

MINUTES OF THE REGULAR MEETING  
PASO ROBLES CITY COUNCIL  
MARCH 15, 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: Ovitt, Dolan, Martin, Cousins and Russell; none being absent.

1. The minutes of the City Council meeting of March 1, 1988 were presented and approved upon motion by Councilmember Martin, seconded by Councilmember Ovitt and passed unanimously.
2. Ms. Jan McGourty, representing the Baha' Faith of Paso Robles, presented the Council with a copy of a document entitled "The Promise of World Peace", which was issued in October 1986 as a result of the United Nations declaration of 1986 being the International Year of Peace.
3. The Mayor announced that it was the time and place scheduled for public hearing of Ordinance No. \_\_\_\_\_ N.S., OAK TREE PRESERVATION ORDINANCE. The Community Development Director reviewed the proposed revision to Title 10 of the Municipal Code which relates specifically to Oak Tree Preservation which is designed to be the first half of a complete Chapter regarding street tree plantings and maintenance.

The Mayor then opened the public hearing to the audience, after which the following persons appeared and expressed support of the Ordinance: Ms. L. Kellerman, Ed Walker, Erin McMillan, Cory Miller, Sheila Wynn, Corina McMillan, and others.

Mr. David Kiel, botany expert at Cal Poly, appeared and stated that he had been asked to give testimony relating to the preservation of oak trees. He stressed the need for regeneration of the trees and offered to assist staff or citizens in any way he could.

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously to close the public hearing.

After discussion wherein the Council expressed appreciation for the public's support of the efforts being made to protect the Oak trees, it was moved by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously to approve the Negative Declaration status for the proposed Oak Tree Preservation Ordinance; then, it was moved by Councilmember Cousins, seconded by Councilmember Ovitt and passed unanimously that Ordinance No. \_\_\_\_\_ N.S., OAK TREE PRESERVATION ORDINANCE, be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt that this constitutes the first reading and introduction of the Oak Tree Preservation Ordinance. Motion passed by the following roll call vote:

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

Councilmember Martin reviewed the results of the Committee's meeting, with the main issue being the City's right to request or force citizens purchasing new homes in the area to be paying an amount for security measures to their home; he further stated that Mr. Baker of the Contractor's Association had verified the costs of the security measures, and that the costs of these features does not appear to be a big issue.

Mayor Russell stated that he believed that some of the Articles in the Ordinance were not clear in meaning, the Article on commercial construction requiring wire mesh or bars on any windows within 40 inches of a locking mechanism - he believes that the only option should be burglar resistant glazing - and, philosophically, he believes it is not necessary that the City require these measures, only encourage them.

Mr. Don Baker, of the Contractor's Association, addressed the Council stating that he nor the Association agrees with the Ordinance, that it is a violation of citizens' rights.

Motion by Councilmember Dolan, seconded by Councilmember Martin and passed unanimously that Ordinance No. 547 N.S. be read by title only. Said Ordinance was read by title only. The Ordinance was read by title only.

Motion by Councilmember Martin and seconded by Councilmember Ovitt that this constitutes the second reading and adoption of Ordinance No. 547 N.S. Motion passed by the following roll call vote:

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

22. Ordinance No. 548 N.S., AN ORDINANCE AMENDING CHAPTER 12.04 AND 12.08 REGARDING VEHICLES AND TRAFFIC SAFETY COMMITTEE, was presented for second reading and adoption.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that Ordinance No. 548 N.S. be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Ovitt that this constitutes the second reading and adoption of Ordinance No. 548 N.S. Motion passed by the following roll call vote:

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

23. Ordinance No. 549 N.S., AN ORDINANCE AMENDING ORDINANCE NO. 515 SECTION III TO INCLUDE A REQUIREMENT TO PROVIDE FOR FUTURE FIRE

SUPPRESSION SYSTEMS IN COMMERCIAL AND INDUSTRIAL DEVELOPMENTS, was presented for second reading and adoption.

