



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, May 27, 2008

REGULAR SESSION: Immediately following the conclusion of the
6:00 p.m. Redevelopment Agency meeting

Mayor Brennler called the meeting to order at 7:55 p.m. and Mayor Pro Tem Béraud led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Clay, Luna, O'Malley, Béraud, and Mayor Brennler

Absent: None

Others Present: City Clerk / Assistant to City Manager Marcia McClure Torgerson

Others Present: City Manager Wade McKinney, Administrative Services Director Rachele Rickard, Community Development Director Warren Frace, Public Works Director Steve Kahn, Community Services Director Brady Cherry, Acting Lt. Brian Dana, Deputy Public Works Director David Athey, and City Attorney Brian Pierik.

APPROVAL OF AGENDA:

MOTION: By Council Member Luna and seconded by Mayor Pro Tem Béraud to approve the agenda.
Motion passed 5:0 by a roll-call vote.

PRESENTATION:**1. Recognition of Ryan Carden, Former Parks & Recreation Commission Youth Representative**

Mayor Brennler recognized Ryan Carden for his exemplary service as a Youth Representative to the Parks and Recreation Commission and presented him with a plaque.

Ryan Carden expressed his appreciation for the experience of serving on the Commission and thanked the Council for the plaque.

A. CONSENT CALENDAR:**1. March 2008 Accounts Payable and Payroll**

- Fiscal Impact: \$ 1,881,328.87.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for March 2008. [Administrative Services]

2. April 2008 Accounts Payable and Payroll

- Fiscal Impact: \$ 1,895,612.76.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for April 2008. [Administrative Services]

3. November 2007 Investment Report

- Fiscal Impact: None
- Recommendation: Council approve the City Treasurer's report for November 2007. [Treasurer]

4. December 2007 Investment Report

- Fiscal Impact: None
- Recommendation: Council approve the City Treasurer's report for December 2007. [Treasurer]

5. Contract for Services Provided by Kermani Consulting Group for First Level Appeal of Project Worksheet for Historic City Hall

- Fiscal Impact: \$25,000.00 in budgeted Historic City Hall Rehabilitation Funds.
- Recommendation: Council approve a change order to the contract with Kermani Consulting Group in the additional amount of \$25,000 for continued services related to the City's first level appeal of FEMA's project worksheet for historic City Hall. [City Manager]

6. Temporary Road Closure – Hot El Camino Cruise Nite 2008

- Fiscal Impact: The cost of this event is approximately \$13,750. It is anticipated that these costs will be fully recovered through sponsorships and entry fees.

- Recommendation: Council approve the Draft Resolution authorizing the closure of El Camino Real, from Curbaril Avenue to Traffic Way, San Luis Avenue from Curbaril to Pueblo, Pueblo from San Luis Avenue to El Camino Real, Palma Avenue from West Mall to Traffic Way, Entrada Avenue from El Camino Real to Lewis Avenue and Traffic Way from Lewis Avenue to El Camino Real, on Friday, August 15, 2008 from 5:00 p.m. - 8:30 p.m. Additionally, we recommend the closure of East Mall and West Mall from El Camino Real to Lewis Avenue and Palma Avenue between East Mall and West Mall from 1:00 p.m. – 10:00 p.m. [Community Services]

7. Atascadero Corporation Yard Relocation Change Order #5 (City Bid No. 2005-031)

- Fiscal Impact: \$27,844 in previously allocated Project funds.
- Recommendations: Council:
 1. Authorize the City Manager to execute Change Order #5 with Wysong Construction in the amount of \$27,844.00 for improvements to the new Public Works Corporation Yard Building; and,
 2. Authorize the City Manager to execute additional future change orders up to \$10,000 as necessary for completion of the Public Works Corporation Yard Building. [Public Works]

Eric Greening pulled Consent Item #6.

