



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

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## **DRAFT ACTION MINUTES**

**Tuesday, June 8, 2010**  
**6:00 P.M.**

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

### **CITY COUNCIL REGULAR SESSION: 6:00 P.M.**

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

### **ROLL CALL:**

Present: Council Members Clay, O'Malley, Kelley, Béraud and Mayor Fonzi

Absent: None

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.

APPROVAL OF AGENDA: Roll Call

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

**A. CONSENT CALENDAR:**

1. [City Council Meeting Draft Minutes – April 27, 2010](#)
  - Recommendation: Council approve the Draft Meeting Minutes of April 27, 2010. [City Clerk]
2. [2010-2011 Annual Spending Limit](#)
  - Fiscal Impact: None.
  - Recommendation: Council adopt the attached Draft Resolution establishing the annual spending limit for fiscal year 2010-2011. [Administrative Services]
3. [April 2010 Accounts Payable and Payroll](#)
  - Fiscal Impact: 1,747,416.85.
  - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for April 2010. [Administrative Services]
4. [Purchase of Bus Shelters](#)
  - Fiscal Impact: Funds for the purchase of these shelters have been made available through the American Recovery and Reinvestment Act (ARRA) and have been programmed through the San Luis Obispo Council of Governments (SLOCOG). The cost of the shelters is \$53,957.85; total ARRA funds available for the Bus Stop Improvement Project are \$70,000.
  - Recommendation: Council approve the purchase of five pre-manufactured bus shelters from Tolar Manufacturing using American Recovery and Reinvestment Act (ARRA) grant funds in the amount of \$53,957.85. [Public Works]
5. [Final Map 2009-0147 \(Parcel Map AT 09-0015\) 6575 Sycamore Road \(LLA 2009-0096\) Atascadero Mutual Water Company](#)
  - Fiscal Impact: None.
  - Recommendation: Council:
    1. Adopt and Approve Final Parcel Map 2009-0147 (Parcel Map AT 09-0015) and reject without prejudice to future acceptance on behalf of the public, the Public Streets and Pedestrian Access Easement; and,
    2. Authorize and Direct the City Clerk to Endorse the Map with the City Council's Approval; and,

3. Authorize the City Manager to sign a Drainage Release Agreement associated with Parcel Map ATAL (09-00015, Parcel 3). [Public Works]

City Manager Wade McKinney announced a correction to the Resolution in Item #A-2. The Percentage Change should be -1.69%.

**MOTION:** By Council Member Clay and seconded by Council Member Béraud to approve the Consent Calendar, as amended.  
*Motion passed 5:0 by a roll-call vote. (#A-2: Resolution No. 2010-039, #A-5: Contract No. 2010-013)*

#### **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: Pastor Steve Shivley, Kevin Campian-George Beattie Memorial Skate Park, Chuck Ward, Jim Wilkins-President of the Atascadero Historical Society, Elana Reynolds.

***Mayor Fonzi closed the COMMUNITY FORUM period.***

***There was Council consensus to have Staff look into the creation of a sign for the Skate Park.***

#### **B. PUBLIC HEARINGS:**

1. [Apple Valley Assessment Districts](#)
  - Ex Parte Communications
  - Fiscal Impact: Annual assessments for 2010/2011 will total \$38,430 for road/drainage system maintenance and \$22,120 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 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 2010/2011; and,
    2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2010/2011 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 2010/2011; and,
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2010/2011 for Landscaping and Lighting District No. 01 – Apple Valley. [Administrative Services]

Ex Parte Communications: None

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

**PUBLIC COMMENT: None**

**MOTION: By Council Member Béraud and seconded by Mayor Pro Tem 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 2010/2011; and,
2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2010/2011 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 2010/2011; and,
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2010/2011 for Landscaping and Lighting District No. 01 – Apple Valley.

*Motion passed 5:0 by a roll-call vote. (Resolution No. 2010-040, 041, 042, & 043)*

## 2. De Anza Estates Assessment Districts

- Ex Parte Communications
- Fiscal Impact: Annual assessments for 2010/2011 will total \$50,224 for road/drainage system maintenance and \$17,458 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. The City General Fund will contribute \$710 for the fiscal year 2010/2011 for half of the maintenance costs of the trails.
- 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 2010/2011.

