

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
MAY 3, 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 April 19, 1988 were presented and approved upon motion by Councilmember Martin, seconded by Councilmember Ovitt and passed unanimously.
2. Proclamation "Traffic Safety Week - May 22-28" was adopted upon motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously.
3. The Mayor announced that it was the time and placed scheduled for public hearing of Planned Development 88002/Rodman and opened the hearing. Upon recommendation of staff, it was moved by Councilmember Martin, seconded by Councilmember Dolan and passed unanimously to continue the public hearing to May 17, 1988 at 7:30 p.m.; the applicant being in agreement to said continuance.
4. The Mayor announced that it was the time and placed scheduled for public hearing of Planned Development 87011/Meyer, construction of a medical office to be located at the northeast corner of 10th and Pine Streets. The Director of Community Development reviewed the staff report after which the Mayor opened the public hearing.

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

There was discussion of future undergrounding of utilities; Councilmember Dolan suggested that some kind of deposit be required for future undergrounding. Condition 9 of the accompanying Resolution provides that the applicant/property owner shall record an agreement with the City, subject to approval of City Attorney, to participate in any future master plan for the undergrounding of utilities, of which said parcel may be a part of.

Councilmember Dolan referred to the site and landscape plans and stated his preference for clustering of trees rather than linear planting.

Motion by Councilmember Martin, seconded by Councilmember Dolan and passed unanimously to approve a negative declaration status for Planned Development 87011.

Motion by Councilmember Dolan, seconded by Councilmember Martin and passed unanimously that Resolution No. 88-28, APPROVING PLANNED

Motion by Councilmember Cousins, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 554 N.S. be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Martin and seconded by Councilmember Dolan that this constitutes the second reading of Ordinance No. 554 N.S. Motion passed by the following roll call vote:

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

17. Ordinance No. _____ N.S., ADDING MUNICIPAL CODE CHAPTER 9.41 PROHIBITING SMOKING IN CERTAIN AREAS, was introduced for first reading.

Motion by Councilmember Cousins, seconded by Councilmember Dolan that said Ordinance 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 introduction and first reading of said Ordinance. Motion passed by the following roll call vote:

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

18. The City Manager reported on the status of City contracts and agreements for outside services.

It was moved by Councilman Martin, seconded by Councilman Dolan that the City Contracts be reviewed every three years with an eye on whether to have Request For Proposals at that time. Motion passed by the following roll call vote:

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

There was discussion regarding the accountant's agreement; staff will determine the status of the accountant's agreement and report back to the Council at a later date.

Motion by Councilmember Martin and seconded by Councilmember Cousins that staff be directed to send out Requests For Proposals for those outside services that are being furnished to the City without an existing contract, including update of 1949 contract with County Public Health, before negotiating contracts.

The above motion passed by the following roll call vote:

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

19. A written communication from Mr. Winfield Scott Condict, dated April 19, 1988 requesting an appearance before the City Council, was received and filed upon motion by Councilmember Cousins, seconded by Councilmember Martin and passed unanimously.

20. A written communication from Mr. Pat Mackie, which recommended the adoption of an ordinance by the Council which would limit the city meetings to a closing time of 11:00 p.m., was received and filed, upon motion by Councilmember Cousins, seconded by Councilmember Martin and passed unanimously. Staff was directed to send an appropriate letter to Mr. Mackie thanking him for his comments and observations.

21. It was moved by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously to adjourn to a closed session for personnel matters. At the closed session, no official action was taken and upon motion by Councilmember Ovitt, seconded by Councilmember Cousins and passed unanimously, the closed session was adjourned to the regular meeting.

22. There being no further business, it was moved by Councilmember Cousins, seconded by Councilmember Martin and passed unanimously to adjourn to May 11, 1988 at 7:00 p.m. for a joint adjourned meeting with the Paso Robles Redevelopment Agency.

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

May 3, 1988 at 7:30 p.m.

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

May 11, 1988 at 7:00 p.m. in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446.

DATE: May 4, 1988

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY:

Dawn Hudson

DEPUTY CITY CLERK

DEVELOPMENT 87011 WITH CONDITIONS OF APPROVAL, be read by title only.
The Resolution was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Martin to adopt Resolution No. 88-28. Motion passed by the following roll call vote:

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

5. The Mayor announced that it was the time and place scheduled for public hearing of Planned Development 87001/Bonita American, of which the Planning Commission has recommended denial of the proposed revision of the PD previously approved as Midland Pacific's conceptual plans. The Director of Community Development reviewed the staff report and referred to a petition presented to the Council signed by noticed property owners bordering Tract 1508. The petitioners objected to the smaller 1175 square foot home proposed to be constructed and recommended a 1500 square foot space minimum for residential development.

