



City of El Paso de Robles

"The Pass of the Oaks"

MINUTES OF THE REGULAR MEETING PASO ROBLES CITY COUNCIL DECEMBER 6, 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: Conway, Dolan, Russell, and Martin; Councilman Reneau being absent.

1. The minutes of the regular meeting of November 15, 1988 and the adjourned regular meeting of November 29, 1988 were approved upon motion by Councilmember Dolan, seconded by Councilmember Conway and passed unanimously.
2. The Mayor read the Proclamation of Centennial Celebration for City of Paso Robles which was adopted upon motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously.
3. Proclamation of Christmas Cantree Week as December 18 - 24 was adopted upon motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously.
4. The Mayor announced that it was the time and placed scheduled for public hearing of Abatement of Nuisance at 625 14th Street/F. E. Williams and/or the current owner. The Director of Community Development reviewed the matter explaining that the property was in the process of sale or transfer. The Mayor opened the public hearing.

Mr. Jim Saunders, with Pacific Management Development Corporation, stated that he represents the new purchasers of the property located at 625 14th Street. He requested an extension from the December 19th deadline set by City staff to remove the premises on said property to January 15, 1989. He also asked that they do not abandon all utilities thereon, but to retain the existing water and sewer service, should sewer service be existing at this time. He advised that they have a plan for development of an office building on the subject property in City Building Department for review at this time. He also recommended that the property be approved for abatement.

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

After discussion, it was moved by Councilmember Dolan and seconded by Councilmember Conway to proceed with the Order of Abatement granting the extension to January 15, 1988 with all conditions remaining the same until staff can review and recommend otherwise.

Councilmember Conway pointed out that he had observed that the property needed to be fenced to prevent access into a potentially dangerous area. Staff agreed.

clarification, and submit them to the Consultant Selection Committee for review in time for them to be brought back to the next Council meeting.

15. Ordinance No. 565 N.S., AUTHORIZING 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, was presented for second reading and adoption.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 565 N.S. be read by title only; the 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. 565 N.S. Motion passed by the following roll call vote:

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

16. Ordinance No. 566 N.S., AMENDING MUNICIPAL CODE SECTION 2.04.010 AS ADOPTED BY ORDINANCE 491 N.S. (CITY COUNCIL MEETINGS), was presented for second reading and adoption.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Ordinance No. 566 N.S. be read by title only; said Ordinance was read by title only.

Motion by Councilmember Dolan and seconded by Councilmember Russell that this constitutes the second reading and adoption of Ordinance No. 566 N.S. Motion passed by the following roll call vote:

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

17. The City Manager reported that on this date the San Luis Obispo County Board of Supervisors approved the selection of the Cherbak properties in Templeton located at Main Street and Highway 101 for the North County Government site.

18. The matter of the problem with the odors emitting from the Paso Robles Meat Plant on South River Road was brought up by the Council under Public Comments. The Director of Community Development presented a letter from Ms. Joanna Jones in protest of the slaughter yard, and a log compiled by the Building Department listing the odor observations and complaints received.

The following residents from the neighboring area submitted their protests against the operation of the Meat Plant: Steve Saporita, Jerry Jones, Bill Collingsworth, and Joanna Jones.

The Council concurred that the complaints seemed to merit a review by the Planning Commission.

Council questioned staff regarding the City's ability to enforce the requirements of the Meat Plant's Conditional Use Permit 84036 in the event of violations. The Director of Community Development stated that the matter would be brought before the Planning Commission in its meeting of December 13, 1988 just for review; however, in order to take action to modify, revoke or take any official action, it must be set for noticed public hearing at which time all residents within 300 feet of the plant would receive written notification of the hearing. It was also pointed out that any other resident who wished to receive notice could leave their name and address with the Planning Department. He further stated that the owners of the Meat Plant can be directed to take action to bring the Use Permit into compliance. The Director deferred the question to legal counsel that if the Meat Plant is found to be in violation of the Use Permit, can the Use Permit be pulled and operation stopped? The question was posed to the City Attorney who responded that he wasn't prepared to respond to that at this time.