2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2010/2011 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 2010/2011.
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2010/2011 for Landscaping and Lighting District No. 03 – De Anza Estates. [Administrative Services]

Ex Parte Communications: None

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

**PUBLIC COMMENT: None**

**MOTION: By Council Member Béraud and seconded by Council Member Kelley 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 2010/2011.**
2. **Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2010/2011 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 2010/2011.**
4. **Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2010/2011 for Landscaping and Lighting District No. 03 – De Anza Estates.**

*Motion passed 5:0 by a roll-call vote. (Resolution No: 2010-044, 045, 046, & 047)*

3. **Woodridge (Las Lomas) Assessment Districts**

- Ex Parte Communications
- Fiscal Impact: Annual assessments for 2010/2011 will total \$23,639 for road/drainage system maintenance and \$49,826 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Woodridge.
- 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 2010/2011.

2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2010/2011 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 2010/2011.
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2010/2011 for Landscaping and Lighting District No. 02 – Woodridge (Las Lomas). [Administrative Services]

Ex Parte Communications: None

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

**PUBLIC COMMENT: None**

**MOTION: By Council Member Béraud and seconded by Council Member Kelley 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 2010/2011.
2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2010/2011 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 2010/2011.
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2010/2011 for Landscaping and Lighting District No. 02 – Woodridge (Las Lomas).

*Motion passed 5:0 by a roll-call vote. (Resolution No. 2010-048, 049, 050, & 051)*

4. [Title 8 Building Code Text Amendment – Dormant Building Permit Applications Time Extensions Program Follow-up Report – Phase III Option](#)

- Ex Parte Communications
- Fiscal Impact: It is likely that between 25%-50% of the \$374,000 in outstanding plan check fees will be collected with the Phase III extension program.

- Recommendations: City Council introduce for first reading by title only, Draft Ordinance A to create a Phase III Dormant Building Permit Application program consistent with staff's recommendations. [Community Development]

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

**PUBLIC COMMENT:**

The following citizen spoke on this item: Grant Robbins-Representative of Dove Creek property owner.

***Mayor Fonzi closed the Public Comment period.***

**MOTION:** By Mayor Pro Tem O'Malley and seconded by Council Member Clay to introduce for first reading by title only, Draft Ordinance A to create a Phase III Dormant Building Permit Application program consistent with staff's recommendations, with the following amendment: The existing Phase I program will be extended to 12 months.  
***Motion passed 5:0 by a roll-call vote.***

**C. MANAGEMENT REPORTS:**

1. [Project Update \(Not a Public Hearing\) PLN 2009-1341 CUP 2009-0244 / RAB 2010-0019 - Conditional Use Permit for a 10 Screen Movie Theater / Retail / Restaurant building - Request to Summarily Vacate a Portion of Atascadero Mall Ave. and El Camino Real - 6320 - 6490 El Camino Real \(Hoff / Wysong\)](#)
  - Fiscal Impact: No fiscal impact, informational item.
  - Recommendation: City Council receive and file this project update report. [Community Development]

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

**PUBLIC COMMENT: None**

***There was Council consensus to direct staff to include Main Street in the parking review.***

Mayor Fonzi asked for a copy of the 2006 parking study.

**MOTION:** By Council Member Kelley and seconded by Mayor Pro Tem O'Malley to receive and file the report.  
***Motion passed 5:0 by a roll-call vote.***

2. [Resolution Supporting the Protection of Whales by Opposing the Resumption of Commercial Whaling as Proposed by the International Whaling Commission](#)
- Fiscal Impact: None.
  - Recommendation: Council adopt the Draft Resolution supporting the protection of whales and opposing the resumption of commercial whaling and ten-year quotas for gray whales as propose by the International Whaling Commission. [City Manager]

City Manager Wade McKinney gave the staff report and answered questions from the Council.

Council Member Béraud submitted petitions signed by high school students (future voters) with 111 signatures supporting the resolution before the Council tonight. (Exhibit A)

**PUBLIC COMMENT:**

The following citizens spoke on this item: Marty Brown, David Broadwater, Thomas McGee, Richard Smith, Mandy Davis.

