

Amended on May 7, 2009



# ***CITY OF ATASCADERO CITY COUNCIL***

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## **AGENDA**

**Tuesday, May 12, 2009**

**City Hall  
Council Chambers  
6907 El Camino Real, Atascadero, California**

**City Council Closed Session: 5:00 P.M.**

**Redevelopment Agency: 6:00 P.M.**

**City Council Regular Session: Immediately following  
the Redevelopment Agency meeting**

**CLOSED SESSION: 5:00 P.M.**

**1. PUBLIC COMMENT – CLOSED SESSION**

**2. CALL TO ORDER**

- a. Conference with Labor Negotiators (Govt. Code Sec. 54957.6)**  
Agency designated representatives: Wade McKinney, City Manager;  
Jim Lewis, Assistant City Manager  
Employee Organizations: Service Employees International Union, Local  
620; Atascadero Police Association; Mid-Management/Professional  
Employees; Atascadero Firefighters Bargaining Unit; Non-Represented  
Professional and Management Workers and Confidential Employees.

**b. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Government Code Section 54957)  
Title: CITY MANAGER

**c. PUBLIC EMPLOYEE PERFORMANCE EVALUATION**  
(Government Code Section 54957)  
Title: CITY ATTORNEY

### **3. ADJOURN**

#### **CLOSED SESSION REPORT**

**REDEVELOPMENT AGENCY: 6:00 P.M.**

**REGULAR SESSION: Immediately following the conclusion of the  
Redevelopment Agency meeting**

**PLEDGE OF ALLEGIANCE:** Council Member Clay

**ROLL CALL:**  
Mayor Béraud  
Mayor Pro Tem Fonzi  
Council Member Clay  
Council Member Kelley  
Council Member O'Malley

**APPROVAL OF AGENDA:** Roll Call

**A. CONSENT CALENDAR:** (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the consent calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken. **DRAFT MINUTES:** Council meeting draft minutes are listed on the Consent Calendar for approval of the minutes. Should anyone wish to request an amendment to draft minutes, the item will be removed from the Consent Calendar and their suggestion will be considered by the City Council. If anyone desires to express their opinion concerning issues included in draft minutes, they should share their opinion during the Community Forum portion of the meeting.)

**1. City Council Meeting Draft Minutes – March 24, 2009**

- Recommendation: Council approve the City Council Meeting Draft Minutes of March 24, 2009. [City Clerk]

**2. City Council Special Meeting Draft Minutes – March 25, 2009**

- Recommendation: Council approve the City Council Special Meeting Draft Minutes of March 25, 2009. [City Clerk]

**3. City Council Special Joint Meeting Draft Minutes – March 31, 2009**

- Recommendation: Council approve the City Council Special Joint Meeting Draft Minutes of March 31, 2009. [City Clerk]

**4. Apple Valley Assessment Districts**

- Fiscal Impact: Annual assessments for 2009/2010 will total \$35,889 for road/drainage system maintenance and \$16,673 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley.
- Recommendations: Council:
  1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2009/2010.
  2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).
  3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2009/2010, and to appoint a time and place for the public hearing on these matters.
  4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2009/2010 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
  5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2009/2010.
  6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2009/2010. [Administrative Services]

**5. De Anza Estates Assessment Districts**

- Fiscal Impact: Annual assessments for 2009/2010 will total \$46,900 for road/drainage system maintenance and \$28,870 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. The General Fund will contribute \$840 for half of the maintenance costs of the trails.

- Recommendations: Council:
  1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2009/2010.
  2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates).
  3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2009/2010, and to appoint a time and place for the public hearing on these matters.
  4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2009/2010 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
  5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2009/2010.
  6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2009/2010. [Administrative Services]

## **6. Las Lomas (Woodridge) Assessment Districts**

- Fiscal Impact: Annual assessments for 2009/2010 will total \$15,940 for road/drainage system maintenance and \$61,265 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Woodridge. The City General Fund will contribute \$5,080 toward the cost of the trails.
- Recommendations: Council:
  1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2009/2010.
  2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge).
  3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2009/2010, and to appoint a time and place for the public hearing on these matters.
  4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2009/2010 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.

