

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.

**AMERICANS WITH DISABILITIES ACT** Individuals who, because of a disability, need special assistance to attend or participate in this meeting, may request assistance by contacting the City Clerk's Office (805) 237-3960. Whenever possible, requests should be made 4 working days in advance.

## CITY COUNCIL AGENDA

**Tuesday, November 4, 2003 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)

### PRESENTATIONS

1. [Law Enforcement Recognitions for Michael James Sotelo Homicide Investigation and Prosecution](#)

D. Cassidy, Chief of Police

Paso Robles Police Department: Detective Sergeant Gary Silveira, Detective Bureau Commander; Detective Rick Ince, Lead Investigator; and Detective Casey Neall, Assisting Investigator

San Luis Obispo County District Attorney's Office: Investigator Bill Hanley, Lead Investigator / Trial Lead Investigator; and Assistant District Attorney Tim Covello, Lead Prosecutor

United States Army Criminal Investigations Division: Special Agent John Spann, Lead Investigator

### PUBLIC HEARINGS

2. [2003-2004 Local Law Enforcement Block Grant Award \(LLEBG\)](#)

D. Cassidy, Chief of Police

Consider acceptance of an \$11,030 award of the LLEBG granted by the Bureau of Justice Assistance Programs. (To supplement local law enforcement budgets for programs and/or equipment; the City must make a one-time cash match of \$1,226.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx accepting and allocating the \$11,030 grant and the City's matching contribution of \$1,226 to purchase identified equipment.
- b. Amend, modify, or reject the above option.

### ROLL CALL VOTE

### 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 3-13 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

3. [Approve City Council minutes of October 7, 2003.](#)

D. Fansler, City Clerk

4. [Approve Warrant Registers: Nos. 43556 – 43672 \(10/17/03\) and 43673 – 43808 \(10/24/03\)](#)

M. Compton, Administrative Services Director

5. Receive and file Advisory Body Committee minutes as follows:  
[Housing Authority meeting of September 9, 2003](#)  
[Pioneer Museum Board meeting of September 11, 2003](#)
6. [Proclamation recognizing the November 16 – 30 as Fire Fighter Appreciation Week](#)
7. [Adopt Resolution No. 03-xx approving the annual claim for Transportation Development Act \(TDA\) funding for fiscal year 2004.](#) (The City must file an annual claim with the San Luis Obispo Council of Governments in order to receive its allocation of TDA funds. TDA funds may be used for either transit services or streets and roads. Funds represent ¼ of 1% of the sale tax collections statewide and are generally distributed back to local agencies based upon County situs and agency population. Other than transit fares, TDA is the only source of funding for the City's transit operations.)  
M. Compton, Administrative Services Director
8. [Adopt Resolution No. 03-xx accepting the Easement Grant Deed for installation and maintenance of drainage structures on a portion of land at the southeast corner of South River Road and Navajo Avenue in the City of Paso Robles.](#) (Easement Grant Deed offered by Robert and Karen Cary and the Cary Family Trust. Reconstruction of the existing storm drain culvert at this location is a condition of development of Tract 2422.)  
R. Lata, Community Development Director
9. [Adopt Resolution No. 03-xx accepting the recordation of Parcel Map PR 03-0112, a two-lot residential subdivision located on the east side of Vine Street, south of Fein Avenue.](#) (Applicant: Mulholland Construction, Inc. The Planning Commission tentatively approved PR 03-0112 in July 2003. All conditions imposed by the Planning Commission have been satisfied.)  
R. Lata, Community Development Director
10. [Adopt Resolution No. 03-xx accepting the public improvements of Tract 2254-1 into the City's maintenance system.](#) (This subdivision is located along Silver Oak Drive, off of Beechwood Drive, south of Meadowlark Lane and east of Creston Road. Public improvements have been completed satisfactorily. A one-year Maintenance Bond will serve as warranty for the improvements installed.)  
R. Lata, Community Development Director
11. [Adopt Resolution No. 03-xx accepting an Irrevocable and Perpetual Offer of Dedication for road purposes related to the construction of a single-family residence at 1771 Union Road.](#) (Edward and Linda Steinbeck are constructing a shop building at the site of their residence. The City Engineer has requested the dedication of a 12-foot strip of land to the City for public road purposes to accommodate future improvements to Union Road.)  
R. Lata, Community Development Director
12. [Adopt Resolution No. 03-xx establishing the Bella Vista Estates Lift Station Reimbursement Agreement and authorize the Mayor to enter into an Agreement with Bella Vista Estates, LLC, to collect the reimbursable amounts on behalf of the developer.](#) (In accordance with Condition of Approval No. 9 of Tract 2223, a sewer lift station and appurtenances were constructed to provide sewer service to the subdivision. As the lift station provides sewer for other properties, the developer has requested that a reimbursement agreement be established so those other properties will pay their share of the costs.)  
R. Lata, Community Development Director

