

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
OCTOBER 4, 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: Ovitt, Dolan, Russell, Reneau and Martin; none being absent.

1. The minutes of the regular meeting of September 20, 1988 were presented and approved upon motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously with an amendment to Item No. 10-K. of the Consent Calendar indicating that the intent was to . . . appropriate an amount not to exceed an additional \$45,000.00 to cover the cost of all necessary paving at this time, . . .
2. Proclamation "Crime Prevention Month - October 1988" adopted upon motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously.
3. Proclamation "Firefighter Appreciation Day - October 13, 1988" adopted upon motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously.
4. Endorsement of State Proclamation "Ridesharing Week - October 3-7, 1988" approved upon motion by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously.
5. The Mayor announced that it was the time and place scheduled for public hearing of approval of Tract 1575/Erskine. The Director of Community Development explained that action of approval had been tabled in the meeting of July 5, 1988 pending the resolution of the issue of drainage. He further explained that a letter from Attorney Don Ernst, representing Mr. Gene Ernst, adjacent property owner, was received this date which informed the Council that Gene Ernst and Tom Erskine have entered into negotiations and a tentative agreement wherein Gene Ernst would work together to facilitate the engineering and safe design of the intersection of Pacific Avenue and Merry Hill Drive. The Ernst easement would be made available to Tom Erskine to utilize in his design of the intersection of Merry Hill Drive and Pacific Avenue in any manner that the City of Paso Robles deemed appropriate. Mr. Tim Roberts, engineer for Tract 1575, presented a map which depicted the revised realignment.

The Mayor opened the public hearing.

Mr. Tim Roberts reviewed the project and the revised map and referred to the aforementioned letter and agreement between Mr. Ernst and Mr. Erskine.

Mr. Gene Ernst addressed the Council and asked the City Clerk to read the aforementioned letter into the record, which he did. Mr. Ernst pointed out that it was his understanding and intention that the



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

October 4, 1988 at 7:30 p.m.

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

October 12, 1988 at 6:00 in the Senior Center
~~Council Chambers, City~~
~~Hall, 1030 Spring Street, Paso Robles, California 93446.~~
940 Park

DATE: 10-5-88

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY: Dawn Hudson
Deputy CITY CLERK

easement was being offered for the safety of the intersection of Pacific Avenue and Merry Hill Drive only and would be allowed only to the intersection of his access road.

Mr. Bob Treece addressed the Council with questions regarding maintenance of detention basins on the property, drainage and ditches. He announced that he was against the project.

Mr. Al Casper addressed the Council questioning who was going to be responsible for the upkeep of the drainage and detention basins, stating that the entire project was wrong. He referred to flooding in the past.

Ms. Lavelle Parsons stated that she was concerned with the drainage and flooding.

Mr. Gene Ernst discussed the water tank site and stated he was in agreement to put the tank somewhere else.

Tim Roberts responded to the questions posed by explaining the drainage system and referring to the proposed benefit maintenance district which would define that all property owners would be responsible for their share of the costs of maintenance.

Councilmember Reneau expressed concern regarding the drainage and whether the grading would create more water flow.

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

After a lengthy discussion, it was moved by Councilmember Dolan, seconded by Councilmember Ovitt and passed unanimously that the revision to the grading and drainage plan, as presented, does not constitute a significant change or necessitate a new environmental determination.

After further discussion, it was moved by Councilmember Dolan and seconded by Councilmember Russell that Resolution No. 88-85, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES TO GRANT TENTATIVE MAP APPROVAL FOR TRACT 1575 (THOMAS ERSKINE), be read by title only as presented.

Councilmember Ovitt recommended elimination of Condition 16, referencing Lot 23 that it be referred to Item 22, and that the three lots, 21, 22 and 23 be placed in Phase II.

Councilmember Dolan and Councilmember Russell withdrew the motion and second.

