CITY OF ATASCADERO
CITY COUNCIL

DRAFT ACTION MINUTES

Tuesday, September 13, 2011

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

REGULAR SESSION – CALL TO ORDER: 6:00 P.M.

Mayor O’Malley called the meeting to order at 6:02 p.m. and led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Clay, Fonzi, Sturtevant, Mayor Pro Tem Kelley and Mayor O’Malley

Absent: None

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

Staff Present: Assistant City Manager Jim Lewis, Administrative Services Director Rachelle Rickard, Community Development Director Warren Frace, Public Works Director Russ Thompson, Community Services Director Brady Cherry, Acting Police Chief Steve Gesell, Fire Chief Kurt Stone, and City Attorney Brian Pierik.

APPROVAL OF AGENDA: Roll Call

Mayor Pro Tem Kelley stated that he would like to remove the issue regarding the Ferrocarrill gate from the agenda. He explained that he has received numerous calls from residents in the area explaining why they want the gate to remain.
MOTION: By Council Member Fonzi and seconded by Council Member Sturtevant to approve the modified agenda. 
Motion passed 5:0 by a roll-call vote.

PRESENTATIONS:

1. Employee Service Awards

Assistant City Manager Jim Lewis recognized each of the employees receiving a recognition award:

Five Years
Gregg Meyer, Police Department Sergeant
Caleb Davis, Police Department Officer
Chris Horejsi, Public Works Department
Thomas Little, Fire Department Fire Engineer
Victoria Randall, City Manager’s Office

Ten Years
Keith Aggson, Fire Department Captain
Jennifer Fanning, Community Services Recreation Supervisor

Twenty-five Years
Ann Jutras, Police Department Support Services Supervisor

2. Update on Disaster Response Trailer – PG&E Challenge Grant

Mayor O’Malley announced that Council Member Sturtevant will say a few words about this Grant. PG&E representative Tom Jones and Matt Miranda from the Fire Department also spoke about this Grant.

3. Presentation by Michael E. Manchak, President and CEO of the Economic Vitality Corporation

Mr. Manchek gave a summary of the services provided by the Economic Vitality Corporation.

County Supervisor Jim Patterson stated that the Board of Supervisors supports the Economic Vitality Corporation’s services.
A. CONSENT CALENDAR:

1. **City Council Draft Action Minutes – July 12, 2011**
   - Recommendation: Council approve the City Council Draft Action Minutes of July 12, 2011. [City Clerk]

2. **City Council Draft Action Minutes – August 9, 2011**
   - Recommendation: Council approve the City Council Draft Action Minutes of August 9, 2011. [City Clerk]

3. **City Council Special Meeting Draft Action Minutes – August 11, 2011**
   - Recommendation: Council approve the City Council Special Meeting Draft Action Minutes of August 11, 2011. [City Clerk]

4. **City Council Special Meeting Draft Action Minutes – August 25, 2011**
   - Recommendation: Council approve the City Council Special Meeting Draft Action Minutes of August 25, 2011. [City Clerk]

5. **June 2011 Investment Report**
   - Fiscal Impact: None.
   - Recommendation: Council receive and file the City Treasurer’s report for quarter ending June 2011. [Administrative Services]

6. **July 2011 Accounts Payable and Payroll**
   - Fiscal Impact: $3,197,021.83.
   - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for July 2011. [Administrative Services]

7. **Second Reading for Draft Regular Ordinance Pertaining to Compliance with ABX1 27 Voluntary Alternative Redevelopment Program**
   - Fiscal Impact: The estimated payments required of the City to participate in the Alternative Voluntary Redevelopment Program are $1,516,774.00 in FY 2011-12 and $400,000 per year in succeeding fiscal years.
   - Recommendation: Council adopt on second reading, by title only, the Draft Ordinance, determining to comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Atascadero Community Redevelopment Agency. [City Attorney]

Citizen Mike Brennler pulled Item #A-6.
MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Fonzi to approve Items #A-1, 2, 3, 4, 5, & 7 of the Consent Calendar.  
Motion passed 5:0 by a roll-call vote.  (Item #A-7: Ordinance No. 557)

Item #A-6: Mr. Brennler asked for clarification on an entry in the report. Administrative Services Director Rickard explained the entry.

