

MINUTES OF THE REGULAR MEETING  
PASO ROBLES CITY COUNCIL  
AUGUST 2, 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 Steve Martin with the following Councilmembers answering roll call: O'vitt, Dolan, Russell, Reneau and Martin; none being absent.

1. The minutes of the adjourned regular City Council meeting of July 13, 1988, the regular meeting of July 19, 1988 and clarification of Item 2 of the Council meeting of July 5, 1988 were presented and approved upon motion by Councilmember O'vitt, seconded by Councilmember Russell and passed unanimously with an amendment to the last paragraph of Item 5 in the minutes of July 13, 1988 to reflect that the motion was passed on a four to zero vote with Councilmember Dolan being absent, and the sentence added that "Councilmember Dolan resumed his seat."

2. Councilmember Russell presented a plaque recognizing the fine public service rendered by Larry Fox, Water Superintendent for the City of Paso Robles for many years, to his wife, Jeanne Fox. Councilmember Russell spoke very highly of Larry's efforts in improving the City's water department.

3. The Mayor announced that it was the time and place scheduled for the continued public hearing of Tract 1581 and Planned Development 86004/Rivenglen. Staff requested that since the applicant's representative had not yet arrived, that the matter be postponed to later in the meeting upon the arrival of the representative.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to hold the matter over until the arrival of the applicant's representative.

4. The Mayor announced that it was the time and placed scheduled for presentation of the Parks and Recreation Element as an element of the General Plan. The City Manager reviewed the matter advising that the Council had raised several areas for modification and clarification in the meeting of July 19, 1988, and has now been revised reflecting the Council's comments and is again presented for consideration.

After discussion, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to approve a Negative Declaration for the Parks and Recreation Element.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-65, ADOPTING THE PARKS AND RECREATION ELEMENT AS AN ELEMENT OF THE GENERAL PLAN, be read by title only; the Resolution was read by title only.

Motion by Councilmember Dolan, seconded by Councilmember Russell and passed unanimously that Resolution No. 88-65 be adopted as read.

A request has been received from the Paso Robles Housing Authority to vacate a portion of Pine Street at 28th Street. The Planning Commission has reviewed and recommended the application for vacation. In adopting the Consent Calendar, Council adopts Resolution No. 88-70, declaring intention of vacation of a portion of a public street and setting September 6, 1988 at 7:30 p.m. for public hearing.

**J. Approval of Plans and Specifications For Theatre Drive Sewer Main (DPW No. 88-05) And Authorization to Advertise For Bids**

The design of the Theatre Drive sewer main has been completed and is now ready for solicitation of bids. The sewer, as designed, would accommodate the properties on Theatre Drive with installation to occur in Theatre Drive to the extent of the City's limit. In adopting the Consent Calendar, Council approves the plans and specifications and authorizes staff to advertise for bids.

**L. Acceptance of Public Improvements For Tract 1333/Munari**

Tract 1333, located off Rambouillet Road and Torrey Pines Drive adjacent to Paso Robles Golf and Country Club Fairway No. 1, has completed all public improvements in accordance with approved plans and specifications. In adopting the Consent Calendar, the City Council accepts the public improvements for operation and maintenance.

**Councilmember Dolan discussed Item C. Resolution No. 88-69, VACATING A PORTION OF NIBLICK ROAD AT SOUTH RIVER ROAD/CAREY-ALLEN**

The City Council conducted a public hearing on July 19, 1988 to consider the vacation of designated right-of-way on Niblick Road at South River Road. Council approved a motion to revise the presented Resolution to reflect a retention of 12 feet along South River Road and vacation of the remainder. In adopting the Consent Calendar, Council approves Resolution No. 88-69, vacating a portion of right-of-way on Niblick Road at South River Road.

Councilmember Dolan stated that in light of the decision on the second reading of the rezone Ordinance for the Halferty Development, it seems appropriate to hold on the vacation of the easement on Niblick Road until they have a better idea of the realignment before the City approves the abandonment of the right-of-way.

