

TO: James L. App, City Manager  
FROM: Doug Monn, Public Works Director  
SUBJECT: Integrated Regional Water Management Program  
DATE: February 5, 2013

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NEEDS: For City Council to consider adopting the updated Integrated Regional Water Management Program.

FACTS:

- 1) In 2005, the San Luis Obispo County Flood Control and Water Conservation District (District), in cooperation with the County Water Resources Advisory Committee, developed an IRWM Plan for the County (The Plan). The Plan is a high level conceptual document that includes many specific projects developed and lead by local cities and water agencies.
- 2) The IRWM Plan includes strategies, plans, and projects addressing:
  - Water Quality;
  - Water Supply;
  - Flood Management;
  - Ecosystem Preservation and Restoration;
  - Groundwater Monitoring and Management.
- 3) The City has historically supported the IRWM planning process. The City Council passed a motion on October 18, 2005, endorsing the 2005 IRWM Plan (meeting minutes attached).
- 4) The District updated the Plan in 2007 and has begun another plan update to comply with state requirements.
- 5) As a signatory to the IRWM Plan, the City may apply for the State of California's Integrated Regional Water Management (IRWM) Grant Program, which promotes regional water management projects to ensure reliable and sustainable water supplies, better water quality, environmental stewardship, and strong local economies for Paso Robles, a water treatment plant could be an eligible project).
- 6) The District, as the region's lead IRWM agency, is now assembling the region's Prop 84 Round 2 grant funding application, due to DWR on March 29, 2013.

Analysis &  
Conclusion:

The IRWM Plan includes sustainable water resources management objectives and projects beneficial to the region's and the City's interest. The District, with help from local agencies, developed a revised IRWM Memorandum of Understanding

(attached). By signing the MOU, cities and agencies commit to adopt (endorse) the region's IRWM plan and become active participants in developing and implementing the Plan. Participation by the City in the IRWM process is voluntary and non-binding, e.g., the City is not committing to implement specific plans or projects. In addition, the City may opt-out of the MOU at any time.

There are several benefits to becoming a signatory to the MOU. Signatories may designate a representative to participate on the Regional Water Management Group (RWMG) that oversees development and implementation of the Region's IRWM Plan. The RWMG also selects the specific projects included in the County's future grant applications to DWR.

In 2012, the City submitted a request for a Prop 84 Round 2 grant for partial funding of the City's planned water treatment plant. The County's Round 2 application totals \$7.5 million and includes a \$2,129,800 grant request for the City's Nacimiento water treatment plant project (17.7% of the total estimated project cost). A grant award could enable the City to expedite construction of the plant. The grant application has been approved by the County Board of Supervisors. A requirement of DWR Prop 84 grant recipients is to adopt (endorse) the region's 2013 IRWM plan.

In summary, by becoming a signatory to the MOU, the City will enhance the potential for Proposition 84 Grant funding for the Nacimiento Water Treatment Plant and future water resources projects. In addition, the City will be able to participate in future IRWM planning, implementation, and grant application decisions.

POLICY  
REFERENCE: City Council Minutes of October 18, 2005.

FISCAL  
IMPACT: If successful, the County's Prop 84 grant application could provide significant state funding (up to \$2.1 million) for the Nacimiento Water Treatment Plant and future water resources projects benefitting the City and local region.

OPTIONS:  
a. Adopt a resolution authorizing the City Manager to sign the Integrated Regional Water Management Program Participants Memorandum of Understanding.  
b. Amend, modify, or reject the above option.

Attachments: Integrated Regional Water Management Program Participants Memorandum of Understanding  
Meeting minutes from October 18, 2005 City Council meeting  
Resolution No. 13-XXX

**San Luis Obispo County Region**  
 Integrated Regional Water Management Program Participants  
**Memorandum of Understanding**

The undersigned agencies and organizations hereby agree as follows:

## 1. BACKGROUND

The State of California has established an Integrated Regional Water Management (IRWM) planning and grant program pursuant to the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Public Resource Code (PRC) Section 75001 et seq., also known as Proposition 84). This program is anticipated to be perpetuated and/or modified by future Bond acts. The IRWM program provides guidance for collaborative efforts to manage all aspects of water resources in a region by crossing jurisdictional, watershed, and political boundaries to involve multiple agencies, stakeholders, individuals, and groups in order to address issues and differing perspectives of all entities involved through mutually beneficial solutions. Regions that develop IRWM plans in accordance with the guidelines are eligible for certain water resources grant funding opportunities.

In accordance with PRC Section 75001 (et seq.) and State IRWM Program guidelines, a Memorandum of Understanding (MOU) (dated 2009), signed by eleven agencies within San Luis Obispo County, established a Regional Water Management Group (RWMG) for the San Luis Obispo County IRWM Region, and the San Luis Obispo County IRWM Region was officially accepted by the State in May 2009.

The San Luis Obispo County IRWM Region water resources stakeholders have determined the need to update the IRWM MOU in order to meet new State IRWM guidelines, to clarify the governance structure for IRWM planning in the San Luis Obispo County IRWM Region, and encourage broader participation. This MOU, in conjunction with the current IRWM Plan, sets forth the San Luis Obispo County IRWM Region's governance structure thereby allowing members and other stakeholders to understand how to participate in the IRWM Plan development and implementation.