13. [Adopt Resolution No. 03-xx accepting the Carnegie Library disabled access improvements for maintenance by the City.](#) (Project was completed in September 2003. Adoption of this resolution allows for the project budget to be closed out. Any funds remaining can be allocated to other CDBG -funded projects.)  
R. Lata, Community Development Director

**ROLL CALL VOTE**

**DISCUSSION**

14. [Superior Court at 940 Spring Street](#)  
R. Lata, Community Development Director

Review plan for the new Superior Court facility at 940 Spring Street and acknowledge completion of the City's development review process in compliance with the executed Ground Lease. (At its October 14, 2003, meeting, the Planning Commission adopted a Mitigated Negative Declaration and Mitigation Monitoring Program and approved Planned Development 03-005 and Waiver 03-007 subject to compliance with standard and site-specific Conditions of Approval.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx acknowledging completion of the City's development review process in compliance with the executed Lease Agreement.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

15. [Modification of Standard Street Improvements – 95 West 12th Street \(Krijakin\)](#)  
R. Lata, Community Development Director

Consider approving a modification to the City Standard curb, gutter and sidewalk adjacent to a new residence constructed at 95 West 12th Street. (Owner Ralph Krijakin has made substantial improvements to the frontage of his property and has provided a transition to the existing paving, thereby avoiding impacts to native oak trees.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx approving the request for modification to City Street Standards to protect and preserve native oak trees on West 12th Street and finding that the applicant has made substantial street improvements thereby superceding the requirement for payment of in-lieu fees.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

16. [Landscape and Lighting District](#)

J. Deakin, Public Works Director

Consider adopting a Ballot Procedure for the fiscal year 2005 Landscape and Lighting District (L&LD) Assessment. (Of the 20 L&L sub-areas balloted in 2003 to increase fees, only 2 approved. Because the fee increase was not adopted--and 15 additional sub-areas require balloting to determine a fee increase--the City must anticipate revenue shortfall in the L&L enterprise. The Council ad hoc committee supports providing landscape services to improve sub-areas to their original condition provided the sub-areas approve a future fee increase.)

**OPTIONS:**

- a. Issue a ballot to the 33 deficit sub-areas in the Landscape and Lighting District with the condition that the City will fund landscape improvements to bring the deficit sub-areas back to their originally developed standard.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

17. [Union/46 Specific Plan Park Site Purchase](#)

M. Williamson, Assistant to the City Manager

Consider authorizing purchase of a 7-acre park site located in the Montebello housing tract project - Tract 2369. (Union/46 Specific Plan, adopted in 1989, established the requirement that a combined 17-acre school and park site be offered for purchase. It is unknown whether the School District will purchase a 10-acre site for a school. The City may purchase 7 acres at this time. Council approved Tract 2369 in 2000 with the condition that the sale of the park site is offered to the City in conjunction with recordation of Phase 3. Submittal of Phase 3 for recordation is expected in November 2003.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx authorizing the City Manager to execute a Purchase Agreement for 7 acres for a park site within the Union/46 Specific Plan Area and to enter into an Option Agreement for an additional 3 acres for an expanded park site in the event the School District does not acquire the adjacent 10-acre site for a school.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

