

All persons desiring to speak on agenda items are asked to fill out a **Speaker Information Card** and place it at the Staff Table prior to the start of discussion of the agenda item. Each individual speaker will be limited to a presentation total of three (3) minutes per person, per item.

## **CITY COUNCIL AGENDA**

**Tuesday, November 20, 2001 7:30 PM**

**MEETING LOCATION: PASO ROBLES LIBRARY/CITY HALL  
CONFERENCE CENTER, 1000 SPRING STREET**

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**PLEASE SUBMIT ALL CORRESPONDENCE FOR CITY COUNCIL PRIOR  
TO THE MEETING WITH A COPY TO THE CITY CLERK**

### **7:30 PM – CONVENE REGULAR MEETING**

**CALL TO ORDER** – Downstairs Conference Center

**PLEDGE OF ALLEGIANCE**

**INVOCATION**

**ROLL CALL** Councilmembers George Finigan, Jim Heggarty, Gary Nemeth, Duane Picanco and Mayor Frank Mecham

### **PUBLIC COMMENTS**

This is the time the public may address the Council on items other than those scheduled on the agenda. **PLEASE SPEAK DIRECTLY INTO THE MICROPHONE AND BEGIN BY STATING YOUR NAME AND ADDRESS. EACH PERSON AND SUBJECT IS LIMITED TO A 3-MINUTE DISCUSSION.** Any person or subject requiring more than three minutes may be scheduled for a future Council meeting or referred to committee or staff. Those persons wishing to speak on any item scheduled on the agenda will be given an opportunity to do so at the time that item is being considered.

### **AGENDA ITEMS TO BE DEFERRED (IF ANY)**

If applicable, staff to advise Council of any item on agenda that is to be deferred or tabled.

**PRESENTATIONS** - None

## NOTICED HEARINGS

### 1. **Sewer and Water Development Impact and User Fees**

M. Compton, Administrative Services Director

Consider adoption of sewer and water development impact and user fee adjustments. (Development impact fee increases are being considered to provide sufficient funds to construct sewer and water infrastructure to serve future growth.)

#### OPTIONS:

- a. (1) Adopt Resolution No. 01-xxx establishing new sewer and water development impact fees; and
- (2) Introduce and hold first reading of Ordinance No. XXX N.S. to modify sewer and water user fees; and
- (3) Adopt a low-income user fee discount program as developed by staff; or
- b. Amend, modify, or reject the above option.

## CONSENT CALENDAR

ITEMS ON THE CONSENT CALENDAR ARE CONSIDERED ROUTINE, NOT REQUIRING SEPARATE DISCUSSION. However, if discussion is wanted or if a member of the public wishes to comment on an item, the item may be removed from the Consent Calendar and considered separately. Councilmembers may ask questions of clarification without removing an item from the Calendar. INDIVIDUAL ITEMS 2-10 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

### 2. Approve Warrant Register.

M. Compton, Administrative Services Director

### 3. Receive and file Advisory Body Committee minutes as follows:

Transit Advisory Committee meetings of June 19 and September 12, 2001

### 4. Confirm Thursday, December 13, 2001 at 7:30 p.m. as date for Planning Commission and Library Board of Trustees Interviews/Appointments

J. App, City Manager

### 5. Close out ad hoc committee formed July 17, 2001, to participate with the investment policy committee to undertake annual review of City's investment policy. (Committee work is complete.)

R. Lata, Community Development Director

### 6. Close out ad hoc committee formed July 17, 2001, to work on reviewing the contract and rates with the City's franchised water hauler and consign work of the committee to the ad hoc committee formed October 2, 2001 to oversee solid waste issues.

J. Deakin, Public Works Director

### 7. Close out ad hoc committee formed May 1, 2001, to review sewer and water user and impact fees and report back to Council by November 20<sup>th</sup>. (Committee work is complete.)

M. Compton, Administrative Services Director

8. Confirm August 31, 2002, as date for Airport Master Plan ad hoc committee to report back to Council. (This committee was formed on June 5, 2001, to review Airport Master Plan draft documents and report back to Council periodically through August 2002. Previous communiqué listed August 2001. It was a clerical error.)  
J. Deakin, Public Works Director
  
9. Adopt Resolution No. 01-xxx appropriating \$11,470 in matching funds to a Transportation Enhancement Act (TEA) grant. (The City applied for and received a \$100,000 TEA grant. This, coupled with a \$150,000 State Transportation Improvement Program (STIP) grant, provides for Phase V of the Transportation Center. This phase proposes to improve and enhance the pedestrian corridor between the Transportation Center and the Downtown Business District. The TEA grant requires an \$11,470 match from City funds.)  
J. Deakin, Public Works Director
  
10. Adopt Resolution No. 01-xxx to allow reimbursing the wastewater capital improvement fund for specific project expenses (\$4,000,000 for Sludge System Upgrade and \$4,000,000 for Templeton Sewer- Reach 2 & 4- Replacement) from anticipated bond proceeds. (This resolution allows the bond proceeds to refund the Wastewater Capital Improvement fund for portions of the design and construction costs for projects cited.)