## 2. PURPOSE, GOALS, AND APPROACH

**2.1 Purpose.** The purpose of this MEMORANDUM OF UNDERSTANDING (MOU) is to establish the mutual understandings among the San Luis Obispo County Region participants with respect to their joint efforts to develop and implement an Integrated Regional Water Management (IRWM) Plan for the San Luis Obispo County Region, including the definition of common IRWM terms, roles and responsibilities of IRWM Program Participants, and decision-making processes.

**2.2 Goals.** The goal of the IRWM program is to provide a reliable, long-term, and high-quality water supply, and to establish a unified vision among the participants' goals for water quality improvement, ecosystem preservation, water supply protection and enhancement, ground water management and flood management, in the context of social justice and climate change adaptation, while protecting the environment. The adopted IRWM plan will identify major water-related goals, objectives and conflicts within the region, consider a broad variety of water management strategies, identify the appropriate mix of water demand and supply management alternatives, water quality protections, flood management strategies, and environmental stewardship actions.

**2.3 Approach.** The San Luis Obispo County Region participants are specifying their shared intent to coordinate and collaborate on water management issues, giving consideration to disadvantaged communities and Native American tribes and their water related needs. In order to

enhance participation of stakeholders, it will be necessary to work at a sub-regional level to better understand the water resources needs and priorities throughout the region. When applying for grants, the San Luis Obispo County Region will strive to distribute the grant funding request fairly across the geographic region. The goal is to distribute awarded funding from each grant cycle equally across the sub-regions (i.e. one quarter of the overall funding to benefit each of the three sub-regions' projects/programs and one quarter of the overall funding to benefit regional projects/programs), to the extent feasible.

### 3. DEFINITIONS

**3.1 Integrated Regional Water Management Plan (Plan).** A comprehensive plan for a defined geographic area which shall satisfy the requirements of California's IRWM Program.

**3.2 San Luis Obispo County Region (Region).** The geographic area of San Luis Obispo County, which is coterminous with the San Luis Obispo County Flood Control and Water Conservation District (District) boundary.

**3.3 Local Agency.** Any city, county, city and county, special district, joint powers authority, or other political subdivision of the state, a public utility as defined in Section 216 of the Public Utilities Code, or a mutual water company as defined in Section 2725 of the Public Utilities Code.

**3.4 Program Participants.** Development and implementation of the Region's Plan is a collaborative effort undertaken by the Region's participants, as further discussed in Section 4. The effort is being led by the District, in partnership with the Regional Water Management Group, Water Resources Advisory Committee, Implementation Affiliates, and Interested Stakeholders. Only regional projects and programs to be implemented by those agencies which have adopted the Plan will be eligible for grant applications. The Region categorizes IRWM Program Participants into the following:

3.4.1 Regional Water Management Group (RWMG). A group in which three or more local agencies, at least two of which have statutory authority over water supply or water management, as well as those other persons who may be necessary for the development and implementation of the Plan, participate by means of this memorandum of understanding, in accordance with requirements of the California Water Code (CWC § 10539). The Region's RWMG members are signatories to this MOU, have adopted the current Plan, and may designate a representative to participate in RWMG activities and its Working Group. The entities must be either a Local Agency or an IRS 501(c)(3) nonprofit organization. The RWMG has the capacity to carry out projects (i.e. financial resources, management structure, adequate staffing). The agencies/organizations that form the RWMG may have planning or implementation projects eligible for State IRWM grants.

3.4.2 Water Resources Advisory Committee (WRAC). This is the committee comprised of water purveyor, resource conservation district, environmental and agricultural, and other water resources representatives that was originally established in the 1940s to advise the District Board of Supervisors on water resource issues. The WRAC is a Brown Act committee that meets monthly, with the exception of July and August. Many participants are actively engaged in issues relevant to Plan development and implementation, and will represent important stakeholder groups throughout the program.

3.4.3 RWMG Working Group (Working Group). The Working Group will involve representatives from the RWMG who have technical expertise and are able to work on the details associated with IRWM efforts. The Working Group will engage stakeholders at a sub-regional level in order to better understand the specific water resources needs and priorities of that sub-region.

3.4.4 **Implementation Affiliates.** These entities will adopt the Plan by resolution, but would not be signatories of the MOU. The entities must be either a Local Agency or an IRS 501(c)(3) nonprofit organization. The Implementation Affiliates have the capacity to carry out projects (i.e. financial resources, management structure, adequate staffing). In order to have a planning or implementation project eligible for State IRWM grants, agencies must be an Implementation Affiliate if they are not a part of the RWMG.

3.4.5 **Interested Stakeholders.** These individuals, organizations, and nonprofits (including those that are not IRS 501(c)(3) nonprofit organizations) who are interested in the IRWM program. The Interested Stakeholders may sign a letter of support for the Plan, or otherwise provide input to the RWMG, but would not be eligible for directly receiving State IRWM grant funds.

