City Council Closed Session: 5:30 P.M.

City Council Regular Session: 6:00 P.M.

CITY COUNCIL CLOSED SESSION: 5:30 P.M.

Mayor Fonzi called the meeting to order at 5:31 p.m.

1. CLOSED SESSION -- PUBLIC COMMENT - None

2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION

3. CLOSED SESSION -- CALL TO ORDER

   a. Conference with Real Property Negotiators
      (Govt. Code Sec. 54956.8)
      Property APN#045-312-034
      City Negotiator: Wade McKinney, City Manager
      Negotiating Parties: Wells Fargo Bank
      Under Negotiation: Instruction to negotiator will concern price and terms of payment.
4. CLOSED SESSION -- ADJOURNMENT

5. COUNCIL RETURNS TO CHAMBERS

6. CLOSED SESSION -- REPORT

City Attorney Pierik announced that there was no reportable action taken.

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

Mayor Fonzi called the meeting to order at 6:03 p.m. and Abby Hearst 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, Community Development Director Warren Frace, Public Works Director Russ Thompson, Community Services Director Brady Cherry, Police Commander Steve Gesell, Fire Chief Kurt Stone, and City Attorney Brian Pierik.

APPROVAL OF AGENDA: Roll Call

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

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

PRESENTATION:

1. 2010 Regional Transportation Plan and Preliminary Sustainable Communities Strategy (2010 RTP-PSCS), presented by Steve Devencenzi, Planning Director, San Luis Obispo Council of Governments
Mr. Devencenzi explained the details of the Regional Transportation Plan to the Council, and answered questions from the Council.

A. CONSENT CALENDAR:

1. **City Council Meeting Draft Action Minutes – October 26, 2010**
   - **Recommendation:** Council approve the City Council Meeting Draft Action Minutes of October 26, 2010. [City Clerk]

2. **September 2010 Accounts Payable and Payroll**
   - **Fiscal Impact:** $2,585,115.50.
   - **Recommendation:** Council approve certified City accounts payable, payroll and payroll vendor checks for September 2010. [Administrative Services]

3. **September 2010 Investment Report**
   - **Fiscal Impact:** None.
   - **Recommendations:** Council receive and file the City Treasurer’s report for quarter ending September 2010. [Administrative Services]

**MOTION:** By Council Member Clay and seconded by Council Member Kelley to approve 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: Tom Gaddis, Terry Mathis, Joanne Main, Linda Ann, Judy Vick, Bruce Bevins, Steve Martin, Jim Patterson, and Lee Livick.

B. PUBLIC HEARINGS: None.
C. MANAGEMENT REPORTS:

1. Funding for San Luis Obispo County Library - Atascadero
   - Fiscal Impact: The appropriation is $197,900 in Library Expansion Facilities Fees Funds and $57,000 in General Funds. These funds have been earmarked for Library expansion and will not impact other City operations.
   - Recommendations: Council:
     1. Authorize the Director of Administrative Services to appropriate $57,000 of the City’s General Fund toward the City’s contribution of the library expansion project; and,
     2. Authorize the Director of Administrative Services to appropriate $197,900 of the City’s Library Expansion Facilities Fees Fund toward the City’s contribution of the library expansion project. [City Manager]

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

Mayor Fonzi asked County Library Director Brian Reynolds to speak on this issue. Mr. Reynolds explained the purchase of the building by the County and answered questions from the Council.

Mayor Fonzi asked Supervisor Jim Patterson to speak on this issue. Supervisor Patterson stated how important this partnership between the County and the Friends of the Library of Atascadero is to the future of the Library.

PUBLIC COMMENT:

The following citizens spoke on this item: Len Colamarino, Grenda Ernst, Eileen O’Grady, Christina Lefevre, and Donn Clickard.

Mayor Fonzi closed the Public Comment period.

MOTION: By Council Member Béraud and seconded by Mayor Pro Tem O’Malley to:
   1. Authorize the Director of Administrative Services to appropriate $57,000 of the City’s General Fund toward the City’s contribution of the library expansion project; and,
   2. Authorize the Director of Administrative Services to appropriate $197,900 of the City’s Library Expansion Facilities Fees Fund toward the City’s contribution of the library expansion project.

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

Mayor Fonzi recessed the meeting at 7:18 p.m.
Mayor Fonzi reconvened the meeting at 7:29 p.m.

2. Tobacco Retail Business Compliance Plan
   - Fiscal Impact: There will be minor costs including increased staff hours resulting from the additional focus placed on educating and warning tobacco retailers.
   - Recommendations: Council:
     1. Direct staff to initiate intermediate steps by firmly working with the tobacco business retailers in Atascadero to explore and implement alternatives, options, and opportunities to comply with State law concerning the sale of tobacco products; and,
     2. Direct staff to return to Council with their findings in June 2011.