**MOTION: By Council Member O'Malley and seconded by Council Member Clay to approve Consent Items #A-1, 2, 3, 4, 5, and 7.
*Motion passed 5:0 by a roll-call vote.***

Eric Greening urged approval of this item but noted that it will greatly affect transit users. He suggested considerable signage and warnings for those who ride the local north county transit, as well as the county transit.

**MOTION: By Council Member O'Malley and seconded by Council Member Clay to approve Consent Item #A-6.
*Motion passed 5:0 by a roll-call vote. (Item #A-6 Resolution 2008-035)***

COMMUNITY FORUM:

Chuck Ward, Board Member of the Veterans' Memorial Foundation, asked everyone to reflect on those people who have given their lives for our freedom. He briefly described the Veterans' Memorial that will be constructed in Atascadero.

Heather Young Curry, Young Curry Photography, invited everyone to attend the Atascadero Art Tour being held Friday, May 30th, beginning at 5:30 p.m. She encouraged everyone to come out and support local businesses. (Exhibit A)

David Broadwater, stated that some Council Members continue to make unsubstantiated allegations against local organizations and citizens. He encouraged the Council to take some sort of concrete action against the Council Member who used the threat of physical violence against a fellow Member.

Tom Comar, spokesperson for Oppose Wal-Mart, stated he witnessed the threat of physical violence at the public workshop and encouraged taking action against the Council Member. He also gave supporting information to defend his organization against false accusations.

Ron Rothman, stated that he does not see the need to change the way the Mayor is selected since it is not a topic of concern for the majority of the public.

Joan O'Keefe, read from an article titled "O'Malley Threatens Mayor with Alley Brawl" on the website www.uncoveredslo.com. She asked that at the next public forum, there be microphones, that it be recorded and that the agenda be geared towards the capabilities of the participants. Ms. O'Keefe also asked that her questions from the last City Council meeting be answered with regards to who is in charge of enforcing preservation of the Printery.

Eric Greening, asked the Council to always tape their meetings, with the exception of Closed Sessions. He spoke about the flaws in the proposed revised Governor's Budget, specifically the cuts to the State Transit Assistance Funding.

Lee Perkins, stated she also wants an update on the Printery. She also asked that the stop signs at Curbaril and 101 be expedited. Ms. Perkins briefly spoke about the first annual Art Walk in Atascadero and thanked Heather Young Curry for her efforts.

Joanne Main, reminded everyone that the UCSB Economic Forecast Forum will be held on Thursday, June 5th, from 7:30am – 11:00am, at the Pavilion on the Lake.

Roberta Fonzi, urged Council to reconsider the elected Mayor issue and to bring it back to the community with more information.

Jonalee Istenes, commented on the trash that is being strewn around the construction site of the new hotel on West Front and Highway 101 and suggested it be cleaned up.

Mayor Brennler closed the Public Comment period.

City Manager Wade McKinney said that a Printery update, including issues brought up this evening, will be available shortly in memo form for the Council and the public. Mr. McKinney also stated that staff will look into the trash issue on West Front.

Council Member O'Malley said he thinks it would be helpful to look at some of the behaviors that were exhibited at the most recent meeting at the next public meeting with the facilitator. He expressed concern about the meeting not being televised and suggested that the Council may want to look at other consulting options.

Council Member Clay stated that he attended the Memorial Day ceremonies at the cemetery. He commented on the large number in attendance and encouraged the public to attend in the future. He mentioned the sale of bricks for Veterans Memorial Project.

Mayor Pro Tem Béraud stated that it was the recommendation of the consultant to not record the most recent meeting to enable a more comfortable environment.

Mayor Brennler stated that the City Attorney is reviewing options and will come back with more information on having an elected Mayor. He stated, for the record, that he thinks that future public trust meetings should be recorded.

Council Member Luna stated he is not pleased with how either of the first two sessions have gone. He would like to see future meetings recorded or televised in some fashion. Mr. Luna requested that there be a lot more structure with future meetings of this sort.