**3.5 Sub-regions.** The Region's IRWM program seeks to engage stakeholders and understand the water resources needs of the Region. To adequately ensure this balanced access and opportunity for participation in the IRWM program, the RWMG will utilize a sub-regional geographic structure, allowing more focused planning and local outreach efforts that are later brought into the context of the overall IRWM Region. These sub-regions have been deliberately defined in terms of logical planning and watershed/ hydrogeologic unit boundaries. These "sub-regions" include the North Coast, North County, and South County (see Attachment 1).

**3.6 Regional Projects or Programs.** Projects or programs to be implemented by the RWMG and/or Implementation Affiliates are identified in the Plan and are based upon the State's IRWM Guidelines under which the current Plan was adopted, which includes but is not limited to: reducing water demand through agricultural and urban water use efficiency, increasing water supplies for any beneficial use, improving operational efficiency and water supply reliability, improving water quality, improving resource stewardship, and improving flood management.

**3.7 Integration.** Assembling into one document the water-related management strategies, projects, programs, and plans of the Region. The development and implementation of the Plan should demonstrate the RWMG is forming, coordinating and integrating separate efforts in order to function as a unified effort in a collaborative manner that balances interests and engages a variety of stakeholders and seeks to efficiently integrate regional resources. The Plan development will identify water management strategies for the Region and the priority projects and programs that demonstrate how these strategies work together to meet goals identified in Section 2. It will also identify regional benefits of linkages between projects and plans that address different primary water-related objectives (for example, identifying regional benefits of linkages between a water supply project and a flood management project in the same watershed).

#### **4. IRWM PROGRAM PARTICIPANTS**

**4.1 Program Participant Structure.** Elements of the Plan will be developed and implemented by the Program Participants. The RWMG, including the District as the Lead Agency, and the Implementation Affiliates are responsible for Plan development and implementation.

**4.2 Plan Development and Implementation.** The Region's Plan that was adopted by the District, developed in coordination with and approved by stakeholders in 2005, and updated in 2007, will be the basis for subsequent adopted Plans for the Region. The Working Group will propose changes to the previous versions of the Plan to comply with new State guidelines and incorporate new information and projects. Since a key element of the IRWM Program is integration, the RWMG will work with Program Participants to identify water management strategies for the Region and sub-regions and the priority projects that demonstrate how these strategies work together to meet the purpose and goals in Section 2. How each Program

Participant contributes and participates in Plan development and implementation is described below:

4.2.1 Lead Agency. The District will act as the lead agency for Plan development, will execute this MOU, and will adopt the Plan in accordance with 4.3 and 4.4 below. The District will ultimately be responsible for the final production of the Region's Plan, hiring consultant(s) to develop the Plan, and presentations to stakeholders, submittal of IRWM grant applications, and execution and administration of grant agreements with the State. As the Lead Agency, the District will execute and administer agreements with RWMG members and Implementation Affiliates responsible for the implementation of projects that are awarded grants, including data collection relevant to grant agreements, project reporting, etc. Efforts described in Section 4.2.1 are subject to the availability of funding.

4.2.2 RWMG. Members will execute this MOU and adopt the Plan in accordance with 4.3 and 4.4 below. RWMG members will designate a representative with clear authority to represent the agency or organization, provide expertise, provide information in a timely manner, participate in meetings, review and approve technical documents as needed, and will provide the District with their designated representative's contact information. This representative will be eligible to participate on the Working Group. All RWMG members, whether or not their representative is participating in the Working Group, hereby agree to provide information sufficient to meet State guidelines for their regional projects and programs to be included in the Plan and participate in the review of the Plan. RWMG members will consider integrating projects and programs with other agencies when possible, especially with disadvantaged communities and Native American tribes, in accordance with State IRWM Guidelines. RWMG members responsible for the implementation of regional projects and programs awarded grant funding will be responsible, through contract with the District, for complying with the provisions of the District's grant agreement with the State. The RWMG will provide updates to the WRAC and seek WRAC support of recommendations at key decision points.

4.2.3 WRAC. The WRAC will provide a forum for public meetings/ workshops related to Plan development and implementation at key decision points. The WRAC will review and comment on the RWMG recommendations to the District's Board of Supervisors at key decision points.

4.2.4 Working Group. Representatives of the Working Group will be designated by the RWMG member and will have clear authority to represent the agency or organization, provide expertise, provide information in a timely manner, participate in meetings, review and approve technical documents as needed, and will provide the District with their designated representative's contact information. The District will provide materials with sufficient lead time for RWMG member and Working Group engagement. The Working Group will develop information, draft documents and recommendations pertaining to the Plan update consistent with current State IRWM Guidelines during Plan development. Efforts are anticipated to include stakeholder outreach, collection and incorporation of updated data, etc. The Working Group will develop information and recommendations for IRWM program planning and implementation, stakeholder outreach, and pursuit of funding opportunities. All RWMG members will participate in the process to select the Region's IRWM projects and programs for grant applications by way of the Working Group, who will conduct project/program solicitations and evaluations, and will make recommendations on grant funding allocations. The Working Group will need to conduct sub-regional public meetings during Plan development and implementation to facilitate stakeholder participation.