After further discussion, it was moved by Councilmember Russell, seconded by Councilmember Conway and passed unanimously that the matter be referred to the Planning Commission to be reviewed in the Planning Commission meeting of December 13, 1988.

19. Councilmembers Conway and Dolan recommended that the issue of allowing burning days be reconsidered due to the complaints received during the recent burning period. Council concurred that the matter be placed upon a future Agenda for action.

20. Councilmember Russell recommended that the Council present an oral update at the conclusion of Council meetings on committee matters that have been attended by Councilmembers.

21. There being no further business, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to adjourn to December 10, 1988 at 8:30 a.m. for the purpose of interviewing City Attorney applicants; should there not be a quorum present at that time, then, the meeting would be adjourned to 8:30 a.m. on December 17, 1988.

City Clerk, Jerry Bankston

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

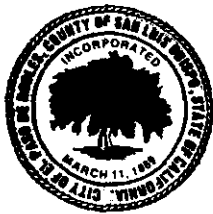
YOU ARE HEREBY NOTIFIED that the meeting of the City Council of the City of El Paso de Robles, California, held on December 6, 1988 at 7:30 p.m.

in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446, has been adjourned to December 10, 1988 at 8:30 a.m. in the Council Chambers, City Hall, 1030 Spring Street, Paso Robles, California 93446.

DATE: December 6, 1988

CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES

BY: *Paul Hudson*
Deputy CITY CLERK



City of El Paso de Robles

"The Pass of the Oaks"

MINUTES OF THE ADJOURNED REGULAR MEETING
PASO ROBLES CITY COUNCIL
DECEMBER 10, 1988

The City Council of the City of El Paso de Robles, meeting in adjourned regular session at 8:30 a.m. on the above date, was called to order by Mayor Steve Martin with the following Councilmembers answering roll call: Dolan, Russell, Reneau and Martin; Councilmember Conway being absent.

1. The City Council conducted interviews of the six applicants who had submitted proposals for City Attorney.
2. There being no other business, upon motion by Councilmember Reneau, seconded by Councilmember Russell and passed unanimously, the meeting was adjourned.

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

Councilmember Doran amended the above motion, seconded by Councilmember Conway, to include the condition that the property be fenced to staffs' satisfaction. Motion passed unanimously.

5. The Mayor announced that it was the time and place scheduled for public hearing of Rezone 88009-Planned Development Overlay of four commercial properties which are: A) 34 parcels of C-2 zoned properties located on the west side of Theatre Drive, north and south of Highway 46 West; B) a 9.3 acre, C-1 zoned parcel located on the southeast corner of South River and Niblick Roads; C) a 10.0 acre, C-P zoned parcel located on the northeast corner of Creston and Sherwood (Niblick) Roads; D) a 4.0 acre, C-P, four parcel site located on the northwest corner of Creston and Golden Hill Roads. The Director of Community Development explained that this rezoning would provide the tools to carry out the General Plan.

The Mayor opened the public hearing.

Mr. Larry Prestininzi, owner of property on Theatre Drive, questioned the Council regarding the rezoning of the properties on the west side of Theatre Drive. He asked for clarification of the General Plan and if the zoning would stay commercial. The Council assured him that it would.

Mr. Tim Roberts, representing a group of property owners, addressed the Council regarding the rezone of the four parcel site located on the northwest corner of Creston and Golden Hill Roads. He stated that a group of owners are preparing an application to submit to the City showing a revised design to incorporate all the land between Orchard and Golden Hill and that they would like to see a Planned Development Overlay placed upon their properties also, incorporating all the parcels in the upcoming General Plan Amendment.