B. PUBLIC HEARINGS:

1. Apple Valley Assessment Districts

- Fiscal Impact: Annual assessments for 2008/2009 will total \$35,889 for road/drainage system maintenance and \$50,019 for landscaping and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley. The City General Fund will contribute \$21,129 toward the cost of maintaining the park.
- Recommendations: Council:
 1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto for fiscal year 2008/2009.
 2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2008/2009 for Street and Storm Drain Maintenance District No. 01 – Apple Valley.
 3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto in fiscal year 2008/2009.
 4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2008/2009 for Landscaping and Lighting District No. 01 – Apple Valley. [Administrative Services]

Administrative Services Director Rachelle Rickard gave the staff report and answered questions of Council.

PUBLIC COMMENT - None

MOTION: By Council Member Luna and seconded by Council Member O'Malley to:

1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto for fiscal year 2008/2009; and,
2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2008/2009 for Street and Storm Drain Maintenance District No. 01 – Apple Valley; and,
3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto in fiscal year 2008/2009; and,
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2008/2009 for Landscaping and Lighting District No. 01 – Apple Valley.

Motion passed 5:0 by a roll-call vote. (Item #B-1.1 Resolution 2008-036, Item #B-1.2 Resolution 2008-037, Item #B-1.3 Resolution 2008-038, Item #B-1.4 2008-039)

2. De Anza Estates Assessment Districts

- Fiscal Impact: Annual assessments for 2008/2009 will total \$35,454 for road/drainage system maintenance and \$30,457 for landscaping and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. There is no fiscal impact to general residents within the City.
- Recommendations: Council:
 1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 03 – De Anza Estates, and the levy and collection of annual assessments related thereto for fiscal year 2008/2009.
 2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2008/2009 for Street and Storm Drain Maintenance District No. 03 – De Anza Estates.
 3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 03 – De Anza Estates, and the levy and collection of annual assessments related thereto in fiscal year 2008/2009.
 4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2008/2009 for Landscaping and Lighting District No. 03 – De Anza Estates. [Administrative Services]

Administrative Services Director Rachelle Rickard gave the staff report and answered questions of Council.

PUBLIC COMMENT

Jonalee Istenes, inquired if the walking paths in the DeAnza Estates area included in this Assessment District.

Community Development Director Warren Frace responded that the trails have been accepted and fees will be collected for maintenance.

Mayor Brennler closed the Public Comment period.

MOTION: By Council Member Luna and seconded by Mayor Pro Tem Béraud to:

1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 03 – De Anza Estates, and the levy and collection of annual assessments related thereto for fiscal year 2008/2009; and,
2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2008/2009 for Street and Storm Drain Maintenance District No. 03 – De Anza Estates; and,
3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 03 – De Anza Estates, and the levy and collection of annual assessments related thereto in fiscal year 2008/2009; and,
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2008/2009 for Landscaping and Lighting District No. 03 – De Anza Estates.

Motion passed 5:0 by a roll-call vote. (Item #B-2.1 Resolution 2008-040, Item #B-2.2 Resolution 2008-041, Item #B-2.3 Resolution 2008-042, Item #B-2.4 Resolution 2008-043)

3. Woodridge (Las Lomas) Assessment Districts

- **Fiscal Impact:** Annual assessments for 2008/2009 will total \$40,820 for road/drainage system maintenance and \$156,885 for landscaping and lighting maintenance. These amounts will be assessed to the owners of parcels in Woodridge (Las Lomas). The City General Fund will contribute \$3,769 toward the cost of the trails, once these improvements are accepted by the City.
- **Recommendations:** Council:
 1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 02 – Woodridge (Las Lomas), and the levy and collection of annual assessments related thereto for fiscal year 2008/2009.
 2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2008/2009 for Street and Storm Drain Maintenance District No. 02 – Woodridge (Las Lomas).

3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 02 – Woodridge (Las Lomas), and the levy and collection of annual assessments related thereto in fiscal year 2008/2009.
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2008/2009 for Landscaping and Lighting District No. 02 – Woodridge (Las Lomas). [Administrative Services]

Administrative Services Director Rachelle Rickard gave the staff report and answered questions of Council.