4.2.5 Implementation Affiliates. Implementation Affiliates shall adopt the Plan in accordance with Section 4.3. Implementation Affiliates will designate a representative with clear authority to represent the agency or organization, provide expertise, provide information in a timely manner, participate in meetings, review and approve technical documents as needed, and will provide the District with their designated representative's contact information. All

Implementation Affiliates will provide information sufficient to meet State guidelines for their regional projects and programs to be included in the Plan and participate in the review of the Plan and for implementation activities, such as project status updates, project reporting, data collection, etc. Implementation Affiliates will consider integrating projects and programs with neighboring agencies when possible, especially with disadvantaged communities and Native American tribes, in accordance with State IRWM Guidelines. Implementation Affiliates responsible for the implementation of regional projects and programs awarded grant funding will be responsible, through contract with the District, for complying with the provisions of the District's grant agreement with the State.

4.2.6 Interested Stakeholders. Interested Stakeholders may participate in the Plan development and implementation process by way of participation at WRAC and/or RWMG meetings. Interested Stakeholders that are not WRAC members will be notified when an IRWM program item will be reviewed by the WRAC if they request inclusion on the IRWM contact list (Section 5.6). Sub-regional meetings will be required to ensure Interested Stakeholders, including disadvantaged communities, who may not necessarily be able to attend WRAC meetings, can participate in Plan development and implementation.

**4.3 IRWM Plan Adoption.** Plan approval and adoption will be required of the governing bodies of RWMG members and Implementation Affiliates. Plan updates to meet new State guidelines, add new RWMG Members, add or remove and evaluate regional projects and programs, or other updates to information do not require Plan re-adoption. Significant changes to the Plan, including revised goals and objectives, revised methodologies (such as methodology for evaluating, ranking, and prioritizing projects and programs), revised regional boundaries, or other changes deemed significant by the RWMG and the Lead Agency, will require Plan re-adoption via the decision-making process described in Section 4.5.

**4.4 Personnel and Financial Resources.** It is expected that Program Participants will contribute the resources necessary to fulfill the responsibilities listed within Section 4 of this MOU. Program Participants that receive implementation grant funding, shall contribute a proportionate share of non-project costs associated with the grant agreement, based on awarded implementation funding (for example, contributing toward the cost of updating the Plan, should that be a condition of grant award)..

**4.5 Decision Making.** The RWMG shall develop IRWM program materials and will make recommendations to the Lead Agency at key decision points of the IRWM program. Written input will be sought between the representatives of RWMG members in the event the need for a decision arises that cannot be brought forth to the RWMG before a decision needs to be made. The District, by way of its Public Works Department, shall notify the RWMG agencies of recommendations being taken to the District's Board of Supervisors for action. The District's Board of Supervisors may approve, alter, or return any said recommendation of the RWMG. Furthermore, if the District's Board of Supervisors intends to alter an item or proposition approved by the RWMG, the District's Board of Supervisors shall set forth in writing its findings, after which the Board will hold a public hearing. The RWMG agencies shall have the right to appear and address the District's Board of Supervisors.

## 5. MUTUAL UNDERSTANDINGS

### 5.1 Need for the Region's IRWM Plan

5.1.1 To improve communication and cooperation between public and private agencies and minimize conflict-generated solutions.

5.1.2 To enhance our existing water management efforts by increasing stakeholder awareness of important issues, providing more opportunities for collaborative efforts and improving efficiencies in government and water management.

5.1.3 To qualify for state grants and other funding opportunities only available to those regions which have developed IRWM plans.

**5.2 Subject matter scope of the IRWM Plan.** The Plan focuses on water supply, water quality protection and improvement, ecosystem preservation and restoration, groundwater monitoring and management, and flood management as these are the most prevalent water resource issues facing the Region.

**5.3 Geographical scope of the IRWM Program.** The Region for this memorandum is coterminous with the boundary of San Luis Obispo County. This is an appropriate geographic region for integrated regional water management planning because it encompasses all aspects of water management generally within the same physical, political, environmental, social, and economic boundaries. The Region may engage stakeholders within the three sub-regions in order to better understand the specific water resources needs and priorities of that sub-region, which would then be incorporated into the context of the greater IRWM Region planning and implementation.

The Region is bordered by the Greater Monterey County IRWM region to the north, the Santa Barbara County and Watersheds Coalition of Ventura County IRWM regions to the south, and the Kern County IRWM region to the east.

Water resources issues that overlap neighboring regional boundaries are either covered by existing cooperative water management plans (i.e. Nacitone Watershed Management Plan), adjudication (i.e. Santa Maria Groundwater Basin), and operational agreements (i.e. Nacimiento Reservoir), or have no defining water resource management issue. All of these items are to be included in the Region's Plan consistent with the plans of neighboring regions. The RWMG will continue to coordinate with neighboring regions to address additional water resources issues and possible integrated water management strategies in our respective IRWM plans.

**5.4 Non-binding nature.** This document and participation in the IRWM program efforts are nonbinding, and in no way suggest that a RWMG member or Implementation Affiliate may not continue its own planning and undertake efforts to secure project funding from any source. An agency/ organization may withdraw from participation in accordance with Section 5.7.