Mr. Bob Culbertson, owner of the property at 965 Creston Road, stated that he believed that the property should be regarded as a single site, and that he wishes to go on record being opposed to the Planned Development unless it includes all the properties. He felt that the Planned Development Overlay at this time restricted some of the options available to the property owners. It was explained to Mr. Culbertson, that in actuality, there may be more options available than under the CP zoning.

Mr. Tom Courtney, representing Hilltop Developers, requested that the PD Zone Overlay be denied if it will restrict the current uses under the C-1 zoning for the Hilltop Development. He presented to the Council copies of a letter he has written to the City Planner regarding the issue. It was explained to Mr. Courtney that the General Plan reflects the scope of land uses that may be approved for the subject property.

Mr. Earl Van Vorst, who lives at 1017 Creston Road, spoke in regard to the issue of the site located at the northwest corner of Creston and Golden Hill Roads. He also believed that it would make a better commercial area if all the parcels were included in the zoning.

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

After discussion, it was moved by Councilmember Dolan and seconded by Councilmember Conway that the Council finds there is no substantial evidence that the project will have a significant effect on the environment and to adopt a Negative Declaration for Rezone 88009 - Planned Development Overlay of said commercial properties. Motion passed by the following roll call vote:

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

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Ordinance No. _____ N.S., AMENDING THE ZONING MAP ESTABLISHED BY REFERENCE IN SECTION 21.12.020 OF THE ZONING REGULATIONS (REZONE 88009 - PLANNED DEVELOPMENT OVERLAY OF COMMERCIAL SITES), be read by title only. 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 said Ordinance. Motion passed by the following roll call vote:

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

6. The Mayor announced that it was the time and place scheduled for public hearing pertaining to Resolution No. 88-102, APPROVING REAPPROPRIATION OF FEDERAL REVENUE SHARING FUNDS TO CENTENNIAL PARK DEVELOPMENT.

The Mayor opened the public hearing; there being no comments, either oral or written, the public hearing was closed upon motion by Councilmember Dolan, seconded by Councilmember Russell and passed unanimously.

After discussion, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Resolution No. 88-102 be read by title only. Said Resolution was read by title only.

Motion by Councilmember Russell and seconded by Councilmember Dolan that Resolution No. 88-102 be adopted. Motion passed by the following roll call vote:

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

7. The Mayor announced that it was the time and place scheduled for public hearing of Ordinance No. _____ N.S., AMENDING THE FENCE REGULATIONS AS ADOPTED BY ORDINANCE NO. 441 N.S. AND 445 N.S.

The Director of Community Development explained that the Planning Commission requested reconsideration of the Ordinance.

It was moved by Councilmember Dolan, seconded by Councilmember Russell and passed unanimously to open the public hearing and to close it without receiving testimony.

Motion by Councilmember Dolan, seconded by Councilmember Conway and passed unanimously to table Council's consideration of the Ordinance pending Planning Commission reconsideration and recommendation back to the City Council.

8. The Consent Calendar was presented. Items H, I and L were pulled from the Agenda for discussion.

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

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

Those items on the Consent Calendar are as follows:

A. Approval of Progress Payment No. 9 to Cushman Contracting Corporation For Wastewater Treatment Plant Expansion

In adopting the Consent Calendar, Council approves Progress Payment No. 9 in the amount of \$425,218.00 to Cushman Contracting Corporation for work completed on the Wastewater Treatment Plant Expansion. With Progress Payment No. 9, 73.9% of the contract is complete.

B. Approval of Progress Payment No. 1 to R. Baker, Inc. for Theatre Drive Sewer Main (DPW 88-05)

In adopting the Consent Calendar, Council approves Progress Payment No. 1 in the amount of \$58,218.12 to R. Baker, Inc. for work completed on Theatre Drive Sewer Main installation. With Progress Payment No. 1, 40% of the contract is completed.

J. Acceptance of Public Improvements For Tract 1396/M. Timm Development

Public Works has inspected and finds public improvements for Tract 1396 complete and satisfactory. In adopting the Consent Calendar, Council accepts public improvements for Tract 1396 for maintenance and operations.