PUBLIC COMMENT

Jonalee Istenes, stated that she is thankful for the paths. She asked if she could review the standards before the trails are approved. She commented that the paths are not ADA accessible like the RCD trail.

Community Development Director Warren Frace responded that the trails are intended to be natural foot-path type trails so they don't meet the standards for accessibility that you find with sidewalks or other public ways.

Mayor Brennler closed the Public Comment period.

Council Member O'Malley inquired about a list of existing definitions of trails.

Community Development Director Warren Frace said that staff will put together a quick briefing memo for Council and the Parks and Recreation Commission on possible trails to be incorporated into the City's Public Works Standards.

MOTION: By Council Member O'Malley and seconded by Mayor Pro Tem Béraud to:

1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 02 – Woodridge (Las Lomas), and the levy and collection of annual assessments related thereto for fiscal year 2008/2009; and,
2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2008/2009 for Street and Storm Drain Maintenance District No. 02 – Woodridge (Las Lomas); and,
3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 02 – Woodridge (Las Lomas), and the levy and collection of annual assessments related thereto in fiscal year 2008/2009; and,
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2008/2009 for Landscaping and Lighting District No. 02 – Woodridge (Las Lomas).

Motion passed 5:0 by a roll-call vote. (Item #B-3.1 Resolution 2008-044, Item #B-3.2 Resolution 2008-045, Item #B-3.3 Resolution 2008-046, Item #B-3.4 Resolution 2008-047)

C. MANAGEMENT REPORTS

1. Staff Authorization to Process General Plan Amendment and Annexation Application - Eagle Ranch Specific Plan - PLN 2008-1280 / GPA 2008-0022 / SP 2008-0002 / ZCH 2008-0150 (Eagle Ranch, LLC / RRM Design Group)

- Fiscal Impact: Staff is unable to speculate on the significance of this impact at present. Part of the project's EIR review will include a fiscal impact analysis. The purpose of the analysis will be to analyze all of the project's costs and revenues and provide the Council with a complete picture of the project's fiscal impacts on both the City of Atascadero and the local business community. The General Plan identifies resort facilities as part of the project. Staff's opinion is that a substantial tourist serving resort component must be included to improve the revenue potential of the project.
- Recommendations:
 1. The City Council may direct staff to process the project application by adopting Draft Resolution A. This action would include directing staff to return to the City Council for a Specific Plan project process;

OR

2. The City Council may withhold authorization for staff to process the project application by adopting Draft Resolution B. Withholding authorization for staff to process the application does not deny the application. [Community Development]

Community Development Director Warren Frace gave the staff report and answered questions of Council.

PUBLIC COMMENT

Gregory Smith, one of four owners of Eagle Ranch, thanked the Council and staff for considering this General Plan Amendment and answered questions of Council.

Jon Knight, Planner with RRM Group, stated this project is included in the Atascadero General Plan and asked the Council to direct staff to process their application.

Roberta Fonzi stated she hopes that part of this public education process will address what is planned, as well as what roads will be utilized. She also commented that she thinks more information is needed about where we are in the agriculture preserve process.

Jody Smith stated she lives on a corner of ranch and is not pleased with the development of this land. She requested that Council take the wildlife into consideration during the development process. Ms. Smith stated that she hopes the City will put a connecting road through ranch, down to Highway 41. She also expressed concern about sewer costs and asked Council to consider equestrian trails.

Sandy Jack stated he owns property by Eagle Ranch, and he elaborated on issues with LAFCO and recommended that Council move on with process to gain control of how that area is developed.

Jonalee Istenes expressed her concern for proper multi-use trails throughout this project.

Kathy Redden stated she lives near development and said she hates to see this land developed. She expressed her concerns regarding trails, access to the forest, traffic, environmental issues, having minimal density and enabling housing to be affordable.