The Mayor opened the public hearing. Mr. Jack Ghormley, representing Bonita American, addressed the Council explaining his reasons for appealing the Planning Commission denial of the proposed PD.

The Council expressed concern that the development not present the appearance of a "sea of roofs". The Mayor questioned Mr. Ghormley if he would agree to plant a tree in the back yards; Mr. Ghormley answered that he had no problem with that.

Councilmember Martin stated that he believed comparing Bonita to Midland Pacific was comparing "apples to oranges".

Councilmember Ovitt felt that the project would be upgraded with the minimum house being 1400 square feet.

Councilmember Dolan referred to the Midland Pacific plans having the flexibility of reorienting the houses on the lots to avoid the facade of garage doors, and he does not think that the 1175 square foot house will do anything for the project as a whole.

Councilmember Martin stated he would not like to compare the development to Midland Pacific; he would like to compare it to what the City would like to have done with the area which is upscale the housing. He does not think the smallest living area plan size stipulated in the plans matches what the City is looking for.

Mr. Doug Monn, property owner at 570 Oak Lane, which is located at the southern border of Tract 1508, addressed the Council requesting that they review and consider the petition presented to them and to

support the Planning Commission's denial of the the Planned Development. He stated that he has seen the Midland Pacific Plans and could not have made the comparison made by Bonita from those plans.

Mr. Efrin Diaz, property owner at 715 South River Road, which property abuts the southern boundary of the development, questioned the 100 ft. right-of-way that extends from Charolais as to who would have the responsibility of maintaining the right-of-way. Council explained that there is an Irrevocable Offer of Dedication which is included in the property bordering the south with a prohibition of any building on that right-of-way.

Mr. Jack Cowden addressed the Council, stating that he couldn't tell the difference between the 1175 and 1400 square foot house on the presentation and the development appears to look like an upscale project. He stated that he thought the Council was "picking at something that was not appropriate".

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

Councilmember Ovitt stated that he believed that the 1175 square foot house should be eliminated from the plans and start with the 1400 square foot house to assure an upscale movement.

It was moved by Councilmember Martin and seconded by Councilmember Dolan to uphold the Planning Commission's denial of Planned Development 87001, with applicant to resubmit the application with the elimination of the 1175 square foot house plan, requiring a 1450 square foot minimum, and send the new plan to Architectural Review Committee and Planning Commission for approval of the new mix, before coming back to Council.

Mayor Russell stated that he did not believe it was necessary to send the plan back to Planning Commission and ARC for the one change, that it could come back to Council.

Motion passed by the following roll call vote:

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

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

7. It was noted that the presentation by the Business Improvement Association of Fiscal Year 1987-88 Activity Report scheduled for this meeting shall be held over to the meeting of May 17, 1988.

8. The Mayor announced that it was the time and place scheduled for public hearing pursuant to Resolution No. 88-21, which was set to hear objections of assessment for the 1988 Weed and Rubbish Abatement program. The Mayor opened the public hearing.

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

9. The Consent Calendar was presented. The City Manager pulled Item L., Approval For Recordation of Amendment to Tract Map For Tract 1215/Wilhoit, to be brought back at a future meeting. The Mayor pulled Item G. for discussion. Item A, Planning Commission minutes for April 26, 1988, was discussed for clarification of Item II.A., Interpretation of Municipal Code Section (Flat Area in Rear Yard). Councilmember Dolan questioned the stop work order that had been placed upon the construction. The Director of Community Development researched the matter and reported that a homeowner complaint had been received about the work that was being done or not being done in the rear yard. The Building Inspector put a stop work order on the construction until he determined what the details were and then released the stop work order after past practice had been explained to him by the City Planner. Two weeks later a petition was received which brought the matter to the Planning Commission. Pending an interpretation by the City Attorney, of whether the City could go back and make a condition that would apply to that property after the issuance of a building permit. The City Manager explained that if the City does not have the legal ability to go back and modify it, then there is no legal basis for the continuance of the stop work order and recommended that a stop work order not be issued until a legal opinion is issued. The City Attorney was asked if he could render a legal opinion, he said "no" but he could have one the next day.

