



Council Agenda Report

From: Elizabeth Wagner Hull, City Attorney
Ty Lewis, City Manager

Subject: 1) Second Reading and Adoption of the Updated and Revised Ordinance 1135 Amending Paso Robles Municipal Code Chapter 12.42, Parking Management, to clarify the process for setting parking rates, reestablishing the Downtown Parking Zone and other clean up measures; and 2) Adopting a Resolution Reauthorizing Preferential Parking for Resident Seniors and Offering Credits or Reimbursements to Eligible Seniors.

CEQA Determination: The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section , §§ 15060, subd. (c)(2)-(3), 15378.

Date: March 5, 2024

Facts

1. On October 16, 2018, the City Council heard the first reading of an ordinance revising Paso Robles Municipal Code Chapter 12.42, among other sections, to address charging for parking pursuant to Vehicle Code ("VC") Section 22508.
2. Following the first reading of the ordinance City staff, community members and an Ad Hoc Committee met to consider comments made by the community at the first reading and recommended minor revisions to the ordinance.
3. On November 6, 2018, the City Council approved the second reading and adopted the ordinance (the "2018 Parking Management Ordinance") incorporating the minor modifications recommended by the Ad Hoc committee and the community following the first reading.
4. Between November 2018 and May 2019, City staff continued to meet internally and with the community regarding the implementation of the new parking program.
5. On May 7, 2019, the City Council heard a Downtown Parking update and, by motion recorded as a minute action, approved two hours of free parking in the area from 10th St to 14th St and Spring St to Pine St ("Downtown Parking Zone"), between 9 a.m. – 6 p.m., Monday-Friday, with paid parking to be initiated when and where appropriate after two hours ("Paid Parking Program").
6. On May 21, 2019, the City Council approved agreements with vendors to implement the Paid Parking Program.
7. In August 2019, the City began charging for parking pursuant to the Paid Parking Program.
8. Between August 2019 and May 2022, the Downtown Parking Advisory Commission and community continued to review aspects of the Paid Parking Program. In May 2022, the City Council disbanded the Downtown Parking Advisory Commission.
9. On March 16, 2021, the City Council adopted Resolution 21-035, which extended the Paid Parking Program to operate Monday-Sunday, from 9 a.m. – 8 p.m. each day.
10. Between December 2022 and November 2023, the City Council heard numerous items related to the Paid Parking Program designed to assess the implementation and fiscal impacts of the Paid Parking Program.

11. On November 21, 2023, the City Council approved, by motion and recorded as a minute action, charging \$1 per hour starting at minute 1 within the Downtown Parking Zone, allowing unlimited senior permits for City residents, and the design and ordering of new signage. The Council also requested the City Manager to return with any additional actions requiring Council action to implement the revisions to the Paid Parking Program and to provide an update to the Council.
12. Following that action a number of community members asserted the City did not have the ability to charge for parking in the downtown area because the City did not have an ordinance addressing the imposition of parking rates.
13. In response to the community concerns the City Attorney's office conducted a review of the City's existing Parking Management Ordinance, PRMC 12.42, and all actions taken since its adoption to confirm that the parking program was implemented consistent with the requirements of the Vehicle Code and the City's own ordinance.
14. Following an initial review of the implementation of Municipal Code Chapter 12.42 the City paused charging for parking and issuing citations associated with parking in the Downtown Parking Zone effective February 7, 2024.
15. On February 20, 2024, the City Council introduced by title only, and waived further reading of Ordinance 1135, amending Paso Robles Municipal Code Chapter 12.42, Parking Management, to clarify the process for setting parking rates, reestablishing the Downtown Parking Zone and other clean up measures.
16. As part of the February 20, 2024, City Council discussion and action, the Council made minor modifications to the draft ordinance including:
 - Directing the rate for the Downtown Parking Zone be \$1 per hour and requiring modification of the rate to require Council approval.
 - Deleting two sentences from 12.42.060 as described below.
 - Modifying 12.42.070(B) to set the maximum time frame for free parking spaces at 30 minutes.
17. Staff is also recommending one additional change to Section 12.42.070 setting the maximum length of a parking session at eleven hours in lieu of the ten hours currently reflected in the ordinance.
18. City staff is also bringing forward a resolution to adopt and reauthorize the City's Senior Resident Preferential Parking Permit program and offering credits or reimbursements to eligible seniors. In the interest of transparency, and instituting a more formal adoption process, the City is recommending approval of the resolution, which would take effect immediately provided Ordinance 1135 is adopted.

