

MINUTES OF THE REGULAR MEETING
PASO ROBLES CITY COUNCIL
NOVEMBER 1, 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: Dolan, Russell, and Martin; Councilmember Reneau being absent and one vacancy existing.

1. The minutes of the regular City Council meeting of October 4, and the adjourned regular meeting of October 12, 1988 were presented and approved upon motion by Councilmember Dolan, seconded by Councilmember Russell and passed unanimously.

2. The City Manager reviewed the process for making nominations to fill the City Council vacancy created by the resignation of Councilmember Harry Ovitt on October 5, 1988.

Nominations were opened. Councilmember Russell commented on the qualified applicants interviewed and the difficulty they encountered in eliminating the applicants to one final choice. Councilmember Russell then nominated Mr. Richard A. Conway. Councilmember Dolan also commended the applicants, and seconded Councilmember Russell's nomination of Mr. Conway.

There being no further nominations, it was moved by Councilmember Dolan and seconded by Councilmember Russell and passed unanimously that the nominations be closed.

Motion by Councilmember Dolan, seconded by Councilmember Russell and passed unanimously to cast a unanimous ballot.

The City Manager administered the Oath of Office to Richard A. Conway; Mr. Conway then took his seat as a Councilmember.

Councilmember Conway stated that it would be appropriate for him to abstain in any action taken by the Council in this meeting, due to his not having had the opportunity to review the issues before them.

3. A recognition plaque was presented to Harry Ovitt for his years of service to the City as Planning Commissioner and Councilmember.

4. Proclamation "Hospice Month - November 1988" was adopted upon motion by Councilmember Dolan, seconded by Councilmember Russell and passed 4 to 0, with Councilmember Conway abstaining.

5. Several children from Bauer-Speck School presented the Council with bookmarks and Proclamation "Children's Book Week - November 14 - 20", which was adopted upon motion by Councilmember Russell, seconded by Councilmember Dolan and passed 4 to 0 with Councilmember Conway abstaining.

recommendation is to be independent of any action taken with Templeton Community Services District.

14. The City Manager presented the matter of the vacancy existing on the Parks and Recreation Advisory Committee created by the resignation of Tim Davis.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed on a 4 to 0 vote, with Councilmember Conway abstaining, to hold over the appointment to the Committee for interviews of the applicants to be held in study session on November 9, 1988, the appointment to be made in the meeting of November 15, 1988.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed on a 4 to 0 vote, with Councilmember Conway abstaining, to accept with regret the resignation of Tim Davis with the Director of Community Services to send the appropriate letter of recognition,

15. The City Manager reported on a public hearing to be held on November 10, 1988 by the San Luis Obispo County Planning Commission regarding a proposed General Plan Amendment for zone change to commercial on 23.2 acres located at the southeast quadrant of Main Street and Highway 101 in Templeton.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed on a 4 to 0 vote, with Councilmember Conway abstaining, to add this issue to the Agenda.

The Director of Community Development advised of the potential impact and that staff had expressed concerns and requested a full Environmental Impact Report.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed on a 4 to 0 vote, with Councilmember Conway abstaining, to direct staff to be present at said public hearing and to formally request a full Environmental Impact Report.

16. Councilmember Conway expressed his appreciation for being appointed to the Council position and stated that he was looking forward to participating in his new responsibilities.

17. Councilmember Dolan welcomed Councilmember Conway; he questioned the curb cuts on the Bunnell project at Navajo and several holes that need filling in the streets.

18. Councilmember Dolan brought up discussion regarding moving the regularly scheduled Council meeting to Monday nights, rather than Tuesday nights, pointing out that the press coverage would be benefited, and the efficiency of the system overall would be better served. The City Manager advised that staff will draft an ordinance addressing the matter for the next meeting.

19. There was discussion of the lack of attendance of Councilmembers at the Planning Commission meetings.

20. There was discussion of Council attendance on Sound Off. Councilmember Dolan will be present on Sound Off on November 14, 1988.

21. Motion by Councilmember Russell, seconded by Councilmember Dolan and passed on a 4 to 0 vote, with Councilmember Conway abstaining, to adjourn to a closed session for consultation with legal counsel per Government Code Section 54957, and for Employee-Employer Meet and Confer per Government Code Section 54957.6.

