DRAFT ACTION MINUTES

Tuesday, November 23, 2010
6:00 P.M.

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

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

Mayor Fonzi called the meeting to order at 6:00 p.m. and Council Member Béraud led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Clay, Kelley, Béraud and Mayor Fonzi

Absent: Mayor Pro Tem O’Malley

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

Staff Present: City Manager Wade McKinney, 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, Police Chief Jim Mulhall, Fire Chief Kurt Stone, and City Attorney Brian Pierik.

Council Member Béraud stated that since she is finishing her term on the City Council, she is terminating her campaign committee and has funds left over. She announced that she will be giving the balance in her account, $1,000.00, to the Friends of the Library in their effort to expand our Library and move it Downtown.
APPROVAL OF AGENDA: Roll Call

MOTION: By Council Member Beraud and seconded by Council Member Kelley to approve the agenda.

*Motion passed 4:0 by a roll-call vote.*

A. CONSENT CALENDAR:

1. **City Council Meeting Draft Action Minutes – November 9, 2010**
   - **Recommendation:** Council approve the City Council Meeting Draft Action Minutes of November 9, 2010. [City Clerk]

2. **Amendment of Pre-Qualification Procedure for ACH-08 Bid on Historic City Hall Project**
   - **Fiscal Impact:** This proposed change is expected to widen the pool of potential contractors for bid ACH-08, and could allow for a more competitive price.
   - **Recommendation:** Council adopt the attached Draft Resolution, authorizing the amendment of the procedure for pre-qualification of contractors for the ACH-08 bid on the Historic City Hall Project. [Administrative Services]

3. **Drug and Alcohol Policy – Transit Services**
   - **Fiscal Impact:** The City of Atascadero receives approximately $210,000 per year in FTA operating assistance for transit services. Expenditures for Drug and Alcohol testing average $300-$400 per year.
   - **Recommendation:** Council adopt the attached Drug and Alcohol Policy for safety-sensitive Transit employees. [Public Works]

Mayor Fonzi pulled Item #A-2.

**MOTION:** By Council Member Clay and seconded by Council Member Béraud to approve Items #A-1 & #A-3 of the Consent Calendar.

*Motion passed 4:0 by a roll-call vote.*

Item #A-2:

Mayor Fonzi asked Staff for an explanation regarding the importance of the historical and FEMA experience required in the City Hall restoration bids.

City Manager McKinney explained that the historic City Hall has some serious, historically significant areas within the building that will require specialized work and considerations. The concern is that a company not experienced in historical significant buildings will submit a low bid because they do not understand the work involved. Also, FEMA funding may be jeopardized if all their regulations are not followed explicitly.
Staff has lightened the regulations so that they applied to a broader audience, and still protect the building. We need to comply with the Secretary of the Interior’s Standards.

Mayor Fonzi asked Larry Fugal of Bernards whether or not it was Bernards' responsibility to oversee all the contractors working on this restoration.

Mr. Fugal re-stated the importance of the Secretary of the Interior’s Standards and the application for this project. He said that if we get sideways with the regulations under the Secretary of the Interior’s Standards, we risk funding. Secondly, if the contractor does not have the expertise to monitor those in the field on a day to day basis, you run the risk of having to re-do the work which will involve change orders and an increased budget.

PUBLIC COMMENT:

The following citizen spoke on this item: Mike Brennler

*Mayor Fonzi closed the Public Comment period.*

**MOTION:** By Council Member Béraud and seconded by Council Member Clay to approve Items #A-2 of the Consent Calendar.

*Motion passed 4:0 by a roll-call vote. (Resolution No. 2010-073)*

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: Tom Gaddis, Ray Weymann, Lee Perkins, Tom Comar, Jules Carcanague (Exhibit A), Mike Anderson, Fred Frank, Dan O’Grady, Bill Schaffer, Ron Rothman, Michael Lautner, Jim Patterson, Mike Brennler, Doug Marks read a prepared statement from Len Colamarino, Joan O’Keefe, and Marty Brown.

