reminded him that it was a five member Council and that, hopefully, all five of them could review the information.

Councilmember Martin referred to the feasibility study he had requested a copy of at the last meeting, which he received this date and has had no chance to review it at this time. He asked Mr. Hill what he meant by the reference to "assured confrontation in the future" alleged in the letter; Mr. Hill responded that the phraseology was intended to indicate that they could not get anything done in this City without confrontation.

Councilmember Martin stated that his concerns were that Mr. Hill was talking possible litigation.

Mr. Hill answered that, he had talked with Attorney Michael Brunner's office in Santa Monica, and that inevitably, if they were not going to be treated fairly, they would have to have the Superior Court decide what is fair and equitable and an injunctive relief might be the only way.

Councilmember Martin then referred to Mr. Hill's reference to special and vested interests and people with conflicts of interest involved in the Specific Plan process and asked him to be specific about the people.

Mr. Hill answered that he could but he did not think this was the proper forum for that because it might entail certain accusations that ought not be made at this point.

Councilmember Martin stated that if they exist he would like to know about them.

Mr. Hill stated that if the vested interests exist in the hypothetical, then they will know about them. He stated that these interests do exist and that they may be part of the potential for conflict of interest.

Councilmember Martin stated that Mr. Hill made no hypothetical reference in his letter, therefore, he assumes that he has no hypothetical reference in mind. Mr. Hill answered that he did not, and that if any person is going to receive the information, it would be someone in a different type of jurisdiction. Councilmember Martin referred to the reference in the letter to "barracuda-like" individuals overseeing the Morro Group and who was the referenced person. Mr. Hill answered that he did not use that term, he borrowed

it, and would have to ask that person if it is proper for him to disclose it, and that he saw no one in the meeting who looked like a barracuda.

When asked about the reference in his letter to certain persons who would be affected by further investigation Mr. Hill stated that would go to the conflict of interest issue.

Councilmember Dolan asked Mr. Hill if he had a tape recording of the meeting where he was alleged to have said "it doesn't matter what density you want, you aren't going to get it anyway". Mr. Hill said he did not personally have the tape recording but he knows of at least nine people who heard him say it. Mr. Hill stated meetings have been recorded, but he doesn't know if that specific meeting was, in fact, recorded. It was the comment taken down in his notes.

Councilmember Dolan asked Mr. Hill if he had attempted to contact him after his return from his vacation. He stated that his father had attempted to but he didn't know what date.

Councilmember Cousins referred to her question of Mr. Hill at the last meeting, if he could get the 38 page document he spoke of to them before this meeting and that he had said that he would certainly try. He agreed. She then asked him if he had tried to contact her and he answered "No, he did not".

The Mayor asked Mr. Hill if he had copies of the 38 page document to submit to the Council tonight. He stated that his input was still in the computer.

Councilmember Martin stated that he agrees with Councilmember Qvitt and Mr. Trowbridge concerning the lack of need for trails, equestrian centers, etc.

Mr. Martin stated, as far as the issue of dishonesty, he has not heard, of anyone involved in this process who has been dishonest or in a conflict position. As far as claims of the process being unconstitutional, he finds it very interesting that the letter was not forwarded to the City Attorney for any sort of rendering. In regard to the comments of not starting a fight, he agrees it is counterproductive, but he thinks it is inconsistent to say that you are not trying to start a fight with terms like "boorish overlords" and imply dishonesty and insincerity and also imply you may be taking them to court. Based upon the last reference, Councilmember Martin requested a closed session at the end of the meeting for the purpose of discussing potential litigation.

Councilmember Cousins stated that if the owners of the property feel that they have not been listened to, and feel frustrated by their constant attempts to get across some changes that they want, then she suggests that the Council hold a specific meeting, study session,

with the property owners, Council and staff, in order to resolve the matter. She thanked the property owners, in particular Mr. Trowbridge and Mr. Shinn, for their comments and communications.

The Mayor stated there are some questions still to be resolved; at the last meeting the Council decided that the maximum density should be 3 units per acre and discussion of removing the horse facility requirements, and not requiring the almond trees be kept, but suggest that they be saved as much as possible. There are the questions of open space, fees for the water well, the timing of fee collection, and the clarification of minimum lot size and discussion on averaging lots.

It was then moved by Councilmember Cousins, seconded by Councilmember Martin and passed unanimously to continue the matter to 7:00 on January 14, 1988 in the City Council Chambers for resolution of the issues stated by the Mayor.