Options

1. Take no action;
2. 1) Hold second reading of and adopt the updated and revised Ordinance 1135, an ordinance of the City Council of the City of El Paso de Robles amending Chapter 12.42 of Title 12 of the Paso Robles Municipal Code to clarify the process for setting parking rates, reestablishing the Downtown Parking Zone and other clean up measures, and 2) Adopt Resolution 24-XXX formally adopting and reauthorizing City's Senior Residential Preferential Permit program and offering credits or reimbursements to eligible seniors; or
3. Provide alternative direction to staff.

Analysis and Conclusions

Modification of Ordinance presented at February 20, 2024 Council meeting

The draft ordinance presented at the February 20, 2024 meeting included a range of parking rates from \$1-\$5 per hour. The draft ordinance provided to the Council at that meeting also included language that authorized the City Manager to modify the charged rate, within that range, and time limits to facilitate

achieving the desired 85% utilization rate. During the discussion of the item on February 20, 2024, the Council reiterated that the hourly rate for the Downtown Parking Zone should be \$1 per hour and modified the process to amend the rate by authorizing the City Manager to change parking rates subject to approval by the City Council.

To facilitate that change the ordinance has been modified to provide that the parking rate in the Downtown Zone shall be \$1 per hour. If the City Manager would like to modify that rate the item would return to the Council for amendment of the ordinance. The City Manager retains authority to modify the time limits to facilitate achieving the 85% utilization rate as described in the amended PRMC 12.42.070(A). Additionally, during the discussion on February 20, 2024, the Council directed:

- The deletion of two sentences from 12.42.060. Those sentences which are deleted from the draft presented on February 20, 2024 are: The specific parking zone for which local parking regulations apply will be indicated on posted signage. A vehicle may not return to the initial parking zone or parking lot sooner than two hours following the expiration of the initial time period.
- The modification of the time frame for certain free parking spaces from a maximum of 15 minutes free to a maximum of 30 minutes free. This is reflected in 12.42.070(B).

Staff is also recommending one additional change to the ordinance at this time. 12.42.070(B) provides that the maximum length of time for a parking session is ten hours. The signage presented to Council on February 20, 2024, indicates paid parking is required from 9 am to 8 pm, an eleven hour period. We recommend the Council amend Section 12.42.070(B) to set the maximum length for a parking session to be eleven hours. The actual maximum length will be set by the City Manager as provided in the ordinance.

The revisions to the ordinance currently adopted by the Council are:

12.42.020 Parking zones.

- A. Parking zones shall be established by the city council by ordinance ~~or resolution~~, which may include the establishment of time limits and/or parking rates for such zones.
- B. ~~The City Council does hereby establish the Downtown Parking Zone which shall include the area extending from 10th Street to 14th Street, from Spring Street to Pine Street and the 900 block of both 12th and 13th Streets (from Pine Street to Railroad Street).~~

12.42.060 Overparking—Exceptions.

It shall be unlawful for any person, except outside of the designated parking zone hours and days of operation, to cause, allow, permit, or suffer any vehicle registered in his/her name or operated or controlled by him/her to be parked in any parking space upon any street within a parking zone or within a parking lot as indicated by proper signs placed in such zone or lot indicating the maximum parking time allowed in such parking space. A vehicle will be deemed to have been parked longer than the posted time limit, if it has not been moved at least “out of the parking zone” or parking lot after the expiration of the maximum time limitation indicated on the posted signage. ~~A The specific parking zone for which local parking regulations apply is defined as the parking zone~~ will be indicated on posted signage. A vehicle may not return to the initial parking zone or parking lot sooner than two hours following the expiration of the initial time period. Within parameters set by the city council, the City Manager or their designee may set and adjust the parking zones, posted time limits, and/or period of operation of paid parking between the hours of seven o’clock a.m. and ten o’clock p.m. on any day, with the intent of achieving the target utilization rate of eighty-five percent.

12.42.070 Parking zone regulations – Authority.

- B. ~~All parking zone time limits and/or paid parking rates heretofore established shall be and remain in effect unless otherwise set or adjusted by the city council.~~ The city council establishes that a paid parking session commences immediately upon parking, as provided in 12.42.080, unless otherwise determined by the City Manager, or their designee. The length of time allowed for a timed parking session for each parking area shall be established by the City Manager, or their designee, and range ~~of time limits limits~~ from a minimum of fifteen minutes to a maximum of eleven hours. The City Manager, or their designee, shall set the time limit of each parking zone, consistent with achieving the eighty-five percent target utilization rate, based upon parking occupancy data and community input. ~~The City Manager, or their designee, may designate certain parking spots as a maximum of 15-30 minutes and, if determined by the City Manager, or their designee, to be consistent with achieving the 85% parking utilization rate or in the best interest of the community, provide that those designated parking spots do not require payment.~~
- C. ~~Under the authority of California Vehicle Code section 22508, the City Council establishes a range of hourly parking rates from \$1.00 to \$5.00. The parking rate for the Downtown Parking Zone shall be \$1 per hour.~~
- D. ~~Under the authority of California Vehicle Code section 22507, the city council may establish preferential parking privileges associated with any Parking Zone or other area by ordinance or resolution with provisions reasonable and necessary to ensure the effectiveness of a preferential parking program.~~

The Agenda Report from the February 20, 2024, Council meeting is attached to this report for your reference.