At the closed session there was no official action and upon motion by Councilmember Russell, seconded by Councilmember Dolan and passed on a 4 to 0 vote, with Councilmember Conway abstaining, the closed session was adjourned to the regular meeting.

22. There being no further business, it was moved by Councilmember Dolan, seconded by Councilmember Russell and passed on a 4 to 0 vote, with Councilmember Conway abstaining, to adjourn to 7:00 p.m. on November 9, 1988 for a study session.

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

OCTOBER 27, 1988 at 2:00 P.M.

in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446, has been ~~ad-journed~~ ^{CONTINUED} to

OCTOBER 29, 1988 at 12:00 NOON in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446.

DATE: OCTOBER 28, 1988

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY:



DEPUTY CITY CLERK



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

NOVEMBER 1 at 7:30 P.M.

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

NOVEMBER 9, 1988 at 7:00 P.M. in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446.

DATE: NOVEMBER 2, 1988

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY:

Ramon Hudson

DEPUTY CITY CLERK

6. The Mayor announced that it was the time and place scheduled for public hearing of Ordinance No. ____, N.S., AMENDING SIGN REGULATIONS ADOPTED BY ORDINANCE NO. 551 N.S. The Director of Community Development reviewed the Ordinance and an amendment to the Ordinance as presented which changed Section 8.b.(2) to six (6) square feet or less in residential districts and eight (8) square feet or less in commercial and industrial districts. He explained that the Board of Realtors had commented regarding the proposed sign ordinance, resulting in the above mentioned change in size of the signs.

The Mayor opened the public hearing. Ms. Ellen Weinstein thanked Council and staff for their efforts in preparing the proposed ordinance. Mr. Tim Bryan, an owner of Century 21 Home and Land Real Estate, addressed the Council regarding the issue of deposits required for the placement of signs.

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

Council expressed concern over proliferation of signs and if Code Enforcement was prepared to follow-up on the signs; the Director of Community Development stated that the fact that there would be a requirement of \$100.00 deposit would help defray proliferation of the signs.

After discussion, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed 4 to 0 with Councilmember Conway abstaining that said Ordinance be read by title only as amended by the addendum presented at this time.

The Ordinance was read by title only.

Motion by Councilmember Russell and seconded by Councilmember Dolan that this constitutes the introduction and first reading of Ordinance No. ____ N.S. amending sign regulations adopted by Ordinance No. 551 N.S. Motion passed by the following roll call vote:

AYES: Russell, Dolan and Martin
NOES: None
ABSENT: Reneau
ABSTAINED: Conway

7. The Mayor announced that it was the time and place scheduled for public hearing of Planned Development 88002, applicant, Chuck Crockett. The Director of Community Development reviewed the project which is a proposed 4,408 square foot professional office building located at the southeast corner of Pine Street and 11th Street.

The Mayor opened the public hearing.

Mr. Chuck Crockett appeared and presented an architect's rendering of the proposed office building.

There being no other comments, either written or oral, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed 4 to 0, with Councilmember Conway abstaining, to close the public hearing.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to find that the project will not have a significant effect on the environment and issue the project a Negative Declaration status.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed 4 to 0, with Councilmember Conway abstaining, that Resolution No. 88-88, APPROVING PLANNED DEVELOPMENT 88002 (CHUCK CROCKETT - PROFESSIONAL OFFICE COMPLEX), be read by title only.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed 4 to 0, with Councilmember Conway abstaining, that Resolution No. 88-88 be adopted.

8. The Mayor announced that it was the time and place scheduled for public hearing of Planned Development 88003 and an amendment to Conditional Use Permit 87031, applicant, Troy West. The Director of Community Development reviewed the project and presented an addendum to the staff report recommending Council take certain actions based upon Government Code Section 65950 which established time limits on City consideration of pending development projects.

The Mayor opened the public hearing.

Mr. Ted Weber, architect, and Mr. Troy West, the applicant, addressed the Council and stated that they did not want an extension, that they want action to be taken at this time, and that they were surprised at the addendum and the actions set forth therein. They requested that a Negative Declaration be certified, that the traffic report be certified that was prepared, and that the Council approve the Master Conditional Use Permit, 87031. He stated that to deny Mr. West the ability to develop the property based upon access, when the zone had been changed to C-2 with the present 20 foot access, would be putting the City in a bad position.