There was discussion of the tank site. The City Engineer stated that the site has no available water; the tank site was offset against the share of cost.

Councilmember Russell recommended that the requirement be included that the road be located over the old easement, and that he was not comfortable with the amount of grading for the lots as proposed; that there should be fewer lots that could be wider.

Motion by Councilmember Dolan, seconded by Councilmember Reneau and passed unanimously that Resolution No. 88-85 be read by title only as presented.

Mayor Martin stated that he has concerns regarding the ability to enforce the benefit maintenance district.

Motion by Councilmember Dolan and seconded by Councilmember Reneau that Resolution No. 88-85 be adopted as presented. Motion passed by the following roll call vote:

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

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

7. The Consent Calendar was presented and approved upon motion by Councilmember Ovitt and seconded by Councilmember Dolan, together with all the findings and recommendations as set forth therein, with the exception of Item G, which was pulled for discussion. Motion passed by the following roll call vote:

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

Those items on the Consent Calendar are as follows:

A. Approval of Progress Payments No. 1 and No. 2 to R. Burke Construction Co. for Airport Construction Project

In adopting the Consent Calendar, Council authorizes Progress Payment No. 1 in the amount of \$34,206.30 and Progress Payment No. 2 in the amount of \$26,310.37 to R. Burke Construction Company for work completed on the FAA funded Airport Improvement Project No. 03-06-0184-06.

B. Approval of Progress Payment No. 1 to KarlesKint-Crum, Inc. for Creston Road Landscape Project

In adopting the Consent Calendar, Council authorizes Progress Payment No. 1 in the amount of \$21,982.14 to Karlskint-Crum, Inc. for work completed to date on the Creston Road Landscape Project.

C. Approval of Progress Payment No. 7 to Cushman Contracting Corporation for Wastewater Treatment Plant Expansion Project

In adopting the Consent Calendar, Council authorizes Progress Payment No. 7 in the amount of \$349,052.00 to Cushman Contracting Corporation for work completed on the Wastewater Treatment Plant Expansion Project.

D. Approval of Final Tract Map and Subdivision Agreement for Tract 1508/Bonita

Tract 1508 is located adjacent to South River Road between Charolais and Niblick Roads. The final Tract Map has been reviewed by staff and is found to be consistent with Tentative Tract Map. In adopting the Consent Calendar, Council approves Final Tract Map and authorizes execution of the Subdivision Agreement.

E. Adoption of Administrative Policy of P-2, Survivors' Benefit

In adopting the Consent Calendar, Council approves Administrative Policy P-2, establishing a medical insurance benefit for survivors of employees who die while in active service. This benefit is proportional to the deceased employee's number of years of service.

F. Approval of Request for Street Closure - Pre-Pioneer Day Events

In adopting the Consent Calendar, Council approves closure of the 1200 block of Park Street on October 7, 1988, from 9 a.m. to 7 p.m. for Pre-Pioneer Day Events, as requested by the Business Improvement Association.

H. Approval of Progress Payment No. 1 to Smith & Smith, Inc. for Geothermal Exploratory Drilling

In adopting the Consent Calendar, Council authorizes Progress Payment No. 1 in the amount of \$25,458.75 to Smith & Smith, Inc. for work completed on the Geothermal Exploratory Drilling.

I. Approval of One Year Extension To Sewer "Will Serve" Letter - Sam Genzone

The City Council granted a "Will Serve" letter to Mr. Sam Genzone on January 19, 1988 for Parcels 44, 47 and 48 on Cow Meadow Place north of Templeton. Mr. Genzone has been, and remains in processing, at the County seeking approval of a commercial development plan. County

approval is not anticipated prior to January 19, 1989. (Expiration of Will Serve letter). In adopting the Consent Calendar, Council grants final one year time extension for sewer "Will Serve" for Parcels 44, 47 and 48 on Cow Meadow Drive.