Councilmember Reneau thinks the City is incorrect in keeping the property, he is opposed to it, since that parcel was initially taken for the approach to the bridge.

Councilmember Quitt spoke in opposition to Councilmember Dolan's statement for the fact that it was the City's intention to realign to the west.

Motion by Councilmember Russell, seconded by Councilmember Reneau and passed unanimously that Resolution No. 88-69 be read by title only; the Resolution was read by title only.

Motion by Councilmember Russell and seconded by Councilmember Dvitt that Resolution No. 88-69 be adopted as read. Motion passed by the following roll call vote:

AYES: Russell, Dvitt and Reneau  
NOES: Martin and Dolan  
ABSENT: None

Councilmember Russell discussed Item K. Declaration of IBM 34 System as Surplus and Authorizing Aware of Sale to Newport Leasing, Inc.

The City Council, in a previous meeting, declared the IBM 34 computer system as surplus property and authorized staff to solicit bids for its sale. Two bids were received as follows:

<u>FIRM</u>	<u>AMOUNT</u>
Newport Leasing, Inc. (Entire System)	\$ 690.00
Glenn, Burdette, Phillips and Booker	\$ 500.00

Staff recommends the award of sale of the IBM 34 Computer System (entire) to Newport Leasing, Inc., rather than a part of the system to Glenn, Burdette, Phillips and Booker. In adopting the Consent Calendar, Council awards the sale of the entire system to Newport Leasing, Inc. for the amount of \$690.00.

Councilmember Russell questioned staff regarding the local sources contacted for bidding on the computer system and the original cost.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to accept the bid of Newport Leasing, Inc. for \$690.00.

15. The Pre-check Register for January 25, 1988 in the amount of \$1,501,924.53 was presented and approved by the following roll call vote:

AYES: Dvitt, Dolan, Reneau, Russell (abstaining on Check No. 2437) and Martin (abstaining on Checks No. 2101 and 2102)  
NOES: None  
ABSENT: None

16. A memo from the Airport Manager recommended that Council determine the Lease with Paso Robles Air Interests, Inc. to be in non-compliance and authorize staff to initiate cancellation

proceedings against said lease. Absent a valid lease on the property, he also recommended that staff be authorized to negotiate with the remaining hanger owners on a month-to-month basis until a long term agreement can be achieved.

Messrs. Darrell Radford, Tom Cameron and Ray Lochhead, three of the lessees of said parcel, addressed the Council and gave a history of the property; they objected to the lease cancellation for non-compliance.

The City Manager explained the process of lease cancellation and negotiation for a new lease.

Motion by Councilmember Russell and seconded by Councilmember Dolan to accept staff's recommendation as set forth above. Councilmember Reneau stated that he thought it was a "calloused approach".

Motion passed by the following roll call vote:

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

17. Resolution No. 88-71, ADOPTING PROPERTY ASSESSMENTS FOR FISCAL YEAR 1988-89, was presented for Council's consideration. Prior to August 10th of each year, the City must submit to the County Tax Collector's Office a listing of all special assessments that are to be included with and collected on the general property tax bills of property owners within the City of Paso Robles. With the exception of the weed abatement assessments, all of the special assessments represent the annual assessments for special districts that were created for the purpose of financing infrastructure improvements.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-71 be read by title only; the Resolution was read by title only.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-71 be adopted.

18. Resolution No. 88-72, APPROVING REQUESTS FOR FUNDING FOR PROMOTIONAL AND COMMUNITY ACTIVITIES, was presented for consideration.

Mr. Pat Mackie, representing Action For Animal Rights, requested the Council appropriate an additional \$2,000 to the \$4,000 recommendation, \$6,000 being the amount AFAR had requested from the City of Paso Robles.

Motion by Councilmember Dolan, seconded by Councilmember Reneau and passed unanimously that an additional \$2,000.00 be appropriated from unappropriated funds to be added to the \$4,000.00 for AFAR.