There being no further comments, either oral or written, it was moved by Councilmember Dolan, seconded by Councilmember Russell, and passed 4 to 0, with Councilmember Conway abstaining, to close the public hearing.

Councilmember Russell advised that when the parcel was rezoned, it was stated at that time that there would be no further intensification of the use of the 20 foot easement for access.

Councilmember Russell questioned the City Attorney regarding the applicant's unsuccessful attempt to acquire adjacent property to increase the width of the easement, does the City have the ability to place the requirement of the easement on the project and then condemn the needed property to provide the access. The City Attorney stated that he would have to research the issue to be certain, but there has to be some form of dedication to the City, and if the applicant is willing to dedicate the 20 feet and the Council directs that there be a 30 foot easement there, then the City would have the power to condemn the additional 10 feet.

Motion by Councilmember Dolan and seconded by Councilmember Russell to deny the Planned Development 88003 and Conditional Use Permit 87031 applications based upon the finding that the development plan, as proposed, would have an adverse impact on the public health, safety and welfare in terms of adequacy of site design and traffic ingress and egress, the proposed land uses would, as proposed, have an adverse impact on adjacent and abutting properties. Motion passed on a 4 to 0 vote, with Councilmember Conway abstaining.

9. The Mayor called a brief recess, after which he called the meeting back to order with all members present excepting Councilmember Reneau.

10. The Mayor announced that it was the time and place scheduled for public hearing of South River Road Plan Line. At the direction of Council, staff has prepared a plan line for the realignment of South River Road. The Planning Commission, at its meeting of October 25, 1988, did not approve a recommendation for establishment of the proposed plan line. The Director of Community Development and the Director of Public Works presented a detailed plan line for Council's review, noting that there would be no abandonment process initiated nor any decisions made regarding acquisition at this time.

There was discussion regarding the need for a 100 foot right-of-way.

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

After discussion, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed on a 4 to 0 vote, with Councilmember Conway abstaining, that the Council adopts a Negative Declaration for the proposed plan line.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed 4 to 0, with Councilmember Conway abstaining, to approve the South River Road plan line as presented with a 100 foot right-of-way.

11. The Consent Calendar was presented. The City Manager advised that Item M., "Denial of Request For Outside Water and Sewer

Services/County Parcel CO 86-199", was being tabled from the agenda, due to receipt of a letter the applicant had in his possession which had been issued in 1975 raising issues about certain easements and possible grants, rights, etc., which need to be researched through the minutes to determine whether Council had approved action.

Councilmember Dolan requested that Items H. and J. be pulled.

Motion by Councilmember Dolan and seconded by Councilmember Russell to approve the Consent Calendar, together with the recommendations and findings as set forth therein, with the exception of Items H. J. and M. Motion not passed by the following roll call vote:

AYES: Dolan, Russell (abstained on Item B.), and Martin
NOES: None
ABSENT: Reneau
ABSTAINED: Conway

It was noted that with the two abstentions affecting Item B. that the Consent Calendar could not be approved. Council concurred that Councilmember Conway be given an opportunity to review Item B. thus allowing him to vote.

The above motion included the removal of Item B. for discussion and was passed by the following roll call vote:

AYES: Dolan, Russell and Martin
NOES: None
ABSENT: Reneau
ABSTAINED: Conway

Those items on the Consent Calendar are as follows:

A. Resolution No. 88-89, AUTHORIZING THE PURCHASE OF A NEW RECIRCULATING AIR STREET SWEEPER

The City has solicited bids for a recirculating air street sweeper. The bids were opened on October 14, 1988. Two bids were submitted; however, the unit offered by Public Works, Inc., does not meet our specifications absent a high dump hopper system. Staff recommends award of bid to Kern Equipment Co. of Chino, CA for an FMC Vanguard 3000 Air Sweeper for the bid amount of \$91,456.80. \$95,000.00 was budgeted for this purchase.

In adopting the Consent Calendar, Council adopts Resolution No. 88-89, authorizing the purchase of said sweeper from Kern Equipment Co. of Chino, California, in the amount of \$91,456.80 per bid submittal.