6. The Mayor announced that it was the time and place scheduled for the public hearing continued from the meeting of December 15, 1987 for Conditional Use Permit 87025/Weyerhaeuser. The Planning Commission, at its meeting of November 24, 1987, established conditions and approved Conditional Use Permit 87025. The City Council, at its meeting of December 1, 1987, appealed said Permit and set the matter for Council consideration. Said Use Permit was to permit outside storage of lumber on a 15,463 square foot lease site within the Southern Pacific Railroad right-of-way, on the east side of Pine Street, between 4th and 6th Streets.

Councilmember Ovitt explained that he had appealed the Use Permit due to his concern of the Planning Commission's decision to eliminate curb and gutter and sidewalk on adjacent and sidewalk in front of the proposed project as set forth in the Planning Commission Resolution. He feels that curb, gutter and sidewalk should be in front of the project as is across the street and that curb, gutter and transition be made on the adjacent northerly section due to the fact that is a primary for their loading and unloading and movement front the loading platform to the storage area.

The Mayor then opened the public hearing to the audience.

Mr. James Ross, representing Weyerhaeuser Company, addressed the Council and requested that the Council support the Planning Commission's decision based upon the minimal amount of pedestrian traffic in the area, and that the property that belongs to Mr. Norris B. Tacy, not Southern Pacific Railroad. He has additional concerns regarding the requirement to install a fire hydrant; that the City should put in the upgrading of the fire hydrant. He stated that they are willing to put in the redwood slats in the fence which has been done.

Councilmember Cousins questioned the Fire Chief regarding requirement of upgrading the fire hydrant when there is one already installed across the street and one by the Post Office and another one at Fourth Street. The Fire Chief answered that the Fire Department would go into Weyerhaeuser from Pine Street should there be a fire. Councilmember Cousins further stated that she does not agree with the additional need of curb, gutter and sidewalks and that Condition 8-a. of the Planning Commission's Resolution No. 87-057 remain.

Councilmember Dolan expressed concern regarding the loading and unloading from the street without the delineation of curb and gutter.

The Mayor agreed that there should be some sort of delineation on the street area and after learning of the loading and unloading of trucks in the area, he feels that the upgrading of the fire hydrant is a justifiable condition.

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

Motion by Councilmember Martin and seconded by Councilmember Dolan to deny the appeal. Councilmember Dolan requested clarification; the Mayor explained that by denying the appeal the Planning Commission's recommendation would be upheld with curb and gutter and transition paving along the lease site with nothing to the north.

The motion failed by the following roll call vote:

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

Motion by Councilmember Dolan to uphold the appeal, leaving Condition 7 as it now stands, amending Condition 8 to include installation of curb and gutter line as originally proposed by the Planning Department from the southerly line of Sixth Street along the frontage of Parcel No. 235. The motion was seconded by Councilmember Ovitt.

Councilmember Ovitt moved to amend the above motion to require sidewalk in front of the lease site. The motion died for lack of a second.

The original motion passed by the following roll call vote:

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

7. The Consent Calendar was presented and approved, together with the recommendations as set forth therein, upon motion by

Councilmember Cousins and seconded by Councilmember Martin. Motion passed by the following roll call vote:

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

Those items on the Consent Calendar are as follows:

A. Minutes of Planning Commission meeting of November 24, 1987

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

B. Minutes of Parks and Recreation Advisory Committee meeting of December 14, 1987

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

C. Minutes of Senior Citizens Advisory Board meeting of December 14, 1987

In adopting the Consent Calendar, said minutes are received and filed with specific action on recommended purchases to be scheduled at the next Council meeting.

D. Approval of Canine Appropriation

The Police Department has, by prior Council authorization, maintained a two animal canine division. Due to health reasons, it was necessary to remove one of the animals from service. In adopting the Consent Calendar, Council approves a budget appropriation of \$5,000.00 for the purchase and training of a replacement Police Dog.

E. Termination of Nuisance Abatement: 212 24th Street

Said property was posted pursuant to Council direction at the meeting of November 17, 1987 to initiate a Nuisance Abatement proceeding. As of a site inspection conducted December 4, 1987, the property owner had complied with the Council's direction to correct the outstanding code violation regarding abandonment of a septic tank. In adopting the Consent Calendar, Council terminates the subject nuisance abatement proceeding.

F. Approval of Progress Payment No.4, DMS Project No. 86-06, Creston Road Reconstruction - M.J. Hermreck

It is estimated that 53% of the contract for installation/construction of improvements to Creston Road are complete at this