

# CITY COUNCIL AGENDA

Tuesday, December 7, 2004 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 FILL OUT A SPEAKER INFORMATION CARD. 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.

## SEATING OF NEW COUNCIL

1. [Results of Consolidated General Election – November 2, 2004](#)

D. Fansler, City Clerk

Adopt Resolution No. 04-260 reciting the facts of the Consolidated General Election held on November 2, 2004, declaring the result and such other matters as provided by law.

D. Fansler, City Clerk

**ROLL CALL VOTE**

2. [Oaths of Office – Newly Elected Mayor and Councilmembers](#)

S. Ryan, Deputy City Clerk

Administer Oaths of Office to Mayor Frank Mecham and Councilmembers Gary Nemeth and Fred Strong.

## RECESS

3. [Selection of Mayor Pro Tem, Redevelopment Agency Chairman, and Redevelopment Agency Vice Chairman](#)

F. Mecham, Mayor

Consider the selection of a Mayor Pro Tem, Redevelopment Agency Chairman, and Redevelopment Agency Vice Chairman.

**ROLL CALL VOTE**

4. [Appointment of Members to Council Liaison and Ad Hoc Committees](#)

F. Mecham, Mayor

Approve appointment of members for Council liaison and open ad hoc committees.

**VOICE VOTE**

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

## PRESENTATIONS

5. [Recognition - Howard McMasters](#)

F. Mecham, Mayor

Recipient of the *Marvin M. Lewis Scouting Award 2004* for 53 years of exemplary commitment in promoting the objectives of the Boy Scouts of America.

6. [Recognition - Edna Debardelaben](#)

F. Mecham, Mayor

Recipient of the National *Daily Point of Light Award*, November 18, 2004, honoring her commitment to the community through volunteer service.

## PUBLIC HEARINGS

7. [2004 Housing Element \(Amendment to the 2003 Housing Element\)](#)

R. Lata, Community Development Director

Consider an amendment to the Housing Element to address concerns of the State Department of Housing, and Community Development (HCD). (Policy changes are summarized in the staff report. Amendments that affect dwelling accessibility for the disabled and seasonal farm worker housing are necessary to implement changes in State Law.)  
CONTINUED FROM NOVEMBER 16, 2004

**OPTIONS:**

- a. **(1)** Adopt Resolution No. 04-xx approving a Negative Declaration for the 2004 Housing Element; and
  - (2) Adopt Resolution No. 04-xx approving the 2004 Housing Element, incorporating HCD's recommended change for Action Item No. 9 under Policy H-1B to schedule the Zoning Code amendment for seasonal farm worker housing for fiscal year 2005-2006.
- 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 8 - 18 ARE APPROVED BY THE VOTE THAT APPROVES THE CONSENT CALENDAR, UNLESS AN ITEM IS PULLED FOR SEPARATE CONSIDERATION.

8. [Approve City Council minutes of November 16, 2004](#)

D. Fansler, City Clerk

9. [Approve Warrant Register: Nos. 51489 – 51656 \(11/12/04\) and 51657 – 51813 \(11/19/04\)](#)

M. Compton, Administrative Services Director

10. Receive and file Advisory Body Committee minutes as follows:  
Library Board of Trustees meeting of [October 14](#) and [18](#), 2004  
[Parks & Recreation Advisory Committee meeting of October 12, 2004](#)  
[Pioneer Museum Board meeting of October 14, 2004](#)  
[Senior Citizen Advisory Committee meeting of October 11, 2004](#)  
[Youth Commission meeting of October 6, 2004](#)
11. Read, by title only, and adopt Ordinance No. XXX N.S. amending various sections of the City's sign ordinance (Code Amendment 02-007). 1ST READING NOVEMBER 16, 2004  
R. Lata, Community Development Director
12. Receive and file Annual Development Impact Fee Report for fiscal year ended June 30, 2004.  
M. Compton, Administrative Services Director
13. Adopt Resolution No. 04-xx waiving the building permit and plan review fees for the Eagle Scout Project located at St. Rose Church and School in the amount of \$360.36. (Applicant Matthew Kudija's project entails constructing a 260-square foot storage facility at the school. The plan review for this facility was performed by City staff and no contract costs were incurred.)  
R. Lata, Community Development Director
14. Adopt Resolution No. 04-xx accepting a variable width Easement Grant Deed from Oak Knoll Ranch, LLC for a drainage and public utility easement located across Lot 10 of Tract 2457. (Property is located near the intersection of River Oaks Drive and North River Road.)  
R. Lata, Community Development Director
15. Adopt Resolution No. 04-xx accepting a 15-foot wide Grant of Easement from the Goldstein Family Trust for a Public Utility Easement located along the west side of Theatre Drive. (This easement is necessary to satisfy conditions of approval of PD 95-009 [development of the PETCO store] and complete construction of the widening of Theatre Drive.)  
R. Lata, Community Development Director
16. Adopt Resolution No. 04-xx accepting the Irrevocable and Perpetual Offer of Dedication for public road purposes adjacent to the west side of Theatre Drive, south of Gahan Place, in relation to the development of the PETCO store, Planned Development 95-009. (The applicants [Goldstein Family Trust] have requested occupancy of the PETCO store located at 2051 Theatre Drive. This Offer of Dedication of public right-of-way is necessary to satisfy the conditions of approval of the development and complete construction of the widening of Theatre Drive.)  
R. Lata, Community Development Director
17. Adopt Resolution No. 04-xx accepting the recordation of Tracts 2457-3 and 2457-4 and approving the Subdivision Improvement Agreement and authorizing deferred construction of the subdivision improvements within a one-year period; and adopt Resolution No. 04-xx annexing Tracts 2457-3 and 2457-4 into the Landscape & Lighting District. (Tract 2457-3 is a 65-lot subdivision of a 12.6-acre site and Tract 2457-4 is a 67-lot subdivision of a 14.3-acre site, located on Clubhouse Drive, north of River Oaks Drive.)  
R. Lata, Community Development Director