C. Approval of Progress Payment No. 2 to Karleskint-Crum For Creston Road Landscape, DPW 88-12

In adopting the Consent Calendar, Council approves Progress Payment No. 2 in the amount of \$15,035.08 to Karieskint-Drum for work completed on the Creston Road Landscape project. It is estimated that 60% of the contract is now completed.

D. Approval of Progress Payment No. 8 to Cushman Contracting Corporation For Wastewater Treatment Plant

In adopting the Consent Calendar, Council approves Progress Payment No. 8 in the amount of \$507,745.00 to Cushman Contracting Corporation for work completed on the Wastewater Treatment Plant. It is estimated that 60% of the contract is now complete.

E. Approval of Progress Payment No. 3 to R. Baker, Inc. For Airport Water Main Extension, DPW 87-06

In adopting the Consent Calendar, Council approves Progress Payment No. 3 in the amount of \$56,638.44 to R. Baker, Inc. for work completed on the Airport Water Main Extension. It is estimated that 98% of the contract is now complete.

F. Receive and File Public Schools Summary Report of SB 201 Fees

Under SB 201, the School District is required to provide the City Council an Annual Report of the fees received from SB 201 for the just ending Fiscal Year and a general statement of the expenditure of the fees received. In adopting the Consent Calendar, Council receives and authorizes filing of the Paso Robles Public School Report on the use of SB 201 fees for the Fiscal Year 1987-88.

G. Resolution No. 88-91, ACCEPTING IRREVOCABLE AND PERPETUAL OFFER TO DEDICATE AN EASEMENT FOR PUBLIC ROAD PURPOSES - NICKERSON DRIVE - CITY OF PASO ROBLES

In adopting the Consent Calendar, Council adopts Resolution No. 88-91, accepting an irrevocable offer to dedicate an easement for public road purposes, Nickerson Drive adjacent to Centennial Park.

I. Authorization to Advertise for Bids To Construct the Par Avenue Storm Drain

In adopting the Consent Calendar, Council authorizes advertisement for bids to construct the Par Avenue Storm Drain. The plans and contract documents have been completed and the project is ready to go to bid. The project was approved in the 1988-89 Capital Improvement Program.

K. Approval of Contract with David M. Griffith & Associates For SB 90 Reimbursement Claims

The State legislature has authorized \$30,000,000 to be paid back to local governments under SB 90 claims. SB 90 is a process wherein the State allows a local government to file a claim against the State for costs the local government has incurred in the implementation of State mandated programs. The process for preparation of SB 90 claims and the effective working of the claims through the State structure would exceed the availability of staff time. Staff is recommending the retention of David M. Griffith and Associates for the purpose of serving as the City's representative in the filing of SB 90 claims. Included in the Agenda packet is a staff report with attached Agreement. The direct cost to the City would not exceed \$550.00 which can be accommodated within the existing budget appropriation for Administrative Services Professional Services account. In adopting the Consent Calendar, Council approves the Agreement with David M. Griffith and Associates and authorizes its execution.

L. Approval of Property Lease For Apartment B, 1314 Oak Street

As Council will recall, the City acquired the tri-plex at 1314 Oak Street for future consideration as ancillary parking to the Main Street Fire Station. At the time of purchase, one of the units was, and remains, occupied by Mr. James Ashe. In adopting the Consent Calendar, Council approves Resolution No. 88-92, APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND MR. JAMES ASHE AS TENANT FOR APARTMENT B, 1314 OAK STREET.

N. Approval of Progress Payment No. 9 to Spiess Construction for Centennial Park and Nickerson Drive Extension

In adopting the Consent Calendar, Council approves Progress Payment No. 9 in the amount of \$19,617.45 to Spiess Construction for work completed on Centennial Park and Nickerson Drive Extension. It is estimated that 100% of the contract is now complete.

Item B. Resolution No. 88-90, AUTHORIZING PURCHASE OF CERTAIN ITEMS OF EQUIPMENT AND VEHICLES, was pulled for discussion.