**5.5 Other on-going regional efforts.** Development of the Plan is separate from efforts of other organizations to develop water-related plans on a regional basis. As the Plan is developed, work products can be shared with these separate efforts to provide them with current information.

**5.6 Reports and communications.** The WRAC, an IRWM contact list, and the District's website will serve as the forum for updates and correspondence relating to the IRWM program and Plan development.

**5.7 Termination.** Because the Plan will require periodic review and updating for use into the future, it is envisioned that the joint efforts of those involved will be ongoing in maintaining a living document. Thus this MOU will remain as a reflection of the understandings of the RWMG Members. As indicated, parties to this MOU may terminate their involvement at any time, but must provide all RWMG agencies with 30 days' advance notice of intent to terminate.

**5.8 Superseded Prior MOU.** This MOU supersedes the MOU dated April 21, 2009 (2009 MOU).

**5.9 Counterparts.** This MOU may be executed in counterparts and has the same force and effect as if all the signatures were obtained in one document.

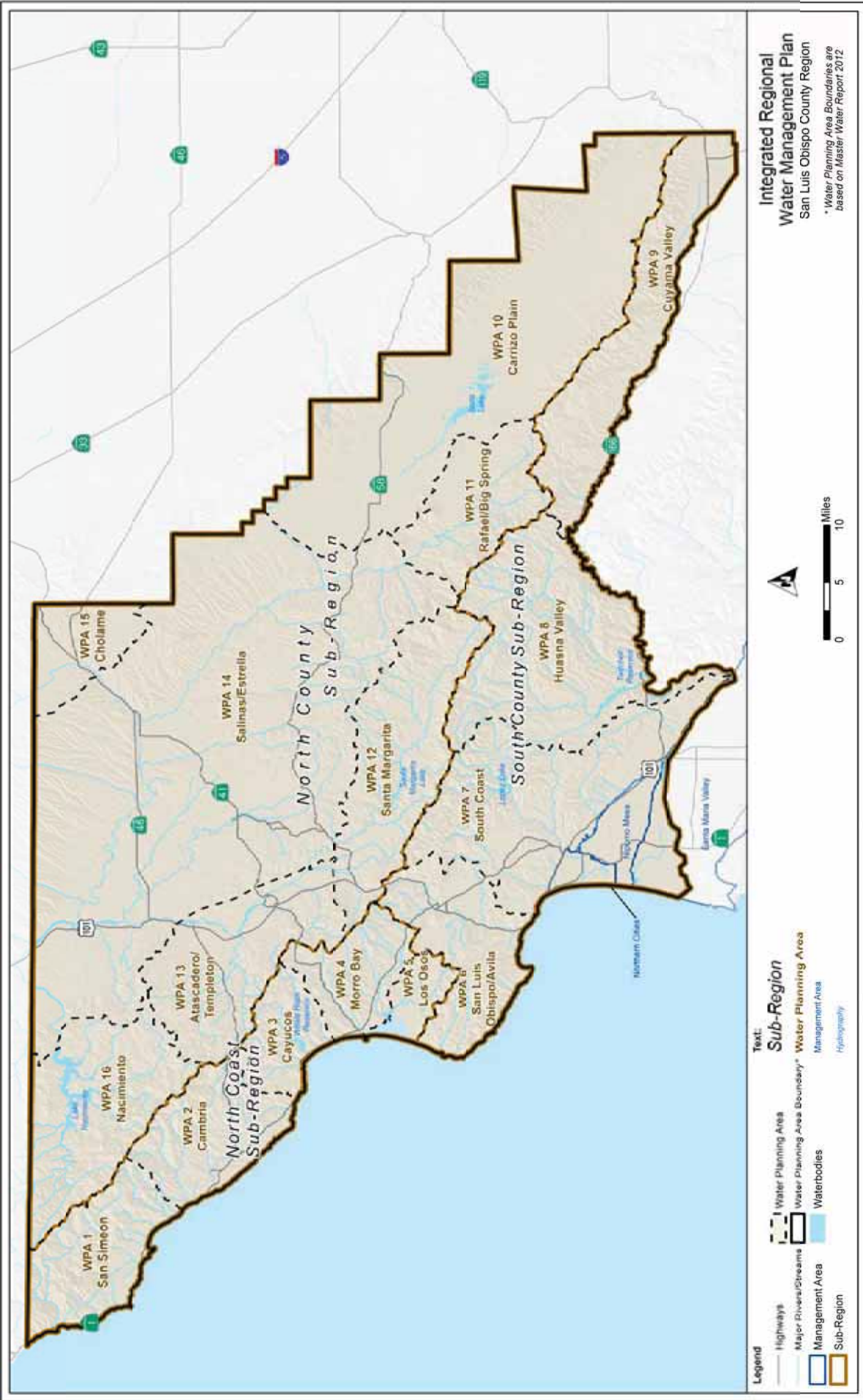


**6. SIGNATORIES TO THE MEMORANDUM OF UNDERSTANDING**

We, the undersigned representatives of our respective agencies or organizations, acknowledge the above as our understanding of how the San Luis Integrated Regional Water Management Plan will be developed.