Senior Parking Permits

As discussed at the February 20th, 2024, City Council meeting, following the City Attorney's review of the Downtown Paid Parking Program, the City paused charging for parking on February 7, 2024, until such time as the new ordinance could be considered and approved by the City Council. If the Council adopts Ordinance 1135 this evening, the City will be in a position to resume charging for parking when the Ordinance becomes effective. As with the previous parking program, and as directed by the Council on November 21, 2023, the City's intention is to continue to offer the Senior Parking Permit program and to increase the number of Senior Parking Permits available for issuance. The revised program would allow City residents 65 or older to register one vehicle per household for a Senior Parking Permit.

As described above, within the revised Ordinance 1135, Section 12.42.070.D. allows the City Council to establish preferential parking privileges in the Downtown Parking Zone, by ordinance or resolution, which is consistent with Vehicle Code section 22507.

As part of the February 20, 2024, Council action regarding paid parking fee refunds, the City Council authorized the City to issue refunds to those people who are able to demonstrate they paid for parking in the Downtown Parking Zone between February 6, 2023 and February 6, 2024. The purchase of a Senior Resident Preferential Parking Permit in lieu of paying for individual parking sessions in the Downtown Parking Zone is included in the authorization for refunds provided on February 20, 2024. Senior residents with a permit were paying for downtown parking, through a different process.

Those Senior Residents who paid for and received a Senior Resident Preferential Parking Permit for the Downtown Parking Zone between February 6, 2023 and February 6, 2024, will be issued a refund. Alternatively, if a current Senior Permit holder is eligible for and applies for a Senior Resident Preferential Parking Permit for the time period between April 5, 2024 and April 4, 2025, in lieu of receiving a refund, they may request the 2023 fee previously paid be used as a credit toward the application fee for a new Senior Resident Preferential Parking Permit. For those Senior Residents who paid for and received a Senior Resident Preferential Parking Permit for the Downtown Parking Zone between February 6, 2023 and February 6, 2024, who do not elect before April 30, 2024 to accept a credit toward the application fee for this coming year, they will automatically be issued a refund check and accompanying letter after April 30, 2024.

The resolution included for Council's consideration formally adopts and reauthorizes City's Senior Resident Preferential Parking Permit program. Additionally, that resolution would allow senior residents who purchased a senior permit between February 6, 2023 and February 6, 2024 to either be refunded the amount for that previous year's permit or receive a credit on a senior permit for this coming year.

The Senior Parking Permit application went live on March 1, 2024. In anticipation of this action by the Council, the application for this year's Senior Parking Permit includes an option for eligible residents to select a refund for the previous year's permit fee or apply the refund as a credit to this year's application fee, if approved by the Council. The application also includes release and waiver language similar to the language on the Parking Fee and Citation Form considered at the last Council meeting.

Fiscal Impact

The total cost to manage and operate the downtown parking program is approximately \$500,000 per year. Because of the significant start-up costs associated with the technology and kiosks of the parking program, City Council approved a General Fund loan to the Parking Program until program revenues were sufficient to operate independently. As of February 15, 2024, the loan balance is approximately \$511,500. If City Council were to not reestablish the downtown parking program, the program would be dissolved, and the General Fund loan would be written off.

CEQA

The City finds that this action is not a project under the California Environmental Quality Act pursuant to State Guidelines Section §15060, subd. (c)(2)-(3), 15378.

Recommendation

It is recommended that City Council take the following actions:

- 1) Hold the second reading and adopt the updated and revised Ordinance 1135, an ordinance of the City Council of the City of El Paso de Robles amending Chapter 12.42 of Title 12 of the Paso Robles Municipal Code to clarify the process for setting parking rates, reestablishing the Downtown Parking Zone and other clean up measures; and 2) Adopt Resolution 24-XXX formally adopting and reauthorizing City's Senior Residential Preferential Permit program and offering credits or reimbursements to eligible seniors.

Attachments

1. City Council Agenda Report from February 20, 2024
2. Updated and Revised Ordinance 1135 - Amending Chapter 12.42 of the El Paso de Robles Municipal Code

3. Resolution 24-XXX - Resolution Reauthorizing a Preferential Parking Program for Resident Seniors Within the Downtown Parking Zone and Offering Credits or Reimbursements to Eligible Seniors