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 549 N.S. be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Cousins and seconded by Councilmember Ovitt that this constitutes the second reading and adoption of Ordinance No. 549 N.S. Motion passed by the following roll call vote:

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

24. Ordinance No. 550 N.S., AN ORDINANCE AMENDING ORDINANCE NO. 515 N.S. TO ESTABLISH DEFINITIONS OF TEMPORARY AND PERMANENT BUILDINGS, was presented for second reading and adoption.

Motion by Councilmember Martin, seconded by Councilmember Cousins and passed unanimously that Ordinance No. 550 N.S. be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Cousins that this constitutes the second reading and adoption of Ordinance No. 550 N.S.

25. Ordinance No. 551 N.S., AN ORDINANCE AMENDING THE ZONING CODE TO REVISE THE REQUIREMENTS FOR ARCHITECTURAL REVIEW, SIGNS AND CANOPIES AND AWNINGS WHICH PROJECT OVER THE PUBLIC SIDEWALK, was presented for second reading and adoption.

Motion by Councilmember Dolan, seconded by Councilmember Martin and passed unanimously that Ordinance No. 551 N.S. be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Cousins that this constitutes the second reading and adoption of Ordinance No. 551 N.S. Motion passed by the following roll call vote:

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

26. Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously directing the Planning Commission and Architectural Review Committee to set up standards for the Architectural Review Committee to use in reviewing requests from applicants into a form of City policy and bring back to the Planning Commission and City Council within six months.

27. Consistent with the newly adopted Ordinance, the El Paso de Robles Area Pioneer Museum Board of Trustees has submitted the names of Bruce Farnow and Dr. Bob Bryant for Council's ratification of appointment to the Museum Board of Trustees.

Motion by Councilmember Martin, seconded by Councilmember Cousins and passed unanimously that Dr. Bob Bryant and Bruce Farnow be appointed to the Museum Board for two (2) year terms retroactive from January 1, 1988.

The City Attorney confirmed that there was no conflict of interest with Dr. Bob Bryant being on both the Museum Board and the Planning Commission.

28. There being no further business, it was moved by Councilmember Cousins, seconded by Councilmember Martin and passed unanimously to adjourn to April 5, 1988 at 7:30 p.m. in the City Council Chambers.

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

4. The City's Building Official, Mr. Doug Monn, presented a chronology of events status on the proposed abatement of an unsafe building at 1938 Pine Street which resulted in the hearing being held in this meeting. Staff recommends that the Council direct the property owners to pursue completion of the abatement of the nuisance through removal of the structure as soon as possible, but not later than April 15, 1988. The Mayor opened the hearing to the audience.

Mr. Don Vaughn appeared, representing the owner of the property, and advised Council that the debris was going to be removed and the property cleaned up.

Motion by Councilmember Ovitt, seconded by Councilmember Martin and passed unanimously to close the public hearing.

Motion by Councilmember Cousins and seconded by Councilmember Dolan to approve the Order of Abatement with the removal of the debris to be completed no later than April 15, 1988.

Motion by Councilmember Dolan to amend the above motion so that the removal of the debris be completed no later than March 31, 1988. Motion seconded by Councilmember Cousins and passed by the following roll call vote:

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

The previous motion is amended to read that the removal of the structure at 1938 Pine Street be completed not later than March 31, 1988. Motion passed by the following roll call vote:

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

The original motion to approve the Order of Abatement passed by the following roll call vote:

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

5. The Building Official, Mr. Doug Monn, reported on the abatement of the structure located at 1414 Railroad Street. The building is being occupied currently which is an improper use of the building. Staff has noted that the property could be used for storage after cleanup and repair and the owner has been notified. The owner has indicated a desire to use the property for storage.

Staff recommended that if the necessary action has not been taken by the property owners, that Council direct staff to pursue completion of abatement of the nuisance as soon as possible, but not later than April 15, 1988. It was noted that people are living in the building at this time.

The Mayor opened the public hearing to the audience. Ms. Elizabeth Testerman, owner of the building known as the Clothes Closet,

appeared and stated that the building was being repaired and cleaned up by the resident for free board and when finished the structure would be converted back to use for storage.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to close the public hearing.

Council discussed the issue of the building being a health hazard and that it should not be used for occupancy; staff was directed to contact Loaves and Fishes and the Salvation Army for assistance to the people living in the building at this time before they are evicted. Councilmember Dolan expressed concern for the City's liability due to the health hazard involved in allowing the people to continue occupying the building; he believed that the abatement should be effective immediately.