\_\_\_\_\_ signature  
\_\_\_\_\_ printed name  
\_\_\_\_\_ agency  
\_\_\_\_\_ date

Attachment 1 – San Luis Obispo County IRWM Region and Sub-Regions Map



## CITY COUNCIL MINUTES

**Tuesday, October 18, 2005 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**

Led by Eagle Scout Nicholas Alexander, Boy Scout Troop 101, Atascadero

### **INVOCATION**

**ROLL CALL** Councilmembers Jim Heggarty, Gary Nemeth, Duane Picanco, Fred Strong, and Mayor Frank Mecham

### **PUBLIC COMMENTS**

- Mike Gibson, CEO of the Paso Robles Chamber of Commerce, queried Council whether it might be possible to remove some temporary wooden walkways around the Mastagni building prior to Thanksgiving to increase parking availability in Downtown during the holiday season.
- Tom Hardwick commented on the increase in sales tax being discussed as a possible means of generating additional City revenues.

**AGENDA ITEMS TO BE DEFERRED (IF ANY) - None**

**PRESENTATIONS**

**1. Community Expectations and Choices**

J. App, City Manager

Verbal status report regarding the informal community education effort.

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to receive and file.

Motion passed by unanimous voice vote.

**PUBLIC HEARINGS**

**2. Rezone 05-004 (Brill)**

R. Lata, Community Development Director

Consider an application filed by Twin Cities Surveying on behalf of David and Lisa Brill to remove the B-1 designation for all parcels within the R2-B1 zoned area in the vicinity of 2945 Vine Street. (The proposed rezone would bring the zoning designation in conformance with the General Plan and be consistent with the other R2 zones in this area of the City, as well as all other R2 areas Citywide.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public hearing was closed.

Councilmember Nemeth, seconded by Councilmember Strong, moved to introduce for first reading Ordinance No. XXX N.S. approving Rezone 05-004 eliminating the B-1 designation from the R2 zoning district in this area of the City; and set November 1, 2005, as the date for adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**3. Code Amendment 05-003: Utility Meters for Second Units**

R. Lata, Community Development Director

Consider City-initiated amendment to the Zoning Code to revise the requirements for second dwelling units to allow that second units may have their own electrical and gas meters. (As utility company rates are structured to penalize increased use of utilities above baseline

rates, costs of electrical and gas utilities for second units are higher than they would be if the second units had their own meters. The Planning Commission is scheduled to review this code amendment at its meeting of October 11 and will report their recommendation at the Council meeting.)

Mayor Mecham opened the public hearing. Speaking from the public was Steve Gregory. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Strong, moved to introduce for first reading Ordinance No. XXX N.S. amending the Zoning Code to revise the requirements for second dwelling units to allow that second units may have their own electrical and gas meters; and set November 1, 2005, as the date for adoption of said Ordinance.

Motion passed by the following unanimous roll call vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

#### **4. Amendment of Undergrounding District No. 5 for Overhead Utilities**

D. Monn, Interim Public Works Director

Consider amending an established Undergrounding District within the City. (Increasing the size of Undergrounding District No. 5 is consistent with the City's desire to mitigate unsightly overhead utilities within the downtown area.) CONTINUED FROM SEPTEMBER 20, 2005

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public hearing was closed.

Councilmember Strong, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-207 (1) amending Undergrounding District No. 5 to include the area from the north side of 10<sup>th</sup> Street to the south side of 9<sup>th</sup> Street, between the east side of Park Street and west side of Spring Street; and the area from the north side of 9<sup>th</sup> Street to the south side of 6<sup>th</sup> Street, between the east side of Pine Street to the west side of Spring Street; (2) directing the City Clerk to notify all affected utilities and property owners of said amendment; (3) waiving any applicable electrical permit and inspection fees associated with any undergrounding, modification, or changeover caused as a result of the implementation of these Districts; and (4) setting dates related to the undergrounding of the utilities.

Motion passed by the following unanimous roll call vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**5. Negative Declaration for Property Acquisition Near Landfill**

R. Lata, Community Development Director

Consider approving a Negative Declaration for the purchase of four parcels totaling 53 acres located on the southwest corner of Dry Creek and Union Roads. (There are no development plans for subject property; it is proposed to be used as a buffer for the Landfill.)

Mayor Mecham opened the public hearing. Speaking from the public was Joy Sprague. There were no further comments from the public, either written or oral, and the public hearing was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-208 approving a Negative Declaration for the acquisition of four parcels totaling 53 acres at the southwest corner of Dry Creek and Union Roads.

Motion passed by the following unanimous roll call vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**CONSENT CALENDAR**

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Consent Calendar Items Nos. 6 - 19 were unanimously approved on a single motion by Councilmember Strong, seconded by Councilmember Nemeth, with Councilmember Picanco abstaining on Warrant Register Items Nos. 057829, 057836, 057860, 058023, and 057996 due to possible conflicts of interest.