5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2009/2010.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2009/2010. [Administrative Services]

**7. Weed Abatement – Awarding of Contractor Bid**

- Fiscal Impact: None. Funds are budgeted, annually, to cover the costs of the weed abatement program, and are recovered through assessments on property tax bills of those parcels abated.
- Recommendation: Council authorize the City Manager to execute a contract with Travis Hansen, dba Hansen Bros Custom Farming, for weed abatement. [Fire]

**8. Purchase of 2 Transit Buses through the State Department of General Services**

- Fiscal Impact: Funds for the purchase of these vehicles have been made available through the American Recovery and Reinvestment Act and have been programmed through the San Luis Obispo Council of Governments. Total funds available for the Dial-A-Ride vehicle are \$67,000, and for the Fixed Route vehicle are \$117,000.
- Recommendations: Council:
  1. Adopt the Draft Resolution authorizing the State Department of General Services to purchases vehicles on behalf of the City of Atascadero; and,
  2. Authorize Staff to proceed with the purchase of 2 transit buses. [Public Works]

**9. Atascadero Transit - Approval of Federal Transit Administration Procedures for Public Comment**

- Fiscal Impact: None.
- Recommendation: Council approve the attached procedures as required by the Federal Transit Administration (FTA) regarding public comment. [Public Works]

**UPDATES FROM THE CITY MANAGER:** (The City Manager will give an oral report on any current issues of concern to the City Council.)

**COMMUNITY FORUM:** (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. The Council may take action to direct the staff to place a matter of business on a future agenda. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council.)

## **B. PUBLIC HEARINGS:**

### **1. Weed Abatement - Hearing of Objections**

- Fiscal Impact: None. Costs involved in administering this program are recovered through the 150% administrative fee charged to parcels abated by the City Contractor.
- Recommendations: Council:
  1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections; and,
  2. Authorize the Fire Chief to proceed and perform the work of abatement. [Fire]

## **C. MANAGEMENT REPORTS:**

### **1. Economic Development Strategy – Action and Marketing Plans**

- Fiscal Impact: None.
- Recommendation: Council approve the conceptual Economic Strategy Action Plan and Marketing Plans presented by Applied Development Economics. [City Manager]

### **2. Streetscape Phase IIb Award (City Bid No. 2009-003)**

- Description: Construction of Improvements at El Camino Real north of Morro Road; Atascadero Creek Bridge; US101 Pedestrian Tunnel; Traffic Way and El Camino Real; the Rosario intersection.
- Fiscal Impact: The fiscal impact of awarding the bid is \$1,198,114.25 in budgeted redevelopment funds.
- Recommendations: Council:
  1. Award the Base Bid A, C,E, G, I, and K in the amount of \$1,103,431.75, for the Streetscape Phase IIb project areas at: El Camino Real Gateway, Crosswalk and Median improvements; US101 Pedestrian Tunnel; Traffic Way and El Camino Real Planted Island, El Camino Real Paving; the Rosario intersection; and,
  2. Award Rosario Avenue Bid Add Alternate Schedule B, in the Amount of \$ 82,170.00; and,
  3. Award El Camino Real Bid Add Alternate Schedule D, in the Amount of \$12,512.50; and,
  4. Authorize the City Manager to execute a contract in the amount of \$1,198,114.25 (Base Bids plus Bid Alts B and D) with Souza Construction Incorporated to construct the Phase IIb improvements, and;
  5. Provide Staff with direction on Entry Arch value engineering and bidding, and;
  6. Authorize the Public Works Director to file a notice of completion after the project is completed. [Public Works]

### **3. Dormant Building Permits Applications Time Extensions Follow-up Report**

- Fiscal Impact: Alternatives 1 and 2 have minimal additional costs to the City. Both alternatives have the potential of collecting outstanding fees that are due to the City and therefore the program is expected to be revenue positive.
- Recommendation: Council direct staff to develop a Phase II Dormant Building Permit program consistent with staff's program outline in Alternative 2. [Community Development]