MOTION: By Council Member Fonzi and seconded by Council Member Sturtevant to approve Item #A-6 of the Consent Calendar.  
Motion passed 5:0 by a roll-call vote.

UPDATES FROM THE CITY MANAGER:

City Manager Wade McKinney gave an update on projects and issues within the City.

COMMUNITY FORUM:

The following citizens spoke during Community Forum: David Broadwater (Exhibit A), Barbara Landis, Felicia Hammond (Exhibit B), Bruce Boniface (Exhibit C), Rick Cook, Susan Warren (Exhibit D), Mike Anderson, Lee Perkins, Mitch Paskin, Judy Gray, Mike Brennler, Tom Comar, Richard Molroy, Jim Patterson, and Karyn Sturtevant.

Mayor O’Malley closed the COMMUNITY FORUM period.

B. PUBLIC HEARINGS: None.

C. MANAGEMENT REPORTS:

1. Confirming the Cost of Vegetative Growth and/or Refuse Abatement
   - Fiscal Impact: The City will receive $164,549.81 from the 2011/2012 property tax rolls in weed abatement / refuse abatement assessments.
   - Recommendation: Council adopt the Draft Resolution, confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement. [Fire]

Fire Chief Kurt Stone gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizen spoke on this item: Mike Brennler.
Mayor O’Malley closed the Public Comment period.

MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Sturtevant to adopt the Draft Resolution, confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement. 

Motion passed 5:0 by a roll-call vote. (Resolution No. 2011-064)

2. Consideration of Continuation of Priority Redevelopment Agency Projects by the City

- Fiscal Impact: Fiscal impact and risk depends on the amount of funding being spent during this interim time. Amounts range from $0 to $716,800.
- Recommendation: Council direct staff on whether or not to continue certain priority redevelopment projects and activities on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX1 26 and 27. [City Manager]

Assistant City Manager Jim Lewis gave the staff report and answered questions from the Council.

The Council considered the following high priority redevelopment projects:
1. Olsen property purchase
2. Downtown pedestrian bridge
3. Centennial Plaza improvements

PUBLIC COMMENT:

The following citizens spoke on this item: Jim Wilkins, Al Fonzi, Frank Rimkus, Mike Brennler, and Jack Doris.

Mayor O’Malley closed the Public Comment period.

MOTION: By Council Member Fonzi and seconded by Council Member Clay to direct staff to continue the following redevelopment projects and activities on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX1 26 and 27:

1. Olsen property purchase
2. Downtown pedestrian bridge
3. Centennial Plaza improvements

Motion passed 5:0 by a roll-call vote.
The Council considered the following high priority redevelopment projects:
1. Office of Economic Development Activities
2. Economic Development Support from Staff
3. Enhanced Cleanup and Maintenance of Downtown
4. Graffiti Removal in the Redevelopment Area

PUBLIC COMMENT:
The following citizen spoke on this item: Mike Brennler

*Mayor O'Malley closed the Public Comment period.*

**MOTION:** By Mayor Pro Tem Kelley and seconded by Council Member Clay to direct staff to continue the following redevelopment projects and activities on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX 26 and 27:
   1. Office of Economic Development Activities
   2. Economic Development Support from Staff
   3. Enhanced Cleanup and Maintenance of Downtown
   4. Graffiti Removal in the Redevelopment Area

*Motion passed 5:0 by a roll-call vote.*

The Council considered the following high priority redevelopment projects:
1. Low/Moderate Income Housing Program

PUBLIC COMMENT: None.