## ROLL CALL

## PUBLIC DISCUSSION

### 11. **Easement Abandonment 01-005**

R. Lata, Community Development Director

Consider a request to abandon a 10-foot portion of a 25-foot landscape easement along the 24<sup>th</sup> Street frontage of Lot 1 of Tract 2352, in accordance with the procedural framework established in State law. (Tract 2352 is a 9-lot residential subdivision located off of 24<sup>th</sup> Street, just west of Vine Street. The applicant is requesting the reduction of the landscape easement to correspond with the top of the slope.)

#### OPTIONS:

- a. Adopt Resolution No. 01-xxx approving the abandonment of 10 feet of the existing 25-foot landscape easement, which would retain a 15-foot landscape easement on the existing slope pending the City Attorney making a finding of compliance to one of the options as stated in Section 8333 of the Streets and Highways Code.
  
- b. Amend, modify or reject the above option.

## ROLL CALL VOTE

### 12. **Request to Remove an Oak Trees – Blackburn Street**

R. Lata, Community Development Director

Consider a request to remove three oak trees—a 12-inch diameter tree, a 8-inch diameter tree, and a 8-inch diameter double trunk tree. (Plans have been submitted to the City to construct Blackburn Street, east of Leland Street, in order to satisfy Municipal Code requirements of providing street improvements adjacent to property proposed for development. Staff is proposing realignment of the roadway because of potential impacts to one of the larger and healthier oak trees located in this area. Realignment would necessitate the removal of the three oak trees.)

**OPTIONS:**

- a. Adopt Resolution No. 01-xxx authorizing the removal of one 8-inch diameter double trunk oak (Tree No. 6), one 12-inch diameter oak (Tree No. 7), and one 8-inch diameter oak (Tree No. 8) in order to minimize impacts to a 14-inch diameter oak (Tree No. 12); and requiring two (2) replacement oak trees conforming to Section 10.01.040 (E) of the Municipal Code for each tree removed, either on the subject parcel, or elsewhere in the City, at the direction of the Street Superintendent. Said replacement oak trees shall be planted or furnished to the City prior to issuance of an encroachment permit to construct the Blackburn Street improvements. Additionally, the applicant shall design Blackburn Street along an alignment shifted away from Tree No. 12, the separation of which shall be recommended by a certified arborist.
- b. Amend, modify or reject the foregoing option.

**13. Traffic Control Device Options for the Intersection of Niblick Road and Country Club Drive**

R. Lata, Community Development Director

Consider options related to installation of a traffic control device at the intersection of Niblick Road and Country Club Drive.

**OPTIONS:**

- a. Direct staff to prepare a more detailed analysis of the alternatives of installing a traffic signal at either the intersection of Niblick Road and Country Club Drive, or the intersection of Niblick Road and Melody Drive, and direct staff to bring back a request for funding authorization for installation of one of these two traffic signals.
- b. Adopt Resolution No. 01-xxx denying the request to install a four-way stop at the intersection of Niblick Road/Country Club Drive, maintaining the current configuration until further notice.
- c. Adopt Resolution 01-xxx designating the intersection of Niblick Road/Country Club Drive as an all-way stop intersection, and require all vehicles to stop at all entrances to the intersection.
- b. Amend, modify or reject the above options.

**ROLL CALL VOTE**

**14. 2002 Community Development Block Grant (CDBG) Program**

R. Lata, Community Development Director

Determine which applications for 2002 Community Development Block Grant (CDBG) funds should be recommended for funding in the draft one-year action plan. (The City's 2002 allocation of CDBG funds is expected to total approximately \$354,210. The City has received 21 applications for funds, totaling over \$1,226,000. The Draft Consolidated Plan and final funding recommendations will be considered at a hearing in late February or early March 2002.)