**COUNCIL ANNOUNCEMENTS AND REPORTS:** (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

**D. COMMITTEE REPORTS:** (The following represent standing committees. Informative status reports will be given, as felt necessary):

#### Mayor Béraud

1. City / Schools Committee
2. County Mayors Round Table
3. Finance Committee
4. Homeless Services Governing Board
5. Integrated Waste Management Authority (IWMA)

#### Mayor Pro Tem Fonzi

1. Air Pollution Control District
2. Finance Committee

#### Council Member Clay

1. City / Schools Committee

#### Council Member Kelley

1. Atascadero State Hospital Advisory Committee
2. Atascadero Youth Task Force

#### Council Member O'Malley

1. Economic Vitality Corporation, Board of Directors (EVC)
2. League of California Cities – Council Liaison and CITIPAC Board Member
3. SLO Council of Governments, Vice President (SLOCOG)
4. SLO Regional Transit Authority, Vice President (SLORTA)
5. Central Coast Regional Water Quality Control Board, Member (RWQCB)

**E. INDIVIDUAL DETERMINATION AND / OR ACTION:**

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager
  - a. Commission Attendance Reports

**F. ADJOURNMENT:**

**Please note:** Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.

I, Victoria Randall, Deputy City Clerk of the City of Atascadero, declare under the penalty of perjury that the addendum for the foregoing agenda for the May 12, 2009 Regular Session of the Atascadero City Council was posted on May 7, 2009 at the Atascadero City Hall, 6907 El Camino Real, Atascadero, CA 93422 and was available for public review in the Customer Service Center at that location.

Signed this 7<sup>th</sup> day of May, 2009, at Atascadero, California.

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Victoria Randall, Deputy City Clerk  
City of Atascadero

## City of Atascadero

### **WELCOME TO THE ATASCADERO CITY COUNCIL MEETING**

The City Council meets in regular session on the second and fourth Tuesday of each month at 6:00 p.m. unless there is a Community Redevelopment Agency meeting commencing at 6:00 p.m. in which event the Council meeting will commence immediately following the conclusion of the Community Redevelopment Agency meeting. Council meetings will be held at the City Hall Council Chambers, 6907 El Camino Real, Atascadero. Matters are considered by the Council in the order of the printed Agenda.

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection during City Hall business hours at the Front Counter of City Hall, 6907 El Camino Real, Atascadero, and on our website, [www.atascadero.org](http://www.atascadero.org). An agenda packet is also available for public review at the Atascadero Library, 6850 Morro Road. Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are either read into the record or referred to in their statement will be noted in the minutes and available for review in the City Clerk's office. Council meetings are video taped and audio recorded, and may be reviewed by the public. Copies of meeting recordings are available for a fee. Contact the City Clerk for more information (470-3400).

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

#### **TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA**

Under Agenda item, "COMMUNITY FORUM", the Mayor will call for anyone from the audience having business with the Council to approach the lectern and be recognized.

1. Give your name for the record (not required)
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Mayor and Council.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present

This is the time items not on the Agenda may be brought to the Council's attention. A maximum of 30 minutes will be allowed for Community Forum (unless changed by the Council).

#### **TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)**

Members of the audience may speak on any item on the agenda. The Mayor will identify the subject, staff will give their report, and the Council will ask questions of staff. The Mayor will announce when the public comment period is open and will request anyone interested to address the Council regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Mayor
2. Give your name (not required)
3. Make your statement
4. All comments should be made to the Mayor and Council
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present
6. All comments limited to 3 minutes

If you wish to use a computer presentation to support your comments, you must notify the City Clerk's office at least 24 hours prior to the meeting. Digital presentations brought to the meeting on a USB drive or CD is preferred. Access to hook up your laptop to the City's projector can also be provided. You are required to submit to the City Clerk a printed copy of your presentation for the record. Please check in with the City Clerk before the meeting begins to announce your presence and turn in the printed copy.

The Mayor will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Council.