Motion by Councilmember Cousins and seconded by Councilmember Ovitt to direct staff to proceed with the abatement of said nuisance situation as soon as possible, but not later than April 15, 1988; and also to advise Loaves and Fishes and the Salvation Army of the needs of the occupants therein. Motion passed by the following roll call vote:

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

6. The Consent Calendar was presented and approved, together with the recommendations set forth therein, with the exception of Item IV A, Planning Commission Minutes, upon motion by Council Martin and seconded by Councilmember Ovitt. Motion passed by the following roll call vote:

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

Those items on the Consent Calendar are as follows:

**B. Minutes of Citizen's Airport Advisory Committee meeting of February 25, 1988**

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

**C. Approval of Progress Payment No. 3 to Spies Construction/ Centennial Park/Nickerson Drive**

In adopting the Consent Calendar, Council approves Progress Payment No. 3 in the amount of \$50,088.08 to Spies Construction for Centennial Park; Nickerson Drive Project.

**D. Approval of Landscape Architect Service Retainer**

The City Council ad hoc Committee for consultant selection has recommended approval of a Landscape Architect Service Agreement with Elder and Elder, Ltd. of San Luis Obispo. The Service Agreement is to provide an hourly charge to be billed to the City for services rendered and as authorized by the City Council under a project specific. The City does have an immediate need to receive the services of a landscape architect for the landscape plans for Creston Road between Scott and Niblick, the City entrance sign at Spring and First Streets, and to prepare options for walkway material and lighting for the City Park. Each of the three projects have been approved and budgeted for this Fiscal Year. In adopting the Consent Calendar, Council authorizes the utilization of Elder and Elder, Ltd. on a retainer basis at the rates specified within the Service Agreement to be limited to the three projects identified and for future services when authorized by the City Council.

**E. Acceptance of FAA Project No. 03-06-0184-05, Taxiway Reconstruction and Authorization For Filing of Progress Payments and Notices of Completion**

In adopting the Consent Calendar, Council accepts the FAA project for Taxiway Reconstruction and authorizes filing of Progress Payments, Notices of Completion, and authorizes staff to execute and file necessary documents as require.

Item IV-A, Planning Commission Minutes for the meeting of March 8, 1988 were presented for discussion, particularly Item I-A. Conditional Use Permit 87033, construction of Automobile Lube Center by Don Schminke located at the southeast corner of 16th and Spring Streets.

The Mayor questioned staff regarding the ingress and egress of traffic onto the site; his concern was for the driveways coming off of Spring Street every 50 feet. Councilmember Cousins questioned if it was an appropriate location for a business that would generate that much noise and she would like to see that kind of a business further out of town; staff answered that it would be if architecture was done sensitively, but that the same concern was raised by the Planning Commission. The Mayor then requested that the matter be set for appeal and noticed for public hearing and be brought back to Council at the next meeting.

Councilmember Dolan emphasized that he thought it important that the Project Area Committee complete its recommendations and that he thought it was good that the Planning Commission incorporated the necessity for having this project comply with PAC's recommendations. Staff responded that PAC's proposed general plan goals, policies and program recommendations will be coming to Council and Redevelopment Agency on April 13, 1988.

The Mayor referred to Item D., Conditional Use Permit 85001 Revocation, River Road Ready Mix for non-compliance with conditions of the use permit, stating that Council, at a meeting in December directed staff to give a 90 day notice and proceed with that, and if it wasn't taken care of to bring back to Council for review; the 90 day period being up. Staff was directed to bring the matter back to Council on April 5, 1988.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that the Planning Commission minutes for March 8, 1988 be received and filed.

7. The Pre-Check Register for March 11, 1988 in the amount of \$418,245.77 was approved upon motion by Councilmember Cousins and seconded by Councilmember Ovitt. Motion passed by the following roll call vote:

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

8. The Mayor called a short recess after which he called the meeting back to order with all members present.

9. A memo from the Director of Administrative Services recommended that the Council authorize the distribution of Request For Proposals for banking services for both its warrant and payroll accounts.