Motion by Councilmember Ovitt and seconded by Councilmember Martin to approve the Consent Calendar, together with the findings and recommendations as set forth therein, with the exception of Items G and L. Motion passed by the following roll call vote:

AYES: Ovitt, Martin, Cousins (abstaining on Items D and M), Dolan and Russell
NOES: None
ABSENT: None

Those items on the Consent Calendar are as follows:

A. Minutes of Planning Commission meeting of April 26, 1988

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

B. Minutes of Senior Citizens Advisory Board meeting of April 11, 1988

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

C. Minutes of Traffic Safety Committee Meeting of April 20, 1988

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

D. Approval of Request For Time Extension For Tract 1022/Clouston

This nine-lot subdivision was previously approved, but delayed for construction due to the lack of access since Pioneer Road has not yet been completed. The bonds are still in force. In adopting the Consent Calendar, Council approves a one-year time extension effective January 15, 1988 and terminating on January 15, 1989.

E. Approval of Progress Payment No. 8 (Final), DMS Project No. 86-06 For Creston Road Reconstruction/Hermreck

In adopting the Consent Calendar, Council authorizes Progress Payment No. 8 (Final) in the amount of \$10,481.32 to M. J. Hermreck for work completed on Creston Road, and authorize filing of Notice of Completion.

F. Approval of Request To Use City Barricades and to Partially Close 12th Street For Annual Wine Festival, May 21, 1988.

In adopting the Consent Calendar, Council approves said request made by the Wine Festival Committee.

H. Authorization to Advertise For Bids/Annual Street Overlay

In adopting the Consent Calendar, Council authorizes staff to advertise for bids for the overlay work on certain City streets; the Street Department will clean and prepare the surface prior to the overlay and will perform traffic control during the contractor's paving operations. Included in the Agenda packet is a listing of the streets anticipated to be accomplished through this year's street overlay program which is budgeted in an amount not to exceed \$175,000.

I. Authorization to Advertise For Bids for Roof Replacement a Municipal Pool Handicap Facility, DPW 88-04

In adopting the Consent Calendar, Council approves the plans and specifications, and authorizes staff to advertise for bids for the

replacement of the roof at the Therapy Pool. The architects estimate for this project is \$15,000.00.

J. Approval of Request to Hold Great Western Bicycle Rally

Included in the Agenda packet is a request from the Great Western Bicycle Rally for conduct of a bicycle race on Saturday, May 28, 1988 between noon and 2:00 p.m. This event has become an annual event and has been very successful and has generated no problems to date. In adopting the Consent Calendar, Council authorizes staff assistance with the Bicycle Rally and hill climb for Saturday, May 28th.

K. Resolution No. 88-29, APPROVING COMMUNITY DEVELOPMENT BLOCK GRANT APPLICATION IN THE AMOUNT OF \$400,000 AND AUTHORIZING ITS SUBMITTAL TO THE STATE OF CALIFORNIA

Consistent with City Council direction at the conclusion of the public hearing held April 19, 1988, in adopting the Consent Calendar, Council adopts Resolution No. 88-29 approving said Block Grant and authorizing its submittal to the State of California.

M. Approval of Final Tract Map and Subdivision Agreement For Tract 1457/Clouston

Tract 1457 is located north of Meadowlark and east of Creston Road. The final Tract Map has been reviewed by staff and is found to be consistent with Tentative Tract Map. The necessary Certificate of Insurance and bonds are in process of submittal. In adopting the Consent Calendar, Council approves Final Tract Map and authorizes execution of the Subdivision Agreement subject to legal review and acceptance of Final Agreement and all posted insurances and securities.

The Mayor questioned Item G. Approval of Change Order No. 3/Wastewater Treatment Plant Expansion Contract

In adopting the Consent Calendar, Council approves Change Order No. 3 in an amount not to exceed \$7,500.00 to satisfy the requirements as set forth by Cal Osha for wider walkways and two ramps to be replaced by stairs.

The Mayor asked if the OSHA requirements change from the time the plant was designed to what they are now or were they errors and omissions made by the design engineer when he designed the plant. Staff explained that two required changes are being made to the existing plant and as to the others, they would have to check and get back to the Council.

It was moved by Councilmember Martin, seconded by Councilmember Cousins and passed unanimously to hold over Item G. for further

clarification on the design standards and whether it should have been included in the original design package.

The City Manager recommended that Item L be pulled and rescheduled for the meeting of May 17, 1988. Councilmember Dolan questioned the lot widths for Lots 1, 2, 3 and 4. The City Manager explained that Tract 1215 is an approved and filed Tract Map, thereby the flexibility of modifications to those lots is not an option open to the Council; whatever ordinance is in effect at the time of building permit application would apply. Staff explained that any modification of the agreement would require a recording of a hillside ordinance disclosure statement for Lots 1, 2 and 3.