18. [Adopt Resolution No. 04-xx \(1\) approving a budget appropriation in the amount of \\$80,000 from the Vehicle Replacement Fund; \(2\) approving a budget appropriation in the amount of \\$14,300 from the Sewer Operations Fund; and \(3\) declaring unit #519 as surplus and authorizing its sale for salvage value.](#) (Unit No. 709 is a 1989 Case loader used in the streets division that was purchased used and is scheduled for replacement in FY 2008. Unit No. 519 is a 1995 Case tractor used at the wastewater plant and is in need of approximately \$17,000 in repairs. Staff recommends that Unit No. 519 be declared surplus and sold for its salvage value; that Unit No. 709 be transferred to the Wastewater Division; and that Unit No. 519 be replaced with a unit similar to No. 709.)  
M. Compton, Administrative Services Director

**ROLL CALL VOTE**

**DISCUSSION**

19. [Children's Museum](#)  
M. Williamson, Interim Public Works Director

Consider the exterior design revisions proposed by the Children's Museum Board for the old Fire Station No. 1 on 13<sup>th</sup> Street. (The completion and submittal of floor plans, exterior remodel, and site use is one of the conditions of the Museum's Lease Option Agreement.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx approving the building and site plan modifications to the old Fire Station No. 1 as proposed by the Children's Museum Board.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

20. [Annual Transit Report for Fiscal Year Ended June 30, 2004](#)  
M. Compton, Administrative Services Director

Presentation of Annual Transit Report for fiscal year ended June 30, 2004. (The Annual Transit Report includes fare revenues, operating expenses and ridership statistics for all City transit services—Fixed-route and Dial-a-Ride. The City operates two types of transit services: demand response, commonly referred to as Dial-a-Ride [DAR], and a fixed route system called Paso Robles City Area Transit System [CATS]. Transit operations are funded from Transportation Development Act [TDA] funds, Federal Transportation Administration 5307 funds, and fares. TDA funding is derived from ¼ of 1% of the sales tax rate, distributed on a population basis.)

**OPTIONS:**

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

**VOICE VOTE**

**21. [Presentation of North County Transit Study](#)**

M. Compton, Administrative Services Director

San Luis Obispo Council of Governments (SLOCOG) presentation of the North County Transit Study, fiscal years 2005-06 to 2014-15. (This is a presentation only. No formal action is expected from Council at this time.)

**OPTIONS:**

- a. Defer taking action on any specific recommendation until the study has been presented to the Atascadero City Council in January 2005.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**22. [Library/City Hall Sulfur Spring – Environmental Review](#)**

M. Williamson, Interim Public Works Director

Consider amending an existing contract with Boyle Engineering to complete State and Federal environmental review of the sulfur spring. (The environmental assessment will evaluate repair options discussed with the Office of Emergency Services and FEMA and result in a final recommendation that will comply with State regulatory requirements and FEMA regulations.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx amending the contract for Boyle Engineering in an amount of \$86,300.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**23. [Earthquake Recovery – Federal Reimbursement Process Assistance](#)**