K. Approval of Progress Payment No. 1 (Final) to Madonna Construction For Annual Street Overlay Project (DPW 87-13)

In adopting the Consent Calendar, Council approves Final Progress Payment No. 1 to Madonna Construction in the amount of \$165,526.53 for annual street overlay program. In approving the Consent Calendar, Council also authorizes a transfer of \$14,200 from the annual alley reconstruction project to the street overlay project. As indicated in the staff report, the actual tonnage at the completion of the overlay of the designated streets exceeded the original estimates. The overage was due in part to additional asphalt necessary to bring about a more level surface on several streets.

M. Resolution No. 88-103, APPROVING THE APPLICATION FOR GRANT FUNDS FOR THE PER CAPITA GRANT PROGRAM UNDER CALIFORNIA WILDLIFE, COASTAL, AND PARK LAND CONSERVATION ACT OF 1988 (BARNEY SCHWARTZ PARK)

In adopting the Consent Calendar, Council approves Resolution No. 88-103 authorizing the application for per capita grant funds park improvements under the Park Land Conservation Act of 1988. Based on population, the City should receive \$47,000.00, no local match is required.

N. Approval of Change Order No. 3 to Mauldin-Dorfmeier Construction Co. for Centennial Park - Phase II

In adopting the Consent Calendar, Council approves Change Order No. 3 to Mauldin-Dorfmeier Construction Co. in the amount of \$22,000.00. Change Order No. 3 is for the move of the gym. Change Order No. 3 reflects \$18,000 for general contractor costs and \$4,000 for sub-contractor costs incurred for work delay.

It was moved by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously that Item H. Approval of Purchase Order and Contract For Engineering Design Services For Meadowlark Sewer Line be placed for Council consideration at the same time as Item VI D.

Councilmember Dolan questioned Item I. Authorization of Request For Proposals For Housing Rehabilitation Services

The City has been notified by the State of its approval and grant award of approximately \$600,000 for housing rehabilitation under the Housing Community Development program. With this award, it would be appropriate for the City to retain the services of a rehabilitation administrator/coordinator. The administrator would be responsible to see that all federal and state regulations and guidelines were adhered to, to oversee construction activity and assist in the packaging of redevelopment loans relative to Community Development Block Grant activity. In adopting the Consent Calendar, Council approves the Request For Proposals (included in the Agenda packet) and authorizes staff to advertise for proposals.

Motion by Councilmember Dolan, seconded by Councilmember Russell and passed unanimously to approve Item IV I as presented.

Councilmember Russell questioned the Fire Chief regarding Item L. Authorization to Advertise for Bids on Communications Equipment For Fire Department and Other City Agencies

Included in the Agenda packet are the specifications for a radio system which will enhance the emergency response capabilities of the City Fire Department by having a separate frequency available for Fire Department use. In adopting the Consent Calendar, Council authorizes staff to advertise for bids.

The Fire Chief explained the radio system in further detail as to compatibility with the Police Department radio system.

Motion by Councilmember Russell, seconded by Councilmember Conway and passed unanimously to approve the above recommendations subject to the specifications as set forth.

9. The Pre-check Register for December 7, 1988 was presented. Check Number 4713 was pulled from the register for clarification. Motion by Councilmember Russell and seconded by Councilmember Dolan to approve said warrants in the amount of \$1,615,476.29 with the exception of Check No. 4713. Motion passed by the following roll call vote:

AYES: Russell (abstained on No. 4654), Dolan (abstained on No. 4735), Conway and Martin
NOES: None
ABSENT: Reneau

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

11. A memo from the Director of Public Works recommended that Council consider the request for septic tank waiver received from Joye Naley, 945 Walnut Drive, Lot 188 Orchard Bungalow Tract. The

Director of Public Works reviewed the matter advising that the nearest sewer main is 2400 feet away, the cost to extend a main to the property is estimated to be \$50,000, and there are several previously approved septic tanks within the area.