Motion by Councilmember Qvitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-72 be read by title only as amended by the addition of \$2,000 for AFAR; the Resolution was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Qvitt that Resolution No. 88-72 be adopted as amended. Motion passed by the following roll call vote:

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

19. Ordinance No. 556 N.S., AMENDING PARKING CODE TO PROVIDE OPTIONAL PARKING LOT DESIGN STANDARDS FOR USE WITHIN THE ORIGINAL SUBDIVISION OF THE CITY (AREA WEST OF THE SALINAS RIVER AND NORTH OF FIRST STREET), presented for second reading and adoption.

Motion by Councilmember Qvitt, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 556 N.S. be read by title only; the Ordinance was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Qvitt that this constitutes the second reading and adoption of Ordinance No. 556 N.S. Motion passed by the following roll call vote:

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

20. Ordinance No. 557 N.S., AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE ZONING REGULATIONS (REZONE 88001/DICKSON); and

Ordinance No. 558 N.S., AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE ZONING REGULATIONS (REZONE 88002/ERSKINE); and

Ordinance No. 559 N.S., AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE ZONING REGULATIONS (REZONE 88004/RIDER); and

Ordinance No. 560 N.S., AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE ZONING REGULATIONS (REZONE 88006/LOPEZ, CAMPOVERDE, NCI); and

Ordinance No. 561 N.S., AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF PASO ROBLES AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM, were introduced for second reading and adoption.

Motion by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously that Ordinances No. 557 N.S., 558 N.S., 559 N.S., 560 N.S., and 561 N.S. be read by title only.

a. Ordinance No. 557 N.S. was read by title only. Motion by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously that this constitutes the second reading and adoption of Ordinance amending Rezone 88001/Dickson.

b. Ordinance No. 558 N.S. was read by title only. Motion by Councilmember Russell, seconded by Councilmember Ovitt and passed unanimously that this constitutes the second reading and adoption of Ordinance amending Rezone 88002/Enskine.

c. Ordinance No. 559 N.S. was read by title only. Motion by Councilmember Russell, seconded by Councilmember Ovitt and passed unanimously that this constitutes the second reading and adoption of Ordinance amending Rezone 88004/Rider.

d. Ordinance No. 560 N.S. was read by title only. Motion by Councilmember Ovitt and seconded by Councilmember Russell that this constitutes the second reading and adoption of Ordinance amending Rezone 88006/Lopez, Campoverde, NCI. Motion passed by the following roll call vote:

AYES: Reneau, Russell, Ovitt and Martin  
NOES: None  
ABSENT: None  
ABSTAINED: Dolan (due to absence in public hearing)

e. Ordinance No. 561 N.S. was read by title only. Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that this constitutes the second reading and adoption of Ordinance authorizing amendment to contract between the City Council and the Board of Administration of PERS.

21. Motion by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously to direct staff that the Council desires a presentation on the Highway 101 Corridor Visual Resource Study and to set date of said presentation.

22. The City Manager reported on the progress of the abatement of the nuisance at 1100 Union Road advising that the abatement has been completed by the City and lien will be placed upon the property to recover the costs of the abatement.

23. The City Attorney requested a closed session at the end of the meeting for the purpose of discussion of potential litigation.

24. Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to direct staff to prepare an ordinance for Council consideration establishing hours of operation for trash collection in all zones in response to a petition from the residents of Villa Robles Apartments requesting Council consideration of an Ordinance revision restricting trash collection in commercial areas prior to 7:00 a.m. Staff was also directed to contact Paso Robles Waste Disposal regarding the limiting of early hour trash pick up.

25. Motion by Councilmember Russell, seconded by Councilmember Ovitt and passed unanimously to refer the request received from Pioneer Auto Parts for additional 20 minute parking spaces to Traffic Safety Committee.

26. Motion by Councilmember Russell, seconded by Councilmember Reneau and passed unanimously that the written communication from Oak Meadows Homeowners Association requesting parking enforcement on private streets be directed to staff to assess the impacts of parking enforcement in Oak Meadows and other areas within the City where there may be private streets.

27. The Director of Community Development reported on the Citizen Involvement Questionnaire Responses. The City Manager commended staff for their efforts in preparing the results of the survey.