**MOTION:** By Mayor Pro Tem Kelley and seconded by Council Member Sturtevant to direct staff to continue the following redevelopment project on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX 26 and 27.:
   1. Low/Moderate Income Housing Program

*Motion passed 5:0 by a roll-call vote.*

The Council considered the following redevelopment projects:
1. Restaurant Stimulus Program
2. Permit Fee Waiver Program
3. Façade Improvement Program/Signage

PUBLIC COMMENT:
The following citizens spoke on this item: Jack Doris, Frank Rimkus, Al Fonzi, and Steve Martin.
Mayor O’Malley closed the Public Comment period.

MOTION: By Council Member Fonzi and seconded by Council Member Sturtevant to direct staff to continue the Restaurant Stimulus Program redevelopment project on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX1 26 and 27. Motion passed 5:0 by a roll-call vote.

MOTION: By Council Member Sturtevant and seconded by Council Member Clay to direct staff to continue the Permit Fee Waiver Program redevelopment project on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX1 26 and 27. Motion passed 5:0 by a roll-call vote.

MOTION: By Council Member Sturtevant and seconded by Mayor Pro Tem Kelley to direct staff to continue the Façade Improvement Program/Signage redevelopment project on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX1 26 and 27. Motion passed 5:0 by a roll-call vote.

The Council considered the following redevelopment projects:
1. Marketing and Promotion of Community
2. Savor the Central Coast
3. Road Closure Fees
4. Park Rental Fees

PUBLIC COMMENT: None

MOTION: By Mayor O’Malley and seconded by Council Member Fonzi to direct staff to continue the following redevelopment projects and activities on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX1 26 and 27:
1. Marketing and Promotion of Community
2. Savor the Central Coast
3. Road Closure Fees
4. Park Rental Fees

Motion passed 5:0 by a roll-call vote.

The Council considered the following redevelopment projects:
1. Sunken Gardens Fountain
2. Sunken Gardens Holiday Enhancements
PUBLIC COMMENT: None

MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Fonzi to direct staff to continue the following redevelopment projects and activities on behalf of the Redevelopment Agency during the period the Supreme Court of California is reviewing legal challenges to ABX1 26 and 27:

1. Sunken Gardens Fountain
2. Sunken Gardens Holiday Enhancements

Motion passed 5:0 by a roll-call vote.

3. **Downtown Pedestrian Bridge and Centennial Plaza Design Award**
   - Fiscal Impact: Approval of this agreement will result in the expenditure of $95,983.00 previously budgeted Blight Elimination Funds for these capital improvement projects. Staff will be bringing forward a conceptual project design and budget at a future meeting.
   - Recommendation: Council authorize the City Manager to execute an agreement with North Coast Engineering, Inc. in the amount of $95,983.00 for engineering design to prepare working drawings, plans and specifications for the Downtown Pedestrian Bridge and Centennial Plaza projects. [Public Works]

Public Works Director Russ Thompson gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: Jim Wilkins, Tom Lewis, and Mike Brennler.

*Mayor O’Malley closed the Public Comment period.*

MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Clay to authorize the City Manager to execute an agreement with North Coast Engineering, Inc. in the amount of $95,983.00 for engineering design to prepare working drawings, plans and specifications for the Downtown Pedestrian Bridge and Centennial Plaza projects.

Motion passed 5:0 by a roll-call vote. (Contract No. 2011-035)

*Mayor O’Malley recessed the meeting at 9:25 p.m.*

*Mayor O’Malley reconvened the meeting at 9:42 p.m.*
4. **Angled Parking on El Camino Real**
   - **Fiscal Impact:** The construction cost for restriping El Camino Real will range from $30,000 to $40,000.
   - **Recommendations:** Council:
     1. Direct Staff to install angled parking on El Camino Real between Morro Road and Traffic Way at the completion of Streetscape 3; and,
     2. Provide Staff with any direction on modification of the extent of proposed improvements. [Public Works]

Public Works Director Russ Thompson gave the staff report and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizen spoke on this item: David Broadwater