M. Williamson, Interim Public Works Director

Consider appropriating additional funds to continue professional assistance with the earthquake-related Federal reimbursement process. (The Library/City Hall sulfur spring repair and the Carnegie Library involve millions of dollars and many years of FEMA/OES interface. Given the complexity of these larger projects, and the time commitment in dealing with FEMA and estimated cost, it is advantageous to continue to engage outside assistance.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx approving a budget appropriation of \$100,000 to extend earthquake recovery related services under an existing consultant contract with Kermani Consulting Group.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**24.** [Retention of FSB Energy and Geothermal Surveys, Inc. to Perform Services Associated with Geo-Thermal Resource Grant](#)

M. Williamson, Interim Public Works Director

Consider contracting with FSB Energy and Geothermal Surveys, Inc. for project management and professional/technical services associated with a grant to conduct a resource assessment and feasible use study of geo-thermal resources with the City. (In March 2004, Council authorized application for grant monies from the California Energy Commission [CEC] for the purpose of locating, inventorying, and establishing feasible uses of the geo-thermal resources within the City.)

**OPTIONS:**

- a. Adopt Resolution No. 04-xx authorizing the City Manager to (1) enter into a contract with FSB Energy in the amount of \$25,680 plus \$326 in reimbursable expenses to provide project management and project support services; (2) enter into a contract with Geothermal Surveys, Inc. (GSI) in an amount not to exceed \$115,100 to provide field investigation and professional services associated with completing a resource assessment and feasible use study of the geo-thermal resources within the City of Paso Robles; and (3) allocate \$162,800 from General Fund reserves to implement the grant, of which \$145,500 will be reimbursed from the State.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**25.** [Niblick Road Corridor Signal Synchronization – First Street to Creston Road](#)

M. Williamson, Interim Public Works Director

Consider awarding a contract to inter-connect eight signals along the Niblick Road corridor from First Street to Creston Road. (With the addition of traffic lanes and two new signals on Niblick Road, the traffic pattern within this corridor has changed. Synchronization of the signals will optimize the cycle lengths for peak traffic flow periods.)

**OPTIONS:**

- a. Authorize the City Manager to engage the services of TPG Consulting to perform signal synchronization of eight signals along Niblick Road from First Street to Creston Road for \$15,200.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**26.** [Nacimiento Water Project – Design Phase Funding](#)

J. App, City Manager

Consider options for funding Nacimiento Water pre-construction project costs.

**OPTIONS:**

- a. Authorize interim (next 6-9 months) payments from Water Operations Fund for design phase costs as presented in the cash flow projection (attached), and development of an interim financing (bond) option.
- b. Amend, modify, or reject the foregoing option.

**ROLL CALL VOTE**

**CITY MANAGER** - None

**CORRESPONDENCE** - None

**ADVISORY BODY COMMUNICATION** - None

**AD HOC COUNCIL BUSINESS**

**27.** [Water Well Policy - Ad Hoc Committee Formation](#)

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to assist in the preparation of policies related to private water well use.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to assist in the preparation of policies related to private water well use, and report back to the full Council by June 1, 2005.
- b. Amend, modify, or reject any of the above option.

**VOICE VOTE**

**28.** [Budget Preparation - Ad Hoc Committee Formation](#)

M. Compton, Administrative Services Director

Consider appointing an ad hoc committee to assist in the preparation of the 2-year Budget/ 4-year Financial Plan for fiscal years 2006 to 2009.

**OPTIONS:**

- a. Appoint a two-member ad hoc committee to assist with the development and preparation of the 2-year Budget / 4-year Financial Plan for fiscal years 2006-2009, and report back to the full Council by July 1, 2005.
- 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 item only.

**CLOSED SESSION**

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

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

Subdivision (b) of Government Code Section 54956.9

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

Number of cases: One

**ADJOURNMENT:** to THE CITY HOLIDAY PARTY AT 6:00 PM ON FRIDAY, DECEMBER 10, 2004, AT THE PASO ROBLES INN, 1103 SPRING STREET; TO THE VICTORIAN VINE STREET EVENT AT 6:00 PM ON SATURDAY DECEMBER 11, 2004; AND TO THE REGULAR MEETING AT 7:30 PM ON TUESDAY, DECEMBER 21 2004, AT THE LIBRARY/CITY HALL CONFERENCE CENTER, 1000 SPRING STREET.

All persons desiring to speak on an agenda item are asked to fill out **Speaker Information Cards** and place them at the Staff Table prior to public discussion of that item. Each individual speaker will be limited to a presentation total of three (3) minutes per item.

**AMERICANS WITH DISABILITIES ACT** Any individual, who because of a disability needs 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 four (4) working days in advance of the meeting.

***THE DEADLINE FOR SUBMITTING ITEMS FOR THE NEXT  
REGULAR COUNCIL MEETING IS DECEMBER 10, 2004***