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**18. [21st Street Reservoir](#)**

J. Deakin, Public Works Director

Consider rejecting a bid to replace the roof of the 21st Street Reservoir. (One bid from Cushman Contracting Corporation for \$3,787,000 was received, which significantly exceeds the \$1,400,000 adopted budget. Additionally, it has been determined there may be structural integrity issues with the Reservoir. Consequently, it is premature to repair the roof at this time.)

**OPTIONS:**

- a. **(1)** Adopt Resolution 03-xx rejecting the bid from Cushman Contracting Corporation to replace the roof at the 21st Street Reservoir.
  
  - (2)** Engage the services of (a) DIVE/CORR to perform underwater inspection of the reservoir for a not-to-exceed fee of \$2,500, and (b) Fugro Geotechnical to perform geotechnical investigative work for a not-to-exceed fee of \$20,000.
  
  - (3)** Direct staff to report back to Council with evaluation findings and rehabilitation options.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

**19. [Water Improvement Projects](#)**

J. Deakin, Public Works Director

Consider revising the Capital Improvement Program (CIP) budget for water facilities. (Analysis of the City's water production indicates changes are needed to provide for the next five year's demands.)

**OPTIONS:**

- a. **(1)** Adopt Resolution 03-xx approving revisions to the Water Capital Improvement Project budget as shown in the resolution attachment.
  
  - (2)** Authorize the City Manager to execute a professional services contract with Foresight Consulting for a not-to-exceed fee of \$10,000 to review and update water connection fees.
  
  - (3)** Direct staff to return to the City Council with recommended revisions to utility user rates and connection fees for consideration.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**20.** [Roof Repair to Federal Aviation Administration \(FAA\) Building](#)

J. Deakin, Public Works Director

Consider rejecting a proposal to repair the roof at the FAA Building. (One proposal was received from Quaglino Roofing for \$44,734; the adopted budget is \$20,000. More cost effective repair methods may be available.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx rejecting the bid received from Quaglino Roofing and directing staff to revise and reduce the scope of work and solicit new informal bid proposals for the FAA roof repair project.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

**21.** [Airport Capital Improvement Plan](#)

J. Deakin, Public Works Director

Consider forwarding the Airport Capital Improvement Program (ACIP) project list for 2004 to the Federal Aviation Administration (FAA). (The ACIP Project List, a 6-year plan, is updated annually for the FAA. The FAA uses the ACIP to determine grant funding. The Airport Advisory Committee endorsed the proposed 2004 ACIP update.)

**OPTIONS:**

- a. Approve the 2004 project list for the Airport Capital Improvement Program, as presented, and direct staff to forward it to the FAA.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

**22.** [Annual Development Impact Fee](#)

M. Compton, Administrative Services Director

Presentation of the annual development impact fee report for the fiscal year ended June 30, 2003.

**OPTIONS:**

- a. Receive and file.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**23. [Solid Waste Program – Regional Recycling Facility Agreement](#)**

J. Deakin, Public Works Director

Consider an agreement with North San Luis Obispo County Recycling, Inc. for recyclables processing and associated solid waste / recycling services. (The City and Paso Robles Waste Disposal [PRWD] partner to collect commercial and residential recyclable materials. Currently, PRWD ships collected recyclables to the Cold Canyon Landfill, near San Luis Obispo. San Luis Obispo County Recycling, Inc. has completed construction of a recyclables facility in Templeton and will open mid-November. The agreement provides franchise fee revenue.)

**OPTIONS:**

- a. Authorize the Mayor to execute the Agreement for Services with North San Luis Obispo Recycling, Inc. to provide commingled recyclables processing services to the City.
- b. Amend, modify or reject the above option.

