



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, March 25, 2008, 7:00 P.M.

REGULAR SESSION: 7:00 P.M.

Mayor Brennler called the meeting to order at 7:00 p.m. and Council Member Clay led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Clay, Luna and Mayor Brennler

Absent: Council Member O'Malley and Mayor Pro Tem Béraud

Others Present: City Clerk / Assistant to City Manager Marcia McClure Torgerson, Deputy City Clerk Grace Pucci.

Staff Present: Assistant City Manager Jim Lewis, Fire Chief Kurt Stone, Police Lt. Carole Robinson, Deputy Public Works Director David Athey, and City Attorney Brian Pierik.

APPROVAL OF AGENDA:

**MOTION: By Council Member Luna and seconded by Council Member Clay to approve the agenda.
*Motion passed 3:0 by a roll-call vote.***

A. CONSENT CALENDAR:

1. City Council Meeting Minutes – February 12, 2008

- City Clerk Recommendation: Council approve the City Council Meeting Minutes of February 12, 2008. [City Clerk]

2. Atascadero Lake Park Parking Lot Rehabilitation Project Award

- Fiscal Impact: \$104,327.43.
- Recommendations: Council:
 1. Authorize the City Manager to execute an agreement with Michael Frederick Paving in the amount of \$104,327.43 for the Atascadero Lake Park Parking Lot Rehabilitation project; and,
 2. Authorize the Administrative Services Director to move the appropriation of \$100,000.00 in construction funds from Fiscal Year 2008-2009 to Fiscal Year 2007-2008. [Public works]

MOTION: By Council Member Luna and seconded by Council Member Clay to approve Items #A-1 and 2.
Motion passed 3:0 by a roll-call vote. (Item # A-2 Contract No. 2008-008)

B. PUBLIC HEARINGS:

1. Proposed Ordinance to Amend Title 12, Chapter 1 of the Atascadero Municipal Code Pertaining to Attorneys' Fees

- Disclosure of Ex Parte Communications
- Description: Ordinance, if adopted, would allow the “prevailing party” to recover attorneys’ fees in civil and administrative nuisance abatement actions.
- Fiscal Impact: Unknown.
- Recommendation: Council introduce for first reading, by title only, the Draft Ordinance amending Section 12-1.06 and adding Section 12-1.08 of Title 12, Chapter 1 of the Atascadero Municipal Code pertaining to attorneys’ fees. [City Attorney]

Ex Parte Communications – None

City Attorney Brian Pierik gave the staff report and answered questions of Council.

PUBLIC COMMENT

Al Fonzi urged the Council to consider this carefully as those most affected are those who are least able to assume the litigation fees.

Mayor Brennler closed the Public Comment period.

City Attorney Brian Pierik addressed the issue raised by Mr. Fonzi.

MOTION: By Council Member Luna and seconded by Council Member Clay to introduce for first reading, by title only, the Draft Ordinance amending Section 12-1.06 and adding Section 12-1-1.08 of Title 12, Chapter 1 of the Atascadero Municipal Code pertaining to attorneys' fees.
Motion passed 3:0 by a roll-call vote.

C. MANAGEMENT REPORTS:

1. **Downtown Forum Report and Next Steps**
 - Fiscal Impact: Minor costs for signage and staff time.
 - Recommendations: Council:
 1. Receive and file results from the Downtown Forum; and,
 2. Direct staff to proceed with recommended action plans. [City Manager]

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

PUBLIC COMMENT

Steve Martin, Executive Director Atascadero Main Street, commented on several of the staff's recommended actions and the list of suggestions from the forum.

Joanne Main, President / CEO Chamber of Commerce, spoke about Stadium Park and the possible implementation of its Master Plan and the positive incentives of rolling back impact fees.

Jim Harrison, Main Street Board Member, spoke about the possible increase in funding for Main Street and how that would enable Main Street to expand their events in the City. Regarding incentives for the downtown, he suggested staff and Council put time into researching this topic, particularly for the older buildings.

Mayor Brennler closed the Public Comment period.

There was Council consensus to receive and file the results from the downtown forum and move forward with the eight recommended actions in the staff report.