28. Mrs. Ellen Weinstein addressed the Council regarding the Ordinance which restricts signs being placed on public thoroughfares. Staff was directed to look at the issue until a full sign ordinance has been adopted.

29. Councilmember Russell urged the City to go on voluntary water rationing for the duration of the drought.

30. Councilmember Russell referred to Legislature and staff at the State level trying to determine what constitutes fair share of waste going into waste sites, as well as, each County will be requiring a site or will it be for the whole northern California area.

31. Councilmember Russell questioned Council if they would consider making a small donation on behalf of the three citizens lost in the Vietnam War to the California Memorial for Vietnam Veterans. Council concurred that staff was to bring the issue to Council on the Agenda.

32. Councilmember Russell commented on the feasibility of bringing the Public Comment section of the Agenda to the beginning instead the end of the Agenda. Council concurred that it shall be left where it is.

33. Councilmember Russell questioned the Director of Public Works on the sidewalk at 17th and Pine Streets.

34. Councilmember Ovitt brought up the dedication of the Jamesville Pump to the Pioneer Museum.

35. Councilmember Martin questioned the parking situation at the downtown time limits. The City Manager stated that the BIA was going to form a committee and report back.

36. Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to adjourn to a closed session to discuss potential litigation. At the closed session, no official action was taken and upon motion by Councilmember Reneau, seconded by Councilmember Ovitt and passed unanimously the closed session was adjourned to the regular meeting.

37. There being no further business, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to adjourn to August 4, at 7:30 p.m. in the City Council Chambers to meet with the Library Board of Trustees.

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 Redevelopment Agency of the City of Paso Robles, California, held on August 10, 1988 at 7:00 p.m. in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446, has been adjourned to August 16, 1988 at 7:00 p.m. in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446.

DATE: August 11, 1988

Deputy City Clerk Dawn Hudson

5. The Mayor announced that the representative for Tract 1581 and Planned Development 86004/Riverglen had now arrived and opened the continued hearing. Mr. Dennis Bethel, representative for Riverglen Investments (Mr. Glenn Garvin), reviewed the project advising that the design speed for traffic had been resolved.

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

After discussion, it was moved by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously finding Tract 1581 and PD 86004 consistent with the Union/46 Specific Plan requiring no further environmental review.

Motion by Councilmember Russell, seconded by Councilmember Reneau and passed unanimously that Resolution No. 88-63, APPROVING PLANNED DEVELOPMENT 86004/RIVERGLEN, be read by title only; the Resolution was read by title only.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to adopt Resolution No. 88-63. Motion passed by the following roll call vote:

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

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-64, GRANTING TENTATIVE MAP APPROVAL FOR TRACT 1581 (RIVERGLEN), be read by title only; the Resolution was read by title only.

Motion by Councilmember Russell and seconded by Councilmember Ovitt that Resolution No. 88-64 be adopted. Motion passed by the following roll call vote:

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

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that it is understood that Resolution No. 88-64 contain the reference to "35 miles per hour" speed limit rather than "45 miles per hour".

6. The Mayor announced that it was the time and place scheduled for public hearing of the vacation of public utility easement at 20th and Pine Streets. The Director of Public Works reviewed the matter advising that the public utility easement is unnecessary for present or prospective future right-of-way purposes.

The Mayor opened the public hearing.

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

Motion by Councilmember Russell, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 88-66, VACATING A PUBLIC UTILITY EASEMENT, 20TH AND PINE STREETS, be read by title only; the Resolution was read by title only.

Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that Resolution No. 88-66 be adopted.

7. The Mayor announced that it was the time and placed scheduled for public hearing of an appeal of the Planning Commission denial of Parcel Map PR 88-073/Diedun. The City Manager announced that the applicant has requested a continuance of the matter.

Councilmember Ovitt asked for a clarification of the costs involved in continuing such matters and discouraged repeat continuances.

Motion by Councilmember Ovitt, seconded by Councilmember Russell and passed unanimously that the public hearing be continued without hearing testimony until the meeting of September 6, 1988.