**6. Approve City Council minutes of October 4, 2005**

D. Fansler, City Clerk

**7. Approve Warrant Register: Nos. 57738 – 57873 (9/30/05) and 57874 – 58033 (10/7/05)**

M. Compton, Administrative Services Director

*For the record, Councilmember Strong brought attention to what appears to be duplicate payments on pages 1, 8, 9, 10, and 17 to individuals for League of California Cities conference expenses. Director of Administrative Services Mike Compton explained that there has been no duplication of payment; replacement checks were issued and the checks initially written will be voided. The Warrant Register simply reflects a listing of all warrants written during the period and does not allow for providing that information.*

**8. Read, by title only, and adopt Ordinance No. 906 N.S. to establish the Senior Housing Overlay District and regulations for Senior Citizen housing developments.** (This code amendment implements General Plan policy to expand the City’s supply of housing affordable to low and moderate income persons by allowing for development of senior housing in the area north of 24<sup>th</sup> Street, between Oak Street and the railroad.)

R. Lata, Community Development Director

9. Adopt Resolution No. 05-209 authorizing the recordation of Tract 2358, a 7-lot subdivision located on Tranquil Hills Court and Rolling Hills Road, north of Creston Road. (Applicants: Franklin-Peterson. All public improvements required as Conditions of Approval have been constructed in compliance with the improvement plans and applicable City Standards.)  
R. Lata, Community Development Director
10. Adopt Resolution No. 05-210 accepting the public improvements of Tract 2358 into the City's maintenance system. (This subdivision is located around a new cul-de-sac, Tranquil Hills Court, which takes access from Rolling Hills Road north of Creston Road. All public improvements have been constructed to the satisfaction of the City Engineer.)  
R. Lata, Community Development Director
11. Adopt Resolution No. 05-211 certifying and adding properties to Community Facilities District (CFD) No. 2005-1, and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and adopt Resolution No. 05-212 accepting the recordation of Parcel Map PR 05-0084, a 2-lot residential subdivision located at 832 Jackson Drive. (This parcel map was tentatively approved by the Planning Commission in June 2005 and all imposed conditions have been satisfied.)  
R. Lata, Community Development Director
12. Adopt Resolution No. 05-213 certifying and adding properties to CFD No. 2005-1 and directing the City Clerk to record the Amendment to the Notice of Special Tax Lien; and adopt Resolution No. 05-214 accepting the recordation of Parcel Map PR 04-0626, a 3-lot residential subdivision located at 535 2<sup>nd</sup> Street. (This parcel map was tentatively approved by the Planning Commission in April 2005 and all imposed conditions have been satisfied.)  
R. Lata, Community Development Director
13. Endorse San Luis Obispo County's Integrated Regional Water Management (IRWM) Plan for the Proposition 50 grant application and authorize the Mayor to sign a letter of endorsement. (If successful, the Proposition 50 IRWM grant program could provide significant funding for regional water management projects.)  
B. Hagemann, Water Resources Manager
14. Adopt Resolution No. 05-215 (1) appropriating \$33,000 to Budget Account No. 600-310-5224-782; and (2) authorizing staff to enter a contract with Boyle Engineering for \$31,865 to evaluate a water storage tank site at Vina Robles. (As the number of area water storage tank sites with suitable elevation to accommodate a gravity-fed system is limited, it is prudent to evaluate a possible tank site within Vina Robles for future potential use.)  
D. Monn, Interim Public Works Director
15. Adopt Resolution No. 05-216 authorizing and awarding a contract to restore the landscaping at the slope below the Golden Hill Road water tanks to Martinelli Landscape Construction for \$151,000. (The down slope flow of water from the tanks following the San Simeon earthquake of December 2003 damaged the landscaping along its path. At the bid opening in September 2005, only one bid was received. Staff reviewed the bid and found it to be responsive.)  
D. Monn, Interim Public Works Director
16. Adopt Resolution No. 05-217 declaring certain City property as surplus. (The City's equipment replacement program provides resources to replace vehicles, certain heavy equipment, and office equipment on a set schedule. To dispose of property scheduled to be replaced, Council must declare the equipment as surplus.)  
M. Compton, Administrative Services Director

17. Adopt Resolution No. 05-218 approving budget appropriations for fiscal year 2005 carry-over requests. (Encumbrances [carry-over requests] are recorded upon the financial records of the City as budget adjustments in the fiscal year they are planned for expenditure and, subsequently, as an expense when they are actually expended.)  
M. Compton, Administrative Services Director
18. Adopt Resolution No. 05-219 authorizing the use of a septic system for the Firestone Winery at the northeast corner of Highway 46 and Airport Road (APN 025-433-003) subject to Conditions a through k as stated in Municipal Code Section 14.08.070 K4 "Conditions. (Owner of property seeks approval for use of a septic tank and leach system to serve restroom and appurtenances associated with development of the Winery. The nearest available sanitary sewer main is at the intersection of Dry Creek Road and Airport Road, approximately 6,500 feet to the north.)  
R. Lata, Community Development Director
19. As the work of the committee is not yet complete, extend duration of the AB 1600 fee update ad hoc committee to April 4, 2006. (In December 2004, Council appointed Councilmembers Nemeth and Strong to an ad hoc committee to work with staff to address issues the AB 1600 fee update.)  
R. Lata, Community Development Director

## DISCUSSION

### 20. Creston Road Corridor – Development of a Plan Line

D. Monn, Interim Public Works Director

Consider expanding the Scope of Work currently under contract with URS Corporation for the Creston Road Corridor Plan Line. (It is proposed that the entire corridor from 13<sup>th</sup> and Riverside to Niblick be included in an amended Scope of Work to produce a more cohesive and relevant plan versus trying to interface multiple plans by different engineers during future construction.)