Motion by Councilmember Martin and seconded by Councilmember Dolan and passed unanimously to authorize Requests For Proposals for said banking services.

10. A memo from the Director of Administrative Services recommended that Council adopt Resolution No. 88-13, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES RESCINDING RESOLUTION NO. 87-82 AND SETTING NEW FEES FOR THE PASO ROBLES SOLID WASTE LANDFILL EFFECTIVE APRIL 1, 1988.

Motion by Councilmember Martin, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-13 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Martin and seconded by Councilmember Dolan that Resolution No. 88-13 be adopted. Motion passed by the following roll call vote:

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



11. A memo from the Director of Administrative Services recommended that Council adopt Resolution No. 88-14, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES RESCINDING RESOLUTION NO. 87-93 AND APPROVING A NEW AGREEMENT TO OPERATE THE MUNICIPAL LANDFILL SITE, effective April 1, 1988.

There was discussion of Paragraph 6. of the Agreement regarding the City's entitlement to examine and audit the records of the contractor of the landfill. Council agreed that the last sentence of Paragraph 6. shall be amended to read "The form of such records shall be as prescribed by the adopted policy".

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-14 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to adopt Resolution No. 88-14 authorizing execution of said Agreement as amended. Motion passed by the following roll call vote:

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

12. A memo from the Director of Administrative Services recommended that the Council adopt Resolution No. 88-15, A RESOLUTION FIXING FEES AND CHARGES FOR SERVICES RENDERED IN THE COLLECTION AND REMOVAL OF GARBAGE AND WASTE MATTER AND RESCINDING RESOLUTION NO. 88-01. The City Council committee has met to reconsider this item and recommends that the amount saved in landfill costs by the solid waste franchise operator be passed on to the commercial accounts in the form of a rate decrease. Three options were set forth for the method of handling the increased revenues already collected during the period January through March from the previously adopted 45% increase, for the Council's consideration.

After discussion, the Council agreed that Option 2 shall be used, which enfolds the increased revenue collections into the new rate modification and reduces the previous increase, equating into a 16% increase.

Motion by Councilmember Martin, seconded by Councilmember Cousins and passed unanimously that Resolution No. 88-15 be read by title only, implementing Option 2 as set forth in said memo. Said Resolution was read by title only.

Motion by Councilmember Martin and seconded by Councilmember Dolan to adopt Resolution No. 88-15, implementing Option No. 2. Motion passed by the following roll call vote:

AYES: Ovitt, Dolan, Martin, Cousins and Russell

NOES: None  
ABSENT: None

13. A memo from the Airport Manager recommended that the Council approve an addendum to the Nunno lease at the Airport for Parcel 36 which adds 78 feet of additional land to the existing lease agreement.

After a lengthy discussion, wherein Mayor Russell recommended that paragraph 3 of the lease contain verbiage indicating reference back to the escalation procedure in the existing lease, it was moved by Councilmember Martin and seconded by Councilmember Dolan that said lease amendment be approved as presented with the understanding that Paragraph 3. include reference to the escalation procedure in the existing lease. Motion passed by the following roll call vote:

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

14. The Mayor called a brief recess after which the meeting was called back to order with all members present.

15. The Community Development Director reviewed a conceptual 127 lot, single family residential subdivision (Applicant Douglas Dickson: "Victoria Oaks"), which is 41.5 acres in area and located to the north and east of Oak Meadow development approximately 1,200 feet east of Creston Road. The project was presented to Council for preliminary review.

Mr. John Falkenstien, the Engineer representing the project, reviewed the subdivision, after which Ms. Mary Gayle, attorney for the applicant, presented to the Council slides and pictures of several developments in the Ventura County area which depicted housing elevations on hillsides and preservation of existing oak trees.

There was discussion of lot sizes, street standards, flag lots and stub-out streets to adjoining properties.

16. A memo from the Director of Community Development recommended that the Council approve a Negative Declaration for Conditional Use Permit 87025 (Applicant: Park Street Limited), and adopt Resolution No. 88-16, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES APPROVING CONDITIONAL USE PERMIT 87025 (PARK STREET LIMITED - CONVALESCENT CARE FACILITY). The proposed site is located at the corner of 34th Street and Park Street, near the railroad tracks.