8. The Mayor announced that it was the time and placed scheduled for public hearing of an appeal of the Planning Commission approval of Amendment to Conditional Use Permit 84011/Flynn; Councilmember Russell, the appellant to the approval of said Amendment, stepped down at this time.

Councilmember Dolan asked the City Attorney if the other members of the Council were absolved of any contractual conflict; the City Attorney stated that there were none.

The Director of Community Development reviewed the issue explaining that the applicant, Tom Flynn, is seeking amendment for the purpose of establishing a contract service use within a proposed 2,880 square foot commercial building on the alley on Thirtieth Street between Vine and Spring Streets.

The Mayor opened the public hearing.

Councilmember Russell addressed the Council setting forth four (4) concerns he has that prompted his appeal as follows: (1) The appropriateness of uses within the C-2 zone versus the C-3 zone; (2) The adequacy of screening of the site use from residential uses; (3) Adequacy of parking design; and (4) The appropriateness of architectural design in terms of compatibility with residential uses.

Mr. Nick Gilman, an architect representing the applicant, addressed the Council stating that they were following the City's ordinances in the design of the project, and were sympathetic to the adjacent businesses and residences.

Mr. Tom Flynn, applicant for the amendment to Conditional Use Permit No. 84011, addressed the Council pointing out that they had followed the requirements and conditions set forth by the Planning Commission.

Mr. Don Freeman, owner of property to the back of the subject building, addressed the Council stating that he concurred with Mr. Russell and felt that there were problems with parking and access into the property with large equipment.

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

After further discussion, it was moved by Councilmember Ovitt, seconded by Councilmember Reneau and passed four to zero that Resolution No. 88-67, APPROVING AMENDMENT TO CONDITIONAL USE PERMIT 84011 (TOM FLYNN - MASTER LAND USE), be read by title only; said Resolution was read by title only.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed four to zero to adopt Resolution No. 88-67.

Councilmember Russell resumed his seat.

9. The Mayor announced that it was the time and place scheduled for public hearing of Resolution No. 88-68, ESTABLISHING AND SETTING FEES FOR THE USE OF CERTAIN PARK AND RECREATIONAL FACILITIES.

The Director of Community Services reviewed the proposed Resolution which would establish user fees for certain park and recreation facilities to recover costs to the City.

Councilmember Russell questioned if the fees were adequate to cover the costs. The Director answered that they were lower on purpose but would be studied and adjusted in the next few years.

The Mayor opened the public hearing.

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

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-68 be read by title only; said Resolution was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Russell that Resolution No. 88-68 be adopted. Motion passed by the following roll call vote:

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

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

11. Motion by Councilmember Russell, seconded by Councilmember Reneau and passed unanimously to deviate from the Agenda and proceed with Item VII E, the second reading of the Ordinance for Rezone 88003/Halferty.

12. Ordinance No. \_\_\_ N.S., AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE ZONING REGULATIONS (REZONE 88003 - HALFERTY), was presented for second reading and adoption.

Mayor Martin announced that the public hearing for this matter has been closed and no public comment will be heard.

Mayor Martin stated that there were three (3) alternative actions that could be taken at this time: (1) Consider the second reading and either adopt the Ordinance or deny it; (2) Delay the second reading of the Ordinance; (3) Set another public hearing and publish the necessary notices for introduction and first reading.

Councilmember Russell stated that the Ordinance had been properly noticed and concerns had been answered. He suggested that the second reading of the Ordinance be held in abeyance while the applicant starts to prepare the Planned Development process.

Councilmember Dolan stated that he had no problem with the second reading and adoption at this time; he did have a problem with tying it to the planned development process.

Councilmember Reneau reiterated that he sees a problem with the traffic circulation and that he feels that it would be premature to approve the rezone before the General Plan update.

Councilmember Ovitt stated that he believed it necessary to hold a second reading in order to clarify some of the points and misstatements, and with Mr. Woodland and Mr. Reeder in discussions on possible sale of adjacent property to Mr. Woodland, the second reading could be held after the time of that negotiation.