***Mayor Fonzi closed the Public Comment period.***

Council Member Clay stated that there are many causes out there, and he does not feel the City should be supporting causes that do not affect Atascadero.

- MOTION:** By Council Member Béraud and seconded by Mayor Pro Tem O'Malley to adopt the Draft Resolution supporting the protection of whales and opposing the resumption of commercial whaling and ten-year quotas for gray whales as propose by the International Whaling Commission.  
***Motion passed 4:1 by a roll-call vote. (Clay opposed) (Resolution No. 2010-052)***

3. [General Municipal Election - November 2, 2010](#)
- Description: The City Council must adopt resolutions to initiate the election process and to combine Atascadero's election with the County.
  - Fiscal Impact: The cost to the City for an election in November 2010 is determined by the number of registered voters on Election Day and the number of Candidate Statements included in the Voter Pamphlet. The City Clerk's estimate is \$18,000.00 with an additional \$2,000.00 for the ballot measure.
  - Recommendations: Council adopt:
    1. Draft Resolution A, calling for the holding of a General Municipal Election to be held on Tuesday, November 2, 2010 for the election of certain officers as required by the provisions of the laws of the State

- of California relating to General Law cities, and for the submission to the voters questions relating to the election of Mayor; and,
2. Draft Resolution B, requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal election to be held on November 2, 2010 with the Statewide General Election to be held on the date pursuant to § 10403 of the Elections Code; and,
  3. Draft Resolution C, setting priorities for filing written arguments regarding the City measure and directing the City Attorney to prepare an impartial analysis; and,
  4. Draft Resolution D, providing for the filing of rebuttal arguments for City measures submitted at Municipal Elections. [City Clerk]

City Clerk Marcia McClure Torgerson gave the staff report and answered questions from the Council.

**PUBLIC COMMENT: None**

- MOTION:** By Mayor Fonzi and seconded by Council Member Clay to:
1. Draft Resolution A, calling for the holding of a General Municipal Election to be held on Tuesday, November 2, 2010 for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law cities, and for the submission to the voters questions relating to the election of Mayor; and,
  2. Draft Resolution B, requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal election to be held on November 2, 2010 with the Statewide General Election to be held on the date pursuant to § 10403 of the Elections Code; and,
  3. Draft Resolution C, setting priorities for filing written arguments regarding the City measure and directing the City Attorney to prepare an impartial analysis; and,
  4. Draft Resolution D, providing for the filing of rebuttal arguments for City measures submitted at Municipal Elections.
- Motion passed 3:2 by a roll-call vote. (Béraud & Kelley opposed) (Resolution No. 2010-053, 054, 055, & 056)*

4. [Potential Municipal Code Revisions -- Issues and Options -- PLN 2010-1364 \(City of Atascadero\)](#)
  - Fiscal Impact: Minor fiscal impact to City. The proposed code text amendment will be prepared by City staff. Code text amendments that encourage economic development will create a positive fiscal impact to the City.
  - Recommendation: Council provide general direction to staff for preparation of a draft Municipal Code amendment. [Community Development]

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

**PUBLIC COMMENT: None**

*The Council sorted through the 16 potential Code amendments listed in the staff report and divided them into 3 tiers: I, II and III.*

**Tier I:** #1, 3, 5, 9, 10, 11, 12, 15  
**Tier II:** #2, 4, 8  
**Tier III:** #6, 7, 14, 16

**COUNCIL ANNOUNCEMENTS AND REPORTS: None**

**D. COMMITTEE REPORTS: None**

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

1. City Clerk
  - a. Modified Format for City Council and Commission Minutes
    - i. The Council and Commissions will have Action Minutes from now on. With the advancement of technology, such as the videotaping of meetings, and the economic constraints on the City, Action Minutes will be adequate and meet all legal requirements and will create less of an impact on staff.
  - b. The Nuts and Bolts of Running for an Elected Office
    - i. Notification of an upcoming workshop for potential candidates.

**F. ADJOURNMENT:**

Mayor Fonzi adjourned the meeting at 9:35 p.m.

**MINUTES PREPARED BY:**

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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 – Petition submitted by Council Member Béraud concerning the Whaling Resolution.