*Mayor O’Malley closed the Public Comment period.*

_There was Council consensus to place this issue on hold at this time._

5. **Reject Lake Park Sign and Frontage Improvement Project Bids (City Bid No. 2011-012)**
   - **Fiscal Impact:** The fiscal impact of rejecting the bids is minimal as all plans, specifications and contracts have been developed. Minor staff time and minimal advertisement costs will be the only proposed expenses to re-bid the project.
   - **Recommendations:** Council:
     1. Reject all bids for the Lake Park Sign and Frontage project; and,
     2. Authorize the Public Works Director to re-bid the project. [Public Works]

Public Works Director Russ Thompson gave the staff report and answered questions from the Council.

**PUBLIC COMMENT:** None

**MOTION:** By Council Member Sturtevant and seconded by Council Member Fonzi to:
1. Reject all bids for the Lake Park Sign and Frontage project; and,
2. Authorize the Public Works Director to re-bid the project. *Motion passed 5:0 by a roll-call vote.*
6. **Employee - Employer Relations Resolution**
   - **Fiscal Impact:** None.
   - **Recommendation:** Council adopt the Draft Resolution adopting a framework for employee-employer relations. [City Manager]

Assistant City Manager Jim Lewis gave the staff report and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: David Broadwater, Judy Gray, and Mike Brennler.

_Mayor O’Malley closed the Public Comment period._

**MOTION:** By Mayor Pro Tem Kelley and seconded by Council Member Sturtevant to adopt the Draft Resolution adopting a framework for employee-employer relations. 

*Motion passed 5:0 by a roll-call vote. (Resolution No. 2011-065)*

**COUNCIL ANNOUNCEMENTS AND REPORTS:**

1. **Mayor Tom O’Malley**
   - **IWMA – Proposed Ban of Plastic and Paper Bags**

Mayor O’Malley announced at the August 9, 2011 City Council meeting that the San Luis Obispo County Integrated Waste Management Authority (IWMA) Board is considering a ban on all plastic and paper bags. Mayor O’Malley asked that this issue be placed on this agenda so that the Council and community could provide him with input on the issue.

Mayor O’Malley explained that he is seeking input from the Council and the audience to take with him to the IWMA Board meeting tomorrow.

**MOTION:** By Council Member Fonzi and seconded by Council Member Sturtevant to continue the meeting past 11:00 p.m.

*Motion passed 3:2 by a roll-call vote. (Clay & Kelley opposed)*

**PUBLIC COMMENT:**

The following citizens spoke on this item: Judy Gray, Chuck Ward, Megan Farrell (Exhibit E), Gordon Hensley, David Broadwater, Mike Brennler, and Jim Patterson (Exhibit F).
Mayor O’Malley closed the Public Comment period.

The City Council Members expressed their opinions on this issue.

2. Mayor Pro Tem Bob Kelley
   Ferrocarrill Gate – Possible Public Safety Barrier
   Mayor Pro Tem Kelley reported at the August 9, 2011 City Council meeting that he is concerned about the gate on Ferrocarrill Road that separates the neighborhood into two areas. He expressed concern with the possible delay in emergency response times because of this gate and wants the City Council to discuss the issue.

   This item was removed by Council.

D. COMMITTEE REPORTS: None

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURNMENT:

Mayor O’Malley adjourned the meeting at 11:31 p.m.

MINUTES PREPARED BY:

____________________________________
Marcia McClure Torgerson, C.M.C.
City Clerk / Assistant to the City Manager

The following exhibit is available for review in the City Clerk’s office:

Exhibit A – Letter from David Broadwater, dated 9/13/11
Exhibit B – CERT flyer, submitted by Felicia Hammond
Exhibit C – Invitation to ALPS land dedication on 9/23/11, submitted by Bruce Boniface
Exhibit D – North County Connection invitation, submitted by Susan Warren
Exhibit E – Bag Math, submitted by Megan Farrell
Exhibit F – 3 informational items supporting the banning of bags, submitted by Jim Patterson