Mayor Martin stated that the existing zoning is PM, as far as concerns past that, he agrees with Councilmember Reneau that the major concern of that area being traffic.

The Director of Community Development stated that the General Plan Update will include a comprehensive environmental impact which includes City-wide traffic modeling, but that it would take a separate study focussed on the intersection of South River Road and Niblick Road which would not be included in the General Plan Update but would be addressed before development could proceed.

After a lengthy discussion, it was moved by Councilmember Russell that the second reading of said Ordinance be tabled until such time as the applicant has had the opportunity to go through the Planned Development process for the proposed rezone area and it is passed by the Planning Commission, then come to the Council for consideration prior to the second reading. The motion died for lack of a second.

Motion by Councilmember Dolan and seconded by Councilmember Martin to table the second reading of the Ordinance until the August 16, 1988 to allow for time to re-read the materials and be prepared to make a decision at that time. Motion failed by the following roll call vote:

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

Councilmember Ovitt stated that the Ordinance second reading be held until such time as the realignment of Niblick and South River Road can be determined.

The City Manager commented that the ultimate alignment that the Council may choose to select would be contingent upon the kind of development they would approve, so they are getting back to the PD. He pointed out that the Council has indicated that the present intersection needs improvement, no matter what the use, but who pays for it and what alignment is preferred is a matter the Council should consider with a project. The rezone is a question of the appropriateness of the land to the type of zone use requested.

Councilmember Ovitt disagreed citing the relationship of the adjacent property (Reeder) to this project and the impact of a realignment of South River Road on the properties on both sides. He stated he felt the second reading should be delayed until the two owners have completed their discussions.

Councilmember Russell stated that if they go to a Planned Development process all the matters of concern can be brought into the discussion; with a rezone conditions cannot be added to it.

Mayor Martin questioned if second reading of the rezone ordinance could be held in abeyance until such time as the Planned Development Process is accomplished to satisfaction does that vest in a right to develop the property. The City Attorney stated that he didn't think

so, there is such a thing as conditional zoning where you can rezone on condition that a certain project occur within a certain period of time; he said he hasn't been asked that before so he needs a little time to check it, but he is reasonable confident that they have the right to continue this reading and start the other process.

Councilmember Reneau stated that if they bring in a P.D. where would the 11 acres be? If they move the road, it will diminish the 11 acres. If the road is moved the developer loses land.

The City Attorney stated there was another way to approach this to be sure it will work and that is to require a focussed EIR on the specific issue you are concerned with prior to passing the Ordinance.

Motion by Councilmember Russell that the second reading of the Ordinance for rezone be tabled until such time as a simultaneous application for approval of a Planned Development is brought back to the Council for consideration. Motion was seconded by Councilmember Ovitt.

Councilmember Russell clarified his motion stating by simultaneous application, he meant the P.D. would be required to go through the normal process through the Planning Commission and its committees and that the second reading of the Ordinance be brought back to Council at the time of the Planned Development for consideration.

Councilmember Ovitt withdrew his second stating that it was not his intent to put this again through the complete system with no guarantee of approving the rezone. Motion seconded by Councilmember Reneau.

Motion passed by the following roll call vote:

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

13. The Mayor called a five minute recess, after which he called the meeting back to order with all Councilmembers present.

14. The Consent Calendar was presented. The City Manager announced that an addendum to the Agenda adding Item L., acceptance of public improvements for Tract 1333/Munari, to the Consent Calendar be approved. Motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously to approve the addition of Item L.

Items C and K were pulled for discussion.