Mr. Gary Tucker, representing the owner, stated that the owner would be willing to share in dedication of an easement along the boundary of the back of the lot as long as the adjacent property owner would agree to also share in the dedication of the easement.

After discussion, it was moved by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to grant said waiver with the stipulation that the owner grant a 15 foot easement, as approved by the City Engineer, along the rear property line for a future sewer line as a condition of the waiver.

12. A memo from the Director of Public Works recommended that the Council authorize advertising for bids for a septic tank conversion program to extend the sewer main in Pine Street from 16th Street to 17th Street. The septic tank at 1644 Pine Street has failed. A reimbursement district can be established to repay this cost to the City as other septic tanks along Pine Street are eventually abandoned.

Motion by Councilmember Russell, seconded by Councilmember Dolan and passed unanimously to approve the Director's recommendations.

13. A memo from the Community Development Director recommended the Council consider the value of expanding the Highway 101 Visual Resources Study being done by the San Luis Obispo County Coordinating Council to include Highway 46 Corridor as it goes through Paso Robles. The additional cost would be \$1,300.00.

Motion by Councilmember Russell and seconded by Councilmember Conway to direct staff to present the necessary agreement and budget amendment for an amount not to exceed \$1,300.00. Motion passed by the following roll call vote:

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

14. In accordance with Council direction in Item 8. of these minutes, Items IV H, Meadowlark Sewer Design, of the Consent Calendar and VI D, Airport Sewer Design, were presented for consideration together. The City requested proposals for engineering services for the design of Meadowlark Sewer line. Four proposals were submitted. Council Consultant Selection Committee reviewed each proposal and recommended John Wallace and Associates. Staff recommendation was that, consistent with Council Consultant Selection Committee recommendation, Council approve the Purchase Order to John Wallace

Associates in the amount of \$39,460.00 for engineering design services for the Meadowlark Sewer Line.

A memo from the Director of Public Works recommended that Council award the Airport Sewer Design to John Carollo Engineers in an amount not to exceed \$182,000. Four proposals were received and reviewed by the Consultant Selection Committee. The project was budgeted at \$100,000 in the adopted 1988-89 CIP for design, with construction to follow in the 1989-90 fiscal year. The scope of work for the design was recently expanded to include the future extension of sewer main from the CYA facility to the Airport. To include this section will require an additional appropriation.

The Director of Public Works reviewed both projects.

Councilmember Dolan referred to the recent Senate Bill No. 2034, regarding service contracts and previous state requirements which place qualifications above consideration of cost in selection of a service contractor.

Mr. Ed King, of Associated Professionals Engineering, Inc., addressed the Council referring to the proposals submitted by his company on each of the two sewer designs, which, even though they were the low bids, were rejected by the Consultant Selection Committee. Staff considered both proposals to be insufficient to qualify.

Mr. Tim Roberts, engineer for API Engineering, read a letter into the record from API addressed to Mike Grantham, City Engineer, which questioned the disqualification of API for both the Meadowlark and Airport Sewer Design and requested a reconsideration.

Mr. Earl Mason, from the Livermore office of API, expressed his belief that API was capable of performing the engineering designs of both projects, and requested that the award of bid to both projects be held over in order to give API the opportunity to expand on their proposals.

The City Manager explained that the reference to the firm of Associated Professionals, Inc. as being unqualified, did not pertain to the firm itself, but that there was insufficient information submitted in the proposal to make a determination of qualification. He said that relative to the Airport, staff would be prepared at this point to recommend a 2 week delay on that particular project to provide opportunity for clarification of proposals and qualifications of the firm.

After a lengthy discussion, it was moved by Councilmember Russell, seconded by Councilmember Conway and passed unanimously to hold over the selection of consultant engineer on the Meadowlark and Airport sewer design until the meeting of December 20, 1988 allowing API the opportunity to modify their proposals with any new information or