**ROLL CALL VOTE**

**24. [Replacement Vehicles/Equipment](#)**

J. Deakin, Public Works Director

Consider approving the fiscal year 2004 vehicles/equipment list and authorize staff to solicit bids. (The Vehicle/Equipment Purchasing Procedures ad hoc committee recommends upgrades to a building maintenance van and parks maintenance truck, as well as adding a budget appropriation for a backhoe replacement. All other vehicles on the vehicle replacement list replace retiring vehicles with in-kind replacements.)

**OPTIONS:**

- a. Adopt Resolution No. 03-xx:
  - (1) Authorizing staff to solicit bids for annual replacement of City vehicle/equipment, including the two vehicle upgrades and water division backhoe;
  - (2) Transferring \$8,000 from Budget Account 112-310-5454-178 to Budget Account 112-310-5454-192; and
  - (3) Approving a new budget appropriation in the amount of \$61,000 to Budget Account 600-310-5454-165 from Water Operations Fund.
- b. Amend, modify or reject any of the above option.

**ROLL CALL VOTE**

**CITY MANAGER**

**25. [Schedule Date for Applicant Interviews/Appointments – Planning Commission](#)**

J. App, City Manager

Select date for conducting interviews and making appointments to fill vacancies on the Planning Commission. The application deadline is November 19<sup>th</sup> at 5:00 p.m.

**VOICE VOTE**

**CORRESPONDENCE – None**

**ADVISORY BODY COMMUNICATION - None**

**AD HOC COUNCIL BUSINESS**

**26. [Ad Hoc Committee - Security Vulnerability Assessment of City Water System](#)**

J. Deakin, Public Works Director

Consider appointing two Councilmembers to an ad hoc committee to interview water system Security Vulnerability Assessment consultants. (In accordance with the Bioterrorism Response Act of 2002, the City is required to prepare a Security Vulnerability Assessment of the City's water system. The Assessment must comply with Federal Environmental Protection Agency requirements. Requests for Proposals [RFP] were issued to 12 firms, with 6 responding. Interviews of the two top firms are tentatively scheduled for Thursday, November 13th, from 2:00 – 4:30 p.m.)

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to interview the two top firms responding to the Security Vulnerability Assessment RFP, reporting back to the full Council by December 16, 2003.
- b. Amend, modify or reject any of the above option.

**VOICE VOTE**

**27. [Ad Hoc Committee – Barney Schwartz Park Concession Stand Proposal](#)**

B. Partridge, Library & Recreation Services Director

Consider appointing two Councilmembers to an ad hoc committee to review proposal, or consider other options, for concession operations at Barney Schwartz Park.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to review proposal, or consider other options, for concession operations at Barney Schwartz Park, reporting back to the full Council by December 2, 2003.
- b. Amend, modify or reject any of the above option.

**VOICE VOTE**

**COUNCIL COMMENTS**

**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 Real Property Negotiator – Property Acquisition**

Government Code Section 54956.8

Property: 101 Creston Road, Paso Robles (APN 009-401-018)

Parties: Owner/Negotiator Walter N. and Donna L. Heer

City Negotiator: James L. App, City Manager

Under negotiation: Price and terms of payment

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

Subdivision (c) of Government Code Section 54956.9

Initiation of Litigation

Number of cases: Four

**b. Pursuant to Government Code Section 54956.9(a) – Existing Litigation**

Conference with Legal Counsel

Case Name: MCM Construction v. City of Paso Robles

Office of Administrative Hearings Case No. A-0004-03

**ADJOURNMENT:** to THE AIRPORT MASTER PLAN & LAND USE PLAN PUBLIC WORKSHOP AT 7:00 PM ON WEDNESDAY, NOVEMBER 5, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET; AND TO THE REGULAR CITY COUNCIL MEETING AT 7:30 PM ON TUESDAY, NOVEMBER 18, 2003, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT REGULAR COUNCIL MEETING IS NOVEMBER 7, 2003***