The City has solicited bids for various pieces of equipment and vehicles as set forth in the staff report and accompanying Resolution. In adopting the Consent Calendar, the Council adopts Resolution No. 88-90 authorizing the purchase of said equipment as recommended. Councilmember Russell advised that he is abstaining on approval of said bids due to a conflict relating to three pieces of equipment on the list. Councilmember Conway was given opportunity to review the bids, thus making it possible for him to vote on this issue.

Staff recommended that those items that were bid over the budgeted amount be included in the approval on the condition that the overage be made up on other acquisitions within the same budgetary account; the tractor with scraper, Item No. 11, to be excluded.

Motion by Councilmember Dolan, seconded by Councilmember Conway and passed unanimously that Resolution No. 88-90 be read by title only, and that the approval include the tractor and authorization for the City Manager to transfer the funds as necessary on all equipment.

Resolution No. 88-90 was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Conway to adopt Resolution No. 88-90 as set forth above. Motion passed by the following roll call vote:

AYES: Dolan, Conway and Martin
NOES: None
ABSENT: Reneau
ABSTAINED: Russell

Item H. Authorization For Time Extension - Tract 1396/M. Timm Development, was pulled for discussion by Councilmember Dolan.

An additional 30 days is needed for the developer, M. Timm Development, to complete improvements. City staff is in process of computing the developer's reimbursement for his share of the Nickerson Drive extension and preparing a "punch list" of corrections for tract improvements. In adopting the Consent Calendar, Council authorizes a time extension of 30 days to December 1, 1988 to allow the developer time to complete the improvements and for payment of the developer's reimbursement for his share of Nickerson Drive extension.

Councilmember Dolan questioned the appropriateness of approving another time extension on this Tract. The Director of Public Works explained that the project was very close to being completed.

Motion by Councilmember Dolan and seconded by Councilmember Russell to approve a final time extension for thirty (30) days to December 1, 1988. Motion passed by the following roll call vote:

AYES: Dolan, Russell and Martin
NOES: None
ABSENT: Reneau
ABSTAINED: Conway

Item J. Authorization For Removal of Oak Tree/Tract 1457 - Clouston, was pulled for discussion by Councilmember Dolan.

The approved plans for Tract 1457 failed to show an 8" Oak that is in the way of a proposed driveway that crosses a creek which is the only feasible access point to the lot. In adopting the Consent Calendar, Council authorizes removal of requested tree, with the condition that it be replaced with two 1 1/2" diameter Oak trees as required by Ordinance No. 553.

During discussion, the applicant's engineer, Tim Roberts, appeared and requested approval for removal of an additional 14" oak tree. The City Manager advised that those issues would have to be placed upon an agenda and addressed at a future meeting, giving staff adequate time for review.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed 4 to 0, with Councilmember Conway abstaining, to table the issue until the next available meeting.

12. The Pre-check Register for October 12 through 28, 1988 was presented. Motion by Councilmember Russell and seconded by Councilmember Dolan to approve said warrants.

Discussion ensued regarding abstentions; Councilmembers Dolan and Martin abstained on travel checks. Council requested the City Attorney to clarify the action to be taken regarding abstentions. He said he would research it.

Motion failed by the following roll call vote:

AYES: Dolan, (abstaining on Check No. 003392), Russell and
Martin (abstaining on Check No. 003395)
NOES: None
ABSENT: Reneau
ABSTAINING: Conway

For the purpose of approving the above-mentioned travel checks, the Mayor asked Councilmember Conway to vote and the roll was called again with the motion passed by the following roll call vote:

AYES: Dolan (abstaining), Russell, Conway and Martin (abstaining)
NOES: None
ABSENT: Reneau
ABSTAINED: None

13. A memo from the Director of Public Works presented a request for extension of a sewer will serve letter for Professional Office Complex from the Tatum family in Templeton (APN 40-201-36). A previously granted will serve letter had expired on June 25, 1988.

Mr. Mike Donovan, the Tatum family's representative, addressed the Council.

Motion by Councilmember Dolan, seconded by Councilmember Russell and passed on a 4 to 0 vote, with Councilmember Conway abstaining, to approve staff recommendations (based on the fact that the City has been honoring the current ones) and extend the will serve letter for one year, subject to all original conditions as stated in the November 8, 1985 letter, expiring on November 1, 1989. Said