Jim Wilkins, grandfather, ran the Eagle Ranch for 52 years and encouraged the Council to move ahead with this project.

Mayor Brennler closed the Public Comment period.

MOTION: By Council Member O'Malley and seconded by Council Member Clay to direct staff to process the project application by adopting Draft Resolution A. This action would include directing staff to return to the City Council for a Specific Plan project process.

Motion passed 5:0 by a roll-call vote. (Item #C-1.1 Resolution 2008-048)

2. Downtown Streetscape Phase II

- Fiscal Impact: None.
- Recommendation: Council receive and file Downtown Streetscape Phase II Project update. [Public Works]

Public Works Director Steve Kahn briefly described the project and announced that Deputy Public Works Director David Athey would be giving the report.

Deputy Public Works Director David Athey gave the staff report and answered questions of Council.

PUBLIC COMMENT – None

The Council received and filed this report.

3. Emergency Preparedness and Evacuation Plan Update

- Fiscal Impact: None.
- Recommendations: Council receive and file this report. [Fire]

Fire Chief Kurt Stone gave the staff report and answered questions of Council. (Exhibit B)

PUBLIC COMMENT - None

The Council received and filed this report.

COUNCIL ANNOUNCEMENTS AND REPORTS:

Council Member O'Malley announced he has tickets to the Monte Carlo Casino Night Zoo Benefit at the Best Western Colony Hall on May 30, 2008, from 6:00pm – 11:00pm.

Mayor Brenner thanked everyone who participated in Children's Day at the Park and the 20th anniversary celebration of the library events. He also announced that June 10th is Hunger Awareness Day and for more information, go to www.slofoodbank.org.

Council Member Clay spoke about the Public Trust Meetings and the differences in philosophy among Council Members. He said that he thought some good things came out of the last meeting. He said that it seems as though there are people in the community that have a vendetta against Council Member O'Malley and make false accusations about him, and this bothers him because Council Member O'Malley works harder than anyone in town to make Atascadero better. A few people were called liars at the last meeting and this is not acceptable to him. We all need to accept that we have different opinions.

Mayor Brenner stated that no one was called a liar at the last meeting, and this is why all Council meetings should be taped.

Council Member Luna clarified that the lies and whispering campaign, by at least the Vice President of A Better Atascadero, is really out of line. He stated, for the record, that 8 years ago Supervisor Mike Ryan attempted to use his political influence to make accusations of Council Member Luna's wife. He said those accusations never went anywhere and no charges were filed. He also stated that the City Council adopted a Conduct Statement that all candidates are asked to sign stating they will not put their campaign signs on public property, which Mike Ryan did.

Council Member O'Malley stressed the importance to having a process where any accusations can be reviewed and then the appropriate person can make a statement of the results of the review.

D. COMMITTEE REPORTS:

Mayor Pro Tem Béraud

- Integrated Waste Management Authority (IWMA) – Discussed a needles or sharps take back program, allowing needles to be returned back to the place they bought them which would make it safer for the people who handle the garbage and would minimize sharps in the landfill.
- Building Public Trust – Meeting date not set yet. Will bring back further recommendations after the next meeting.

E. INDIVIDUAL DETERMINATION AND/OR ACTION:

City Clerk

City Clerk Marcia McClure Torgerson reported that both of the Youth Representative positions to the Parks and Recreation Commission have been vacated. She asked for direction from Council to advertise for one or both positions.

There was Council consensus to direct the City Clerk to advertise for the Parks and Recreation Commission Youth Representative position(s).

Council Member O'Malley announced that his Planning Commission appointee will be vacating the position and he might be interested in advertising for that as well.

F. ADJOURNMENT:

Mayor Brennler adjourned the meeting at 10:40 p.m.

MINUTES PREPARED BY:

Marcia McClure Torgerson, C.M.C., City Clerk

Exhibit A – Art Tour Handout, by Steve Martin

Exhibit B – West Side Evacuation Route Handout, by Kurt Stone