2. Update on Broadcasting Council Meetings and AGP Contract

- Fiscal Impact: Cost for the one-year agreement is estimated at \$53,000.00.
- Recommendations: Council:
 1. Receive and file update on PEG Fees and participation of Charter Cable in supporting public, educational and government access channels; and,
 2. Authorize the City Manager to enter into a one-year agreement with AGP Video, Inc., of Morro Bay, California, for broadcasting City Council and Planning Commission meetings, with an estimated annual cost of \$53,000. [City Manager]

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

PUBLIC COMMENT

David Broadwater spoke in support of broadcasting meetings, and expressed concern with changes to the Scope of Work giving too much discretion to the City Manager to decide on broadcasting special meetings, putting this off until the last minute, and extensions of the franchise agreement and use of PEG funds.

Mayor Brennler closed the Public Comment period.

MOTION: By Council Member Luna and seconded by Council Member Clay to receive and file update on PEG Fees and participation of Charter Cable in supporting public, educational and government access channels; and, authorize the City Manager to enter into a one-year agreement with AGP Video, Inc., of Morro Bay, California, for broadcasting City Council and Planning Commission meetings, with an estimated annual cost of \$53,000.

Motion passed 3:0 by a roll-call vote. (Contract No. 2008-009)

COMMUNITY FORUM:

Joanne Main, President / CEO Chamber of Commerce, spoke about the Rite Aid proposal which came before the Planning Commission last week, and of her disappointment in their treatment of this applicant. She expressed concern that there are four Commissioners who are not business friendly and their comments were rude to the applicants.

Steve Martin, Executive Director Main Street, reviewed the promotional activities Main Street will be involved in for the remainder of the year.

Heather Moreno spoke about the vote to continue the Rite Aid application by the Planning Commission and the importance of this project. She was concerned that there are several Commissioners who are obstructionists and negative. She suggested that there needs to be pro-active input from the Council to remind the Commissioners to encourage business, not turn it away.

David Broadwater reiterated his concerns about giving the City Manager the discretion on broadcasting certain meetings or not. He also spoke about development impact fees and asked where the money will come from to pay for the interchange at Del Rio. He mentioned the policy issue of what candidates for office can say during certain time frames, and would like to receive the information on that issue in the memo developed by the City Attorney. He encouraged Council to read the Attorney General's book on the Brown Act.

Al Fonzi spoke about citizens who watch the meetings on television and on the web, and commented that people are talking about the appointees, who are a direct reflection of Council. He encouraged Council Members to watch the Planning Commission meetings.

Tom Riggett, Home Depot Store Manager, introduced himself and spoke about the programs they have available to help the community.

Joanne Main asked if the City Attorney could comment on the attorney fees for January and what types of issues have caused so much research.

Mayor Brennler closed the Community Forum period.

City Attorney Brian Pierik addressed issues raised in the Community Forum period.

COUNCIL ANNOUNCEMENTS AND REPORTS:

Council Member Clay spoke about the investigation of the Youth Center and the complaint filed with the State. Assistant City Manager Jim Lewis explained the City received a letter stating that the site is clear. Regarding the Planning Commission meeting referenced earlier, Council Member Clay attended the meeting and had no problem with the questions that were asked, but thought that there was some arrogance displayed with the way that they were asked.

Council Member Luna thanked the new manager of Home Depot for volunteering his assistance and hopes staff will seek him out for projects where they could help.

Mayor Brennler read the last paragraph of the letter from the California Department of Public Health regarding the Youth Center site. He announced the Economic

Development Strategy meeting on April 8th, and that the consultant work product would be available for public. He also announced the Campaign Reform workshop to be held April 2nd and April 3rd.

D. COMMITTEE REPORTS:

Mayor Brennler

Air Pollution Control District (APCD): announced a program where SLO County residents can purchase a rechargeable lawn mower with the exchange of a gas powered mower.

E. INDIVIDUAL DETERMINATION AND/OR ACTION:

City Attorney

Concerning the Rite Aid project, Mr. Pierik recommended that each Council Member indicate at this time if it is their intention to have an open mind; that they will review the information as it comes before them, that they will deliberate objectively, and that they haven't prejudged that matter. Each Council Member in attendance did so affirm.

F. ADJOURNMENT:

Mayor Brennler adjourned the meeting at 9:07 p.m. to the next regularly scheduled meeting of the City Council on April 8, 2008.

MINUTES PREPARED BY:

Marcia McClure Torgerson, C.M.C., City Clerk