J. Approving Change Order Nos. 11 and 12 For Wastewater Treatment Plant Project

Change Order No. 11 is for the purpose of installing a new section of pipe to by-pass a buried mass of concrete discovered in excavation for pipe installation. The proposed by-pass line authorized with approval of Change No. 11 is at a cost of \$7,500. Change Order No. 12 would provide for replacement of an existing 6 inch steel force main which was discovered to be in poor condition. Replacement of the 6 inch steel force main authorized in approval of Change No. 12, would be at a cost of \$1,500.00. In adopting the Consent Calendar, Council approves Change Order Nos. 11 and 12 at a total cost of \$9,000.00.

Councilmember Russell discussed Item G. Approval of Request for Street Closure - October 15, 1988 - for Fire Department Open House

In adopting the Consent Calendar, Council approves closure of 13th Street from the alley next to the Fire Station to Oak Street on October 15, 1988 from 12:00 noon to 4:00 p.m. in conjunction with the Open House.

Councilmember Russell questioned the advisability of closing a main east-west street when it is usual that a closing of a street is done on a side street or non-main thoroughfares so that they could still provide traffic circulation and that he thought it would be more appropriate to close Oak Street between 13th and 14th Streets, which would still provide an area for demonstrations at the Fire Station.

The Fire Chief explained that the proposed closures would be only for a short period of time and that they did prefer the closing of 13th Street as set forth above, but that they could consider a different area if Council so decided.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to accept the recommendation of staff as set forth in Item G. of the Agenda.

8. The Pre-Check Register for September 23 and September 30, 1988 in a total amount of \$819,381.78 was approved upon motion by Councilmember Russell and seconded by Councilmember Ovitt. Motion passed by the following roll call vote:

AYES: Russell, Ovitt, Dolan (abstained on T00075), Reneau
(abstained on T00156), and Martin
NOES: None

ABSENT: None

9. A memo from the Airport Manager recommended the Council approve the rental of a portion of the Airport terminal and its associated agreement space for the Airport Cafe and authorize the Mayor and City Clerk to execute the agreement between the City and Mr. and Mrs. Tracy Saylor.

Councilmembers Russell and Dolan expressed concern that the agreement did not allow the City to get out of it for five years in the event that an airline company may wish to move into that space. The Airport Manager explained that there were no other facilities at the Airport for a cafe, that a restroom was needed. A move to any other location would necessitate adding improvements. They asked the Airport Manager if the lessee would consider a clause in the lease which would give the City the right to terminate the lease with notice of 90 days should the need arise. The Airport Manager did not think that was a reasonable solution without addressing relocation.

Councilmember Ovitt expressed the need to encourage a business that is needed at the Airport and to allow it to expand the services, and that should other entities wish to come into the Airport, there are other facilities available for their use.

Councilmember Reneau referred to the \$100.00 per month rental income from the Cafe, and suggested that the City work harder to attract airline businesses, he did not think that a restaurant in that specific location, at any rent was desirable in that location.

Motion by Councilmember Dolan and seconded by Councilmember Reneau to deny the application for the use of the terminal building as the Airport Cafe. Motion passed by the following roll call vote:

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

Councilmember Dolan encouraged the Airport Advisory Committee and Chamber of Commerce and the City to cooperate in relocating the Airport Cafe, as proposed, to a high exposure area.

10. A memo from the Community Development Director recommended that staff be authorized to take the necessary action in preparing a grant application for renewing the Carnegie Library and other pending City facility projects.

Motion by Councilmember Dolan and seconded by Councilmember Russell authorizing staff to solicit proposals for qualified architectural, on an hourly basis for assistance in the preparation of grant application (application submittal would be subject to future Council approval); and directing staff to seek Community Redevelopment Agency

consideration of payment for the architectural services. Motion passed by the following roll call vote:

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

Staff was directed to look at the City's needs.