Motion by Councilmember Cousins, seconded by Councilmember Martin and passed unanimously to hold over Item L until such time as needed information is received by staff, at which time it will be brought back to Council.

10. The Pre-check Register for April 28, 1988 in the amount of \$1,581,591.22 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 (abstained on
Check No. T00104)
NOES: None
ABSENT: None

11. The City Manager recommended that approval of the lease for Parcel 30 requested by Mr. Noel Rodman be pulled and brought back to the meeting of May 17, 1988 since the scheduled public hearing for Planned Development 88001/Rodman had been continued without hearing testimony earlier in the meeting.

12. A memo from the Airport Manager recommended Council approve the sale of Executive Air Center building and lease to Fx Express International, the sale of the Patroline Aircraft Services and lease to John Moore, and authorize the Mayor and City Clerk to execute the necessary documents.

Discussion ensued regarding the feasibility of realignment of Fuselage Way thereby affecting several parcels at the Airport.

Motion by Councilmember Martin and seconded by Councilmember Cousins that the matter be held over to allow staff to prepare a proposal for realignment of Fuselage Way.

The City Attorney advised that the City cannot unreasonably deny reassignment.

The above motion and second were withdrawn.

Motion by Councilmember Ovitt to approve the said lease agreement transfers. The motion died for lack of a second.

Motion by Councilmember Cousins and seconded by Councilmember Dolan to approve the sale of Executive Air Center building and lease to Fx Express International, together with a part of Parcel 27 which was previously included in the Patroline Lease, subject to approval by City Attorney. Motion passed by the following roll call vote:

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

Motion by Councilmember Martin and seconded by Councilmember Dolan that Item 1 (Sale of Patroline to John Moore), and Item 2 (Port-o-Port taking over Parcels 62 and 63) be held over until May 17, 1988 allowing staff time to prepare recommended modifications to the Fuselage Way realignment and associated lease document language.

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

13. A request for a time extension for Tracts 1420, 1425 and 1446/Munari was presented. The Director of Community Development reported that the map and other requested information has been submitted and is presently under staff review; therefore, staff recommended that it would be appropriate for Council to consider and grant an extension. He further reported that the applicant has requested a one year time extension which includes the 90 day time extension previously granted.

Motion by Councilmember Cousins, seconded by Councilmember Martin and passed unanimously that a time extension of one year, terminating on January 19, 1989, be granted to Tracts 1420, 1425 and 1446 under Master Tract 1333.

14. The Council considered an appeal to staffs' denial of Mr. David J. Pahler's request for an encroachment permit for permanent installation of a retaining wall in the public right-of-way and dedicated water easement to save two almond trees, located on Lot 5, Tract 1243. Mr. Pahler also requested an abandonment of a water easement. The Director of Public Works reviewed the request and explained that to do what is requested would be outside of the City's present practice and policies.

Mr. Manford Vanderlip and Mr. John Bertoni addressed the Council regarding an existing water easement on the property.

Motion by Councilmember Cousins and seconded by Councilmember Martin that the applicant be allowed to build a retaining wall encroaching

into the public right-of-way subject to signing of an agreement to be prepared by the City Attorney and staff which will require the applicant to remove said retaining wall at such time the full improvements are brought to the cul-de-sac in question.

Motion passed by the following roll call vote:

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

Staff was directed to schedule a public hearing before the Council for abandonment of a ten foot water easement identified on the recorded map of Lot 5, Subdivision 1243, in accordance with Mr. Pahler's request.

15. Mr. Manford Vanderlip appeared and requested authorization for installation of a septic tank system on Lot 168, 725 Renate Way.

After discussion, it was moved by Councilmember Cousins to deny the request for septic tank system. The motion died for lack of a second.

It was moved by Councilmember Ovitt and seconded by Councilmember Martin to grant a waiver of the ordinance which does not allow for septic tanks within one mile of the Salinas River. Motion failed by the following roll call vote:

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

After further discussion, it was moved by Councilmember Martin and seconded by Councilmember Ovitt to grant a waiver of the ordinance and allow a septic tank to be installed on Lot 168, Orchard Bungalow Tract, 725 Renate Way. Motion passed by the following roll call vote:

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

The City Manager requested the Council's consideration of waiver of the ordinance requiring connection when sewer becomes available. The City Council felt consideration of waiver to connect should be considered at the time sewer becomes available.

16. Ordinance No. 554 N.S, AN ORDINANCE AMENDING ORDINANCE NO. 460, CHAPTER 21.14 FLOOD DAMAGE PREVENTION REGULATIONS OF THE CITY OF EL PASO DE ROBLES, STATE OF CALIFORNIA, was presented for second reading and adoption.