**OPTIONS:**

Subject to public testimony, identify the following applications to be listed in the Draft One Year Action Plan as being recommended for funding:

a.	Municipal Pool Changing Room Building Rehabilitation	\$ 52,560
	Carnegie Library Disabled Access Improvements	\$ 38,850
	28th Street Improvements	\$131,000
	Downtown Street Lights (complete current project)	\$ 14,600
	Alley Improvements	\$ 46,400
	Administration	<u>\$ 70,800</u>
		<u>\$354,210</u>
b.	Municipal Pool Changing Room Building Rehabilitation	\$ 98,960
	Carnegie Library Disabled Access Improvements	\$ 38,850
	28th Street Improvements	\$131,000
	Downtown Street Lights (complete current project)	\$ 14,600
	Administration	<u>\$ 70,800</u>
		<u>\$354,210</u>
c.	Municipal Pool Changing Room Building Rehabilitation	\$100,000
	Carnegie Library Disabled Access Improvements	\$ 38,850
	28th Street Improvements (design phase)	\$ 20,610
	Downtown Street Lights (complete current project)	\$ 14,600
	LED-Lighted Crosswalks (one of three)	\$ 28,000
	Alley Improvements	\$ 46,400
	Public Services	\$ 34,950
	EOC's 40 Wonderful Program	\$ 2,000
	Lifestyles' Alcohol & Substance Abuse Counseling	\$ 6,800
	UCP's Supporting Childcare Program	\$ 4,000
	Literacy Council's Program	\$ 2,500
	Big Brothers & Sisters	\$ 19,650
	Administration	<u>\$ 70,800</u>
		<u>\$354,210</u>

d. Amend, modify or reject the foregoing options.

**ROLL CALL VOTE**

**15. Encroachment Permit Bonding Process**

J. Deakin, Public Works Director

Consider changing the bonding process for Encroachment Bonds to match other City permit bonding requirements. (The permitting and bonding process is meant to provide the City adequate funds to complete a project if needed, encourage contractors to finish their work in a timely manner and allow for accurate tracking and release of bond funds. The current system in place does not fully assure this.)

**OPTIONS:**

a. Require Encroachment Permits to be paid individually, and bonded individually, at \$25 per permit, and \$300 to \$1000 bond per project based upon the engineer's estimate of City exposure.

- b. Maintain the current system for Encroachment Permits.
- c. Amend, modify or reject the foregoing options.

**ROLL CALL VOTE**

**16. Solid Waste Recycling**

J. Deakin, Public Works Director

Engage outside engineering expertise to prepare a solid waste recycling and diversion programming report/application to the State. Proposals were requested from two engineering firms that have provided solid waste services to the City in recent years. Staff evaluates Brown, Vence and Associates as the most qualified for this effort. Proposed fee for the engineering services to attain an approved recalculated solid waste diversion baseline is \$34,000.)

**OPTIONS:**

- a. Adopt Resolution No. 01-xxx to
  - (1) Authorize the City Manager to execute an Agreement with Brown, Vence and Associates for the not-to-exceed sum of \$34,000;
  - (2) Allocate \$34,000 from General Fund Reserve to Account No. 100-310-5224-167; and
  - (3) Direct staff to explore option to implement additional solid waste recycling and diversion programs and report back to City Council.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION**

**17. Planning Commission Review of Planning Commission Applicants**

R. Lata, Community Development Director

Consider an offer from the Planning Commission for the Commission to assist with review of Planning Commission candidates.

**OPTIONS:**

- a. Direct staff to advise the Planning Commission that the Council would appreciate and accept the Commission's offer to participate in the application review process.
- b. Amend, modify or reject the above option.

**VOICE VOTE**

**AD HOC COUNCIL BUSINESS** - None

**PUBLIC COMMENT ON CLOSED SESSION**

Public comments limited to Closed Session items only.

**CLOSED SESSION**

**CALL TO ORDER** – Large Conference Room, 2<sup>nd</sup> Floor

**a. Conference with Legal Counsel – Existing Litigation**

Subdivision (a) of Government Code §54956.9

Jack Munari vs. City of El Paso de Robles, et al

Case No. CV010860

**b. Conference with Legal Counsel – Anticipated Litigation**

Initiation of litigation pursuant to Subdivision (c) of Government Code §54956.9

Significant exposure to litigation (facts and circumstances not known to adverse party)

Number of cases: Two

**c. Conference with Real Property Negotiator\***

Government Code Section 54956.8

City Negotiator: James L. App, City Manager

Property: 3,983 square feet of property located at the northern end of Ramada Drive (a portion of APN 009-633-027)

Negotiating Parties: James F. Morabito

Under Negotiation: Price

\*AND POTENTIAL FOR INITIATION OF LITIGATION PURSUANT TO SUBDIVISION (C) OF GOVERNMENT CODE §54956.9

**ADJOURNMENT:** to THE REGULAR MEETING ON TUESDAY, DECEMBER 4, 2001, AT 7:30 PM AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS NOVEMBER 23, 2001***