11. A memo from the Community Development Director presented a request for waiver of sidewalk and public improvements for property located at 1006 19th Street owned by Richard Davis, and presented a proposal for the Redevelopment Agency to install the off-site improvements. The City Council had approved the fee reduction, with the exception of bridge fees, in the Council meeting of September 20, 1988.

Motion by Councilmember Dolan and seconded by Councilmember Russell to deny the request for waiver and refer the issue to the Redevelopment Agency recommending Agency budget amendment to provide funding for sidewalk and public improvements in conjunction with this residential rehabilitation project. Motion passed by the following roll call vote:

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

12. The City Manager reviewed the Capital Improvement Program Budget for Fiscal Year 1988-89. Councilmembers Reneau and Dolan were appointed to the ad hoc committee to review City fees.

After discussion, it was moved by Councilmember Russell, seconded by Councilmember Reneau and passed unanimously to continue the consideration of adoption of the Capital Improvement Program Budget to the adjourned Council meeting of October 12, 1988.

13. Ordinance No. 564 N.S., AMENDING THE ZONING MAP - REZONE 88007 - CITY/DIEDUN, was presented for second reading and adoption.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 564 N.S. be read by title only. Said Ordinance was read by title only.

Motion by Councilmember Russell and seconded by Councilmember Dolan that this constitutes the second reading and adoption of Ordinance No. 564 N.S. Motion passed by the following roll call vote:

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

14. The City Manager recommended that the Council set a study session or a regular adjourned meeting, and Redevelopment Agency meeting for October 12, 1988, since, due to a known lack of quorum at the regular meeting scheduled for October 18, 1988, the meeting will be cancelled.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to accept staff's recommendation to schedule adjournment from this meeting to October 12, 1988 at 6:00 p.m. for purposes of a closed session to consider SEIU negotiations, to recess and then convene as Redevelopment Agency at 6:30 p.m. to 7:30 p.m., and then the Council shall reconvene at 7:30 p.m. for discussion.

15. The Mayor announced that it was the scheduled time for public comments; Ms. Joyce Saylor, proposed lessee of the Airport Cafe, which lease was denied in Item 9 of these minutes, addressed the Council asking them to reconsider said lease. When asked by the Council if she would consider a short term termination clause, she said it would be difficult, but rather than give up the location, she would agree to it.

Motion by Councilmember Dolan, seconded by Councilmember Reneau and passed unanimously to reconsider the lease.

Motion by Councilmember Ovitt, seconded by Councilmember Dolan and passed unanimously to refer the lease to the Airport Manager and the City Attorney to be rewritten and brought back to Council for further consideration.

16. Councilmember Russell questioned the Mayor's rental of office property in the Redevelopment area. The City Manager advised that any member of the Agency can lease property at a prevailing rate, but could not acquire real property interest.

The Mayor stated that he had rented office space in the Redevelopment area after consulting with the Redevelopment Agency Attorney and the City Attorney and confirmed that he had no property interest in said area.

17. Councilmember Dolan requested staff to look into the matter of possible auto repair at 631 Gates Court, and overcrowding in a residence next door. The Police Chief stated he would take care of the problem of a semi-truck parked in the Niblick Gardens area.

18. Councilmember Ovitt announced his resignation from the Council effective October 5, 1988 due to his residency now being established outside the City limits.

19. The Councilmembers commended Councilmember Ovitt for his many years of service to the City, both as Planning Commissioner and Councilmember.

Motion by Councilmember Dolan, seconded by Councilmember Russell and passed unanimously to accept Councilmember Dvitt's resignation with regret, effective 5:00 p.m. on October 5, 1988.

20. After discussion, Council announced that applications for City Councilmember will be accepted in the City Clerk's office starting at 8:00 a.m. on October 5, 1988; the receipt of applications will be closed on October 21, 1988 at 5:00 p.m.

21. There being no further business, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to adjourn to October 12, 1988 at 6:00 p.m. for purposes of a closed session regarding SEIU negotiations.

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