Mayor Mecham opened the public hearing. Speaking from the public was Kathy Barnett. There were no further comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Strong, moved to continue this item to a future meeting to provide an opportunity for the ad hoc committee to review the feasibility of all alternatives with URS, Capital Projects Engineer Ditas Esperanza, and City Engineer John Falkenstien.

Motion passed by the following unanimous roll call vote:

AYES:	Heggarty, Nemeth, Picanco, Strong, and Mecham
NOES:	None
ABSTAIN:	None
ABSENT:	None



**21. Federal Transit Administration (FTA) Marketing Grant - Memorandum of Understanding**

M. Compton, Administrative Services Director

Consider approving a Memorandum of Understand (MOU) with San Luis Obispo Council of Governments (SLOCOG) to develop a transit marketing plan. (The City received an FTA grant to develop a marketing plan. As the regional transportation planning agency, SLOCOG is the oversight agency and requires recipient agencies of planning grants to enter into a MOU.)

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Heggarty, seconded by Councilmember Nemeth, moved to adopt Resolution No. 05-220 approving a Memorandum of Understanding with the San Luis Obispo Council of Governments.

Motion passed by the following unanimous roll call vote:

AYES: Heggarty, Nemeth, Picanco, Strong, and Mecham  
NOES: None  
ABSTAIN: None  
ABSENT: None

**CITY MANAGER**

**22. Applicant Interviews & Appointments - Citizens' Airport Advisory Committee**

J. App, City Manager

Determine preferred course of action to fill vacancies on the Citizens' Airport Advisory Committee.

3 vacancies: 2 regular terms, expiring 10/31/07 and 1 alternate term expiring 10/31/07

Applicants: Chuck Miller (incumbent), Wayne Caruthers (incumbent) and Ralph Weber

Mayor Mecham opened the public hearing. There were no comments from the public, either written or oral, and the public discussion was closed.

Councilmember Nemeth, seconded by Councilmember Picanco, moved to appoint Councilmember Heggarty and Nemeth to an ad hoc committee to interview applicants to the Citizens' Airport Advisory Committee and return to Council with recommendations.

Motion passed by unanimous voice vote.

**CORRESPONDENCE - None**

**ADVISORY BODY COMMUNICATION - None**

**AD HOC COUNCIL BUSINESS** - None

**COUNCIL COMMENTS** - None

*By unanimous voice vote, Council moved to adjourn from regular session at 8:30 PM.*

**ADJOURNMENT**

- Council / Advisory Body Summit, 9:00 AM on Wednesday, October 19
- Cuesta College Health Annex Building Dedication, 10:30 AM on Friday, October 21, at North County Campus
- LAFCO *Community of 2050*, 9:00 AM – 4:00 PM on Saturday, October 22, at Templeton Middle School, 925 Old County Road
- Camp Roberts Community Leaders Day, 10:00 AM – 2:00 PM on Friday, October 28, at Camp Roberts
- Regular Council Meeting, 7:30 PM on Tuesday November 1, at Library/City Hall Conference Center, 1000 Spring Street

Submitted:

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Sharilyn M. Ryan, Deputy City Clerk  
Approved: November 1, 2005

RESOLUTION NO. 13 - xxx

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES AUTHORIZING THE CITY MANAGER TO SIGN THE SAN LUIS OBISPO COUNTY INTEGRATED REGIONAL WATER MANAGEMENT PLAN MEMORANDUM OF UNDERSTANDING

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WHEREAS, the State of California's Integrated Regional Water Management (IRWM) Program promotes integrated regional water management plans and projects to ensure reliable and sustainable water supplies, better water quality, environmental stewardship, and strong local economies.

WHEREAS, To be eligible for Proposition 50 and Proposition 84 grant funding, local water agencies must work together to define a planning region and develop an integrated water resources and flood control plan (IRWM Plan).

WHEREAS, To be eligible for grant funding, the California Department of Water Resources requires that a Memorandum of Understanding be developed among the regional entities that will develop and implement the IRWM Plan.

WHEREAS, by becoming a signatory to the San Luis Obispo County Integrated Regional Water Management Plan Memorandum of Understanding (MOU), the City will enhance the potential for Proposition 84 Grant funding for the Nacimiento Water Treatment Plant project and potentially other future projects.

WHEREAS, becoming a signatory to the MOU will enable the City to more fully participate in future IRWM planning, implementation, and grant application decisions.

THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1. The City Council of the City of Paso Robles does hereby authorize the City Manager to sign the San Luis Obispo County Integrated Regional Water Management Plan Memorandum of Understanding.

PASSED AND ADOPTED by the City Council of the City of Paso Robles this      by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

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Duane Picanco, Mayor

ATTEST:

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Caryn Jackson, Deputy City Clerk