During the following discussion, Councilmember Dolan stated that, based upon conversations he has had with the State Department of Social Services, that it could never be considered appropriate to have a convalescent care facility that close to a railroad track. He

further questioned if the environmental issues, the Negative Declaration, could be addressed at a later time, and staff responded that there could be another environmental until the Council makes the last decision on the project, it is still open. The City Attorney advised that the Negative Declaration did not have to be adopted at this time.

Motion by Councilmember Ovitt, seconded by Councilmember Martin that Resolution No. 88-16 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Cousins that Resolution No. 88-16 be adopted. Motion passed by the following roll call vote:

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

17. A memo from the Director of Community Development recommended that the Council approve a budget appropriation in an amount not to exceed \$4,000.00 for the Citizen Involvement Questionnaire to be used for the General Plan Update. The budget amount is to cover the costs of preparation, postage and mailing of the questionnaire.

Motion by Councilmember Cousins and seconded by Councilmember Martin to approve said appropriation for an amount not to exceed \$4,000.00. Motion passed by the following roll call vote:

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

18. The Director of Community Development presented Resolution No. 88-17, A RESOLUTION OF THE CITY OF EL PASO DE ROBLES AUTHORIZING PARTICIPATION IN THE "CALIFORNIA MAIN STREET" PROGRAM AND DESIGNATING THE CITY MANAGER TO SUBMIT THE APPLICATION, for Council's consideration; the Redevelopment Agency gave conceptual approval in its meeting of March 15, 1988. This item was submitted after the Agenda was prepared.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to add Resolution No. 88-17 to the Agenda at this time.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-17 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Dolan, seconded by Councilmember Martin and passed unanimously to adopt Resolution No. 88-17.

19. The Police Chief reviewed Ordinance No. \_\_\_\_\_ N.S., AMENDING SECTION 12.38.040 OF THE MUNICIPAL CODE RELATING TO THE PARKING OF COMMERCIAL VEHICLES WITHIN THE CITY, for Council's consideration.

Discussion ensued regarding truck parking in Zone C-3, Light Industrial Zone, between certain hours. It was recommended that Zone C-3 be eliminated from Section B. (c) of said Ordinance. The Police Chief stated that the intent of the Ordinance is to restrict the utilization of commercial light industry areas for a "parking lot" and to eliminate Zone C-3 would be to expand that use.

Motion by Councilmember Martin, seconded by Councilmember Dolan and passed unanimously that Ordinance No. \_\_\_\_\_ N.S. be read by title only as amended by the deletion of Zone C-3. Said Ordinance was read by title only.

Motion by Councilmember Ovitt and seconded by Mayor Russell that this constitutes the first reading of said Ordinance as amended by the deletion of Zone C-3. Motion passed by the following roll call vote:

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

Councilmember Dolan asked to see what the C-3 zones are in the City; the City Manager advised that between the first and second reading of the Ordinance staff could provide a map of the C-3 zoning within the City.

20. Mr. Ron Morgan, President of the Business Improvement Association, addressed the Council announcing the plans for an Easter promotion to be held on March 24, 25, and 26, 1988, and an Easter Parade. Also an Easter Egg Hunt will be held in the City Park on March 26, 1988. The BIA requested that Park Street be closed from 17th Street to the City Park, and the corner of Pine and 12th Streets be closed from 11:00 a.m. to 11:30 a.m. on Saturday, March 26, 1988, for the Easter Parade.

Motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to approve the above events and said street closures which shall be coordinated with the Department of Public Works and the Police Department.

21. Ordinance No. 547 N.S., AN ORDINANCE ADDING CHAPTER 17.30 TO THE MUNICIPAL CODE PROVIDING FOR INSTALLATION OF CERTAIN SECURITY DEVICES IN CERTAIN BUILDINGS AS BURGLAR PREVENTION MEASURES, was presented for second reading and adoption.

Council Committee Members Martin and Ovitt reviewed the matter since the Council meeting of March 1, 1988 and recommended that Council consider said Ordinance for second reading and adoption.