Motion by Councilmember Ovitt and seconded by Councilmember Dolan to approve the Consent Calendar as amended by the addition of Item L., together with the findings and recommendations as set forth therein,

with the exception of Items C and K. Motion passed by the following roll call vote:

AYES: Guitt, Dojan, Russell, Reneau and Martin  
NOES: None  
ABSENT: None

Those items on the Consent Calendar are as follows:

**A. Approval of Agreement with County of San Luis Obispo For Animal Control Services**

Included in the Agenda packet is a proposed Agreement (contract) for Animal Control Services between the City and the County of San Luis Obispo. The contract contains minor modifications from the prior year, primarily in order to improve accountability and reporting. In addition, the contract proposes an increase from \$25,000 to \$26,000 (4%) over the 1987-88 Agreement. In adopting the Consent Calendar, Council approves the Animal Control Contract and authorizes the execution of the Agreement.

**B. Approval of Progress Payment No. 5 for Wastewater Treatment Plant Expansion/Cushman Contracting Corporation**

In adopting the Consent Calendar, Council authorizes Progress Payment No. 5 for Wastewater Treatment Plant Expansion in the amount of \$393,818.40 to Cushman Contracting Corporation. With Progress Payment No. 5, 40% of the contract amount of \$5,570,570.00 is complete.

**D. Acceptance of Public Improvements For Tract 1290/Bloch and Bower**

Tracts 1290, previously owned by Bloch and Bower, is located and includes portions of Rambouillet Road, Player Lane and Sneed Street. The public improvements have been completed by the bonding company in accordance with approved plans and specifications. In adopting the Consent Calendar, Council accepts the public improvements for operation and maintenance.

**E. Acceptance of Public Improvements For Tract 1334/Bloch and Bower**

Tract 1334, previously owned by Bloch and Bower, is located adjacent to Tract 1290 including a portion of Rambouillet Road and Player Lane. The public improvements have been completed by the bonding company in accordance with approved plans and specifications. In adopting the Consent Calendar, the Council accepts the public improvements for operation and maintenance.

**F. Award of Bid For Creston Road Landscaping**



The City has solicited bids for landscaping of the Creston Road median which runs parallel to Creston Road between Santa Fe Avenue and Scott Streets. The Engineers estimate for this project was \$67,000.00, \$45,000.00 was allocated for the project originally, but with the addition of the area surrounding the Sherwood Park parking

lot and asphalt curb installation, the cost was increased. The bid results are as follows:

<u>FIRM</u>	<u>AMOUNT</u>
Karleskint-Drum, Inc.	\$62,644.00
Dennis Landscaping	67,730.00

In adopting the Consent Calendar, Council approves appropriation of \$17,644.00 to be added to the previously approved \$45,000.00 and approves award of contract to Karleskint-Drum, Inc. of San Luis Obispo, in the amount of \$62,644.00 for Creston Road median landscaping project.

**G. Acceptance of FAA Grant Funds; Award of Bid to R. Burke Corporation For Airport Improvement Project #3-06-0184-06; Authorization For Payment to Tartaglia-Hughes, Inc. For Engineering Services**

The City solicited bids for the Airport project which consists of the construction of additional aircraft parking area and the expansion and lighting of the helipad. The result of the bid are included in the Agenda packet. In adopting the Consent Calendar, Council accepts the grant offer from FAA in the amount of \$418,000.00; awards the Construction Contract to R. Burke Corporation in the amount of \$329,818.00 and authorizes payment to Tartaglia-Hughes, Inc. for engineering services in the amount of \$13,472.50.

**H. Approval of Lease Addendum Parcels 18, 19, 20, 21, and 22/Air Capital Corporation**

Included in the Agenda packet is a proposed addendum to Master Lease of Air Capital (Volumetrics). The Addendum, if approved, recognizes a change of ownership of Air Capital Corporation to 100% held by Mr. Walter McKinley, deletes Parcels 14-B, 20, 21, and 22 from the Master Lease Agreement, removes previous condition No. 4 relating to the establishment of the reimbursement policy, and establishes new lease rates. In adopting the Consent Calendar, Council approves the attached addendum to the Air Capital lease, and authorizes the Mayor and City Clerk to execute the necessary documents.

**I. Approve Resolution No. 88-70, DECLARING INTENTION TO VACATE A PORTION OF PINE STREET AT 28TH STREET AND SETTING SEPTEMBER 6, 1988 FOR PUBLIC HEARING**