City Manager McKinney stated that this issue was brought to the Council by Council Member Béraud in September 2010, and there was Council consensus to have staff return to the Council with the options available to them.

Police Commander Steve Gesell gave the staff report and answered questions from the Council.

Council Member Béraud asked that the submission received today, from Christina Lefevre, be made part of the record of tonight's meeting. (Exhibit A)

PUBLIC COMMENT:

The following citizens spoke on this item: Christina Lefevre (spoke twice), Mike Zappas (spoke twice), Jim Kincaid (spoke twice), Taylor Hixson, Callie Free, Samantha Rosenblum, Joshua Sorio, Allison Hagerty, Luke Thach, Lucas Agar, Alissa Palma, Samantha Simonini, Molly Morgan, Amon Kara, Megan Rue, Jason Reed, Joanne Main, Lee Livick, Bruce Bevins, and Austin Davis.

Mayor Fonzi closed the Public Comment period.

Mayor Fonzi recessed the meeting at 9:05 p.m.

Mayor Fonzi reconvened the meeting at 9:14 p.m.
MOTION: By Council Member Clay and seconded by Council Member Kelley to:
1. Direct staff to initiate intermediate steps by firmly working with the tobacco business retailers in Atascadero to explore and implement alternatives, options, and opportunities to comply with State law concerning the sale of tobacco products; and,
2. Direct staff to return to Council with their findings in June 2011, or sooner.

Motion passed 3:2 by a roll-call vote. (Béraud and O’Malley opposed)

Council Member Béraud stated for the record that she is extremely disappointed that this Council is putting monetary concerns over the health of our youth.

City Manager McKinney clarified for the Council that the options the Council identified as those items that they wanted implemented by staff are: A letter from the Police Chief delivered by a Council Member or the Chamber, increased workshops, dialogue with business owners by Council, and a report of findings back to the Council in 6 months or less.

COUNCIL ANNOUNCEMENTS AND REPORTS:

Mayor Fonzi asked for more information on the impact of the passage of Proposition 26 on our fees. City Manager McKinney stated that the League of California Cities emailed out a white paper to all City officials today concerning Proposition 26.

Mayor Pro Tem O’Malley stated that he wants this Council to be a 5:0 Council. He announced that he will have to miss the November 23rd Council meeting, and Council Member Kelley is unable to attend the December 14th Council meeting. The December 14th meeting is when the Council confirmed the election results, the newly elected City officials are sworn in, and the Council decides on key leadership positions, such as Mayor and Redevelopment Agency Chair. He recommended that the Council re-organization be postponed to December 28th and that the Council hold a one hour Special Session preceding that meeting to allow discussion of the Council positions and assignments and our expectations of each other in those positions.

There was Council consensus to accept Mayor Pro Tem O’Malley’s recommendations.
D. COMMITTEE REPORTS:

Mayor Fonzi
County Mayors Round Table – Mayor Fonzi stated that the Mayors discussed the possible need for cities to add an Economic Element to their General Plans. We also might want to consider an Economic Checklist in addition to the Environmental Checklist we already use.

Mayor Pro Tem O’Malley
SLO Council of Governments, President (SLOCOG) – Mayor Pro Tem O’Malley will be attending the Executive Committee; there is a concern with how Paso Robles is setting their North County Bus Route as that could impact Atascadero and our connectivity with the North County Cuesta campus.

Council Member Kelley
Atascadero State Hospital Advisory Committee – Council Member Kelley announced that he has an application in the Governor’s office to be on the Advisory Committee of the ASH. He has been interviewed by the Governor’s office and hopes to be appointed soon.
Atascadero Youth Task Force – Task Force members have expressed concerns about the Pedestrian Tunnel; the City Manager has focused on the issue and improvements have been noticed.

E. INDIVIDUAL DETERMINATION AND / OR ACTION:

Community Development
Director Frace summarized the joint meeting of the County Board of Supervisors and Planning Commission to review the Paso Robles Ground Water Resource Capacity Study.

City Clerk
City Clerk Torgerson announced that she has one applicant for the Parks and Recreation Commission Youth Rep position and asked for Mayor Fonzi to appoint two Council Members to interview the applicant. Mayor Fonzi appointed Council Members Clay and Kelley.

City Clerk Torgerson also explained to the Council the upcoming vacancies on the Commissions and asked for direction to advertise for interested citizens to apply for those positions.

There was Council consensus to direct the City Clerk to advertise for the Commission vacancies.

City Manager
A. Commissioner Attendance Report
F. ADJOURNMENT:

Mayor Fonzi adjourned the meeting at 10:05 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 – Documentation submitted by Christina Lefevre