*Mayor Fonzi closed the COMMUNITY FORUM period.*

Council Member Kelley stated it has been a pleasure working with Council Member Béraud.

Council Member Clay asked everyone to give Council Member Béraud a standing ovation.

Council Member Béraud thanked everyone for the kind words.
Mayor Fonzi stated that it has been a pleasure working with Council Member Béraud and that even though they don’t always agree, Council Member Béraud is always willing and open to talk about issues. Mayor Fonzi said she appreciates her hard work on the Council.

*Mayor Fonzi recessed the meeting at 7:00 p.m.*

*Mayor Fonzi reconvened the meeting at 7:10 p.m.*

**B. PUBLIC HEARINGS:**

1. **2010 Bicycle Transportation Plan - Final Review and Adoption**
   - **Ex Parte Communications:**
   - **Fiscal Impact:** There is no fiscal impact to the City by the adoption of the proposed 2010 City of Atascadero Bicycle Transportation Plan.
   - **Recommendations:** Parks and Recreation Commission recommends the City Council:
     1. Adopt Draft Resolution A, certifying Proposed Mitigated Negative Declaration 2010-0006; and,
     2. Adopt Draft Resolution B, adopting the proposed 2010 City of Atascadero Bicycle Transportation Plan. [Community Services]

Community Services Director Brady Cherry gave the staff report and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: Dan Rivoire, Doug Marks read a prepared statement from Len Colamarino, Jim Patterson, Fred Frank, Richard Moen, and Mike Zappas.

*Mayor Fonzi closed the Public Comment period.*

**MOTION:** By Council Member Béraud and seconded by Council Member Clay to:

1. Adopt Draft Resolution A, certifying Proposed Mitigated Negative Declaration 2010-0006; and,
2. Adopt Draft Resolution B, adopting the proposed 2010 City of Atascadero Bicycle Transportation Plan, with 2 amendments to the Plan: replacing the word “shall” with “should” in Policy #10 & #18.

*Motion passed 4:0 by a roll-call vote. (#1: Resolution No. 2010-074, #2: Resolution No. 2010-075)*
2. Adoption of New 2010 California Building Codes; Modifications to Atascadero Municipal Code: Title 8 Building Regulations and Adoption of the New 2010 California Fire Code; Modifications to the Atascadero Municipal Code: Title 4 Fire Regulations

- Ex Parte Communications:
- Fiscal Impact: Staff expects minimal fiscal impact from the adoption of the new building codes.
- Recommendations: Council introduce for first reading by title only, Draft Ordinance A adopting the mandated California Building Codes, the International Property Maintenance Code, the California Fire Code, and the International Wildland Interface Code with proposed local amendments contained in Title 8 and Title 4 of the Atascadero Municipal Code. [Community Development]

Deputy Community Development Director Ken Forman gave the staff report and answered questions from the Council. Fire Chief Stone and Fire Marshall Peterson also answered questions from the Council.

PUBLIC COMMENT: None

MOTION: By Council Member Kelley and seconded by Council Member Clay to direct staff to bring back to the Council analysis with options concerning square footage as it pertains to fire sprinklers in ag buildings and additions, and return the Ordinance for introduction on first reading by title only, adopting the mandated California Building Codes, the International Property Maintenance Code, the California Fire Code, and the International Wildland Interface Code with proposed local amendments contained in Title 8 and Title 4 of the Atascadero Municipal Code. 

Motion passed 4:0 by a roll-call vote.

C. MANAGEMENT REPORTS: None.

COUNCIL ANNOUNCEMENTS AND REPORTS:

Council Member Clay reminded everyone that the outside temperatures for the next few days will be in the 20’s and teens. He urged everyone who are leaving town for the holiday to protect your plumbing by leaving the heat on low to avoid freezing pipes.

Council Member Béraud reviewed the Council’s major accomplishments while she served on the City Council.
D. COMMITTEE REPORTS: None

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURNMENT:

Mayor Fonzi adjourned the meeting at 8:40 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 – Petitions requesting a blinking crosswalk at the intersection of El Camino Real and El Bordo