CLOSED SESSION: 5:00 PM

Mayor Brennler called meeting to order at 5:02 pm.

1. PUBLIC COMMENT – CLOSED SESSION

Council Member O’Malley expressed concern that more information on the Closed Session items was not disclosed to the public. City Attorney Pierik explained that items were not disclosed, as they pertained to consideration of potential litigation.

Mayor Brennler closed Public Comment.
2. CALL TO ORDER

a. CONFERENCE WITH LEGAL COUNSEL--ANTICIPATED LITIGATION
   Initiation of litigation pursuant to Government Code Section 54956.9(c)
   (Number of cases: 5)

3. ADJOURN

CLOSED SESSION REPORT

City Attorney Pierik reported that there was no reportable action.

REGULAR SESSION: 6:00 PM

Mayor Brennler called the meeting to order at 6:00 p.m. and Council Member Luna led the Pledge of Allegiance. Mayor Brennler asked for a moment of silence in honor of former Council Member Roland Dexter’s recent passing.

ROLL CALL:

Present: Council Members Clay, Luna, O'Malley, Béraud and Mayor Brennler

Absent: None

Others Present: City Clerk / Assistant to City Manager Marcia McClure Torgerson, Deputy City Clerk Victoria Randall.

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

APPROVAL OF AGENDA:

Council Member Clay asked that the two items on page 6 dealing with placement of Wal-Mart and Mayoral issues on the November ballot be moved up to follow the Shield Initiative discussion so that it is considered tonight given time constraints. City Manager McKinney requested that Item A-10 be dropped from the agenda (Woodbridge Las Lomas tract).
City Clerk Torgerson confirmed that in order for these items to be placed on the November ballot, they would need to be considered at the July 8th Council meeting agenda.

Council Member Luna stated he does not support the request due to the other agenda items needing to be addressed. Mayor Brennler concurred. Council Member Clay requested Council consensus to forego adjournment until the two items were discussed. Council consensus was not reached.

**MOTION:** By Council Member Clay and seconded by Council Member O’Malley to move Council Member Clay’s two items dealing with the Wal-Mart and Mayor election ballot measure proposals placement on the July 8th Council agenda to immediately follow the Shield Initiative agenda item. *Motion failed 2:3 by a roll-call vote. (Luna, Béraud and Brennler opposed)*

**MOTION:** By Council Member Luna and seconded by Mayor Pro Tem Béraud to approve amended agenda, removing Item #A-10. *Motion passed 3:2 by a roll-call vote (Clay and O’Malley opposed).*

**PRESENTATION:**

1. Recognition of Paige Buck-Moyer, Former Parks & Recreation Commission Youth Representative

Mayor Brennler thanked Paige Buck-Moyer for her services as youth representative on the Parks and Recreation Commission and presented her with a commemorative plaque.

**A. CONSENT CALENDAR**

1. **City Council Public Trust Workshop Draft Minutes - April 2 & 3, 2008**
   - Recommendation: Council approve the City Council Public Trust Workshop Minutes of April 2 & 3, 2008. [City Clerk]

2. **City Council Draft Minutes - April 8, 2008**
   - Recommendation: Council approve the City Council Minutes of April 8, 2008. [City Clerk]

3. **General Municipal Election November 4, 2008**
   - Description: The City Council must adopt resolutions to initiate the election process, and to combine our election with the County.
Fiscal Impact: The cost to the City 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 $20,000.00.

Recommendations: Council:
1. Adopt Draft Resolution A, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 4, 2008; and,
2. Adopt 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 4, 2008. [City Clerk]

4. February 2008 Investment Report
   Fiscal Impact: None
   Recommendation: Council approve the City Treasurer’s report for February 2008. [Treasurer]

5. Catering Agreement Approval for the Pavilion on the Lake
   Fiscal Impact: The City of Atascadero will receive $150 per month rental fee of the café, plus 20% of gross receipts for all on-site café & catering sales, and 10% of gross receipts for all off-site catering sales.
   Recommendation: Council approve a five-year contract for catering and food services for the Pavilion on the Lake with Pacific Harvest Catering, effective June 30, 2008 through June 30, 2013. [Community Services]

6. Final Map 2008-0156 (Parcel Map AT 07-0080), 6305 Morro Road (LLA 2007-0080), Giessinger
   Fiscal Impact: None
   Recommendations: Council:
   1. Adopt and approve Final Parcel Map 2008-0156 (Parcel Map ATAL 07 0080); and,
   2. Abandon a portion of the Marchant Avenue Right-of-Way, according to Streets and Highway Code Section 66499.20 1/2 and as approved by the City Council on October 9, 2007, with the Filing of this map; and,
   3. Authorize and direct the City Clerk to endorse the City Council’s approval on the map. [Public Works]

7. Paloma Creek Park Sports Field Lighting Project – Materials Only Package Award – City Bid No. 2008-003
   Fiscal Impact: $149,300.00 in Vehicle and Equipment funds.
   Recommendation: Council authorize the City Manager to execute a contract with Musco Lighting West, Inc. in the amount of $149,300 for the purchase of materials for the replacement of the Softball Field Lighting at Paloma Creek Park. [Public Works]
8. **Community Development Block Grant Program Fiscal Years 2009 through 2011**
   - **Fiscal Impact:** Continued availability of approximately $190,000 annually during the next 3 years for CDBG eligible programs.
   - **Recommendation:** Council authorize continued participation in the Urban County Community Development Block Grant Program for Fiscal Years 2009 through 2011. [Public Works]

9. **2006/2007 Rehabilitation Project Award (Del Rio/ San Jacinto Road) City Bid No. 2008-006**
   - **Fiscal Impact:** $708,714.39 allocated from Local Transportation Funds and Proposition 1B Funds.
   - **Recommendations:** Council:
     1. Authorize the City Manager to execute a contract with Union Asphalt, Inc. in the amount of $708,714.39 for construction of the 2006-2007 Road Rehabilitation Project; and
     2. Authorize the Public Works Director to intermittently close portions of Del Rio and San Jacinto Road during the construction period. [Public Works]

10. **Woodridge/Las Lomas Tract 2525, Phases I and II Acceptance of the Offers of Dedication for Public Open Space No. 1, No. 2 and No. 4. Certify Completion of and Begin Warranty Period for Landscape and Reduce Bond Amounts for Public Improvements**
   - **Fiscal Impact:** The City’s costs for the 2007-2008 (current year) are estimated to be $6,678.00.
   - **Recommendations:** Council:
     1. Adopt Draft Resolution A accepting the Public Improvements within the areas proposed for Dedication of Public Open Space on Tract 2525, Phase I and reject the improvements in the areas of dedication for maintenance; and,
     2. Adopt Draft Resolution B accepting the Offer of Dedications for Public Open Space No. 1, No. 2 and No. 4, in Fee Simple, on Tract 2525, Phase I; and,
     3. Authorize the Public Works Director to reduce Tract 2525, Phases I and II Public Improvement Bonds to reflect work completed and to accept Landscape Improvements as complete and subject to a one-year warranty period; and,
     4. Authorize the Public Works Director to accept the Paloma Creek Pedestrian Bridge as complete and subject to a one-year warranty period. [Public Works]

11. **Ordinance to Amend City’s Smoking Ordinance to Include Prohibition of Smoking at Atascadero State Hospital**
   - **Fiscal Impact:** None.
   - **Recommendation:** Council adopt on second reading by title only, the Draft Ordinance adding Section 8 to Title 6, Chapter 6 of the Atascadero Municipal Code providing for the prohibition of smoking at the Atascadero State Hospital. [Police and City Attorney]
Items pulled: Mike Jackson, Item #A-1
Brady Cherry, Item #A-5

**MOTION:** By Council Member O'Malley and seconded by Council Member Clay to approve consent items 2, 3, 4, 6, 7, 8, 9, 11.
Motion passed 5:0 by a roll-call vote.

**Item #A-1**
Mike Jackson stated he had comments about the draft minutes. Discussion ensued among Council Members on appropriate time to make comments on this item.

Eric Greening asked if any other physical record existed for the meeting reflected in Item #A-1.

Mike Jackson commented on the agreement reflected in the April 2-3 draft minutes regarding Mayor Brennler’s concerns. Mayor Brennler stated that issues have been resolved.

City Clerk Marcia Torgerson confirmed that the minutes represent the physical record of the meeting and that it was not recorded.

**MOTION:** By Council Member Luna and seconded by Mayor Pro Tem Beraud to approve consent item A-1.
Motion passed 5:0 by a roll-call vote.

**Item #A-5**
Brady explained that the percentage in the staff report fiscal impact and page 2 of the attached agreement were incorrect; correction should read 16% of gross receipts rather than 20% for on-site sales.

**PUBLIC COMMENT:**
Betty Hoak expressed concern with the order of agenda items.

**MOTION:** By Council Member Luna and seconded by Mayor Pro Tem Beraud to approve consent item A-5 as amended.
Motion passed 5:0 by a roll-call vote.

**COMMUNITY FORUM:**
Pastor Steve Shively, representing the Ministerial Association, commented on the June 22nd All-City Prayer event in Sunken Gardens and led those in attendance in prayer.
Chuck Ward announced that Home Depot has pledged a $25,000 donation to the Atascadero Veterans Memorial Foundation. He introduced Tom Burgett, new manager of the Atascadero store, who facilitated the contribution.

Mitch Paskin of 12040 San Marcos Road, advocated cutting a new road from Oak Ridge Estates to Hwy 41 to address his concerns with road safety and maintenance in his neighborhood.

Eileen O’Grady challenged community members to focus on facts and sound reasoning to support their arguments and not engage in name calling or labeling.

Gordon Chapman expressed concerns with fire protection, road maintenance and sewage disposal. He advocated bringing commerce into the City to generate additional revenue to address infrastructure.

Lee Perkins commented on the positive environment of the Lake Park and the downtown areas, but expressed concern about condition of the former City Hall building. She also asked the status of the stop sign at Curbaril.

Leon Korba commented on a survey he received regarding Wal-Mart. He felt the question relating to the subject of transportation being totally tied up if Wal-Mart was part of the City was an unfair question.

George Billings asked that the City restore the lake, as it is good for tourism. He stated the City needs Wal-Mart because it needs revenue.

Keith Mathias encouraged the Council to do what is best for the City rather than operate on public consensus only. He expressed concern with the Council’s denial of the Rottman Group’s affordable housing project last year.

Tish Keely commented on resident concerns with the affordable housing project discussed by Mr. Mathias. She asked that Council keep regional concerns in mind when considering growth for the City.

Joanne Main invited the public to Tuesday's in the Park BBQs to support the non-profit groups that are hosting the events.

Steve Martin announced that Main Street will hold its annual fundraiser, “Wild West Mayhem,” on July 12th at the Taft Barn. He added that downtown merchants have extended their business hours until 7:00 p.m. on Wednesdays to accommodate the working schedules of residents. Each open store will post a blue balloon.

Jeffrey Brandonetti, asked about the values of the Council unrelated to money when considering projects. He also asked about City Hall bike racks and reported on racist graffiti near the high school.

Mayor Brennler closed Community Forum.
City Manager McKinney addressed questions asked during Community Forum:
- Concerns about road safety and maintenance.
- Discussed safety factors impacting upkeep at the historic City Hall. Mr. McKinney also stated the City is working on the Curbaril stop sign, but is awaiting appropriate approvals and design.
- Discussed progress made in lake quality restoration, including water exchange and the recently installed floating island.
- Confirmed the bike rack locations at City Hall. He stated the graffiti report will be investigated.

Council Member O’Malley stated, for the record, that he wanted to make a decision on the hearing tonight.

B. PUBLIC HEARINGS

1. Initiative Petition to Amend the General Plan and Zoning Code
   - **Fiscal Impact:** The cost to the City is determined by the number of registered voters on Election Day, and the number of pages used in the Voter Pamphlet for the Ballot Measure text, impartial analysis and arguments. The City Clerk’s estimate is $2,000.00.
   - **Recommendations:** Council:
     1. Receive the Certificate of Sufficiency from the City Clerk, certifying the Initiative Petition to Amend the General Plan and Zoning Code to Prohibit Commercial Establishments in Excess of 150,000 Square Feet of Gross Floor Area or Retail Discount Stores in Excess of 90,000 Square Feet with at Least 5% of Gross Floor Area Dedicated To Items Such As Groceries that was filed with the City Clerk on May 8, 2008; AND
     2. Take one of the following actions:
        a. **Adopt the proposed Ordinance,** without alteration, amending the General Plan and Zoning Code to Prohibit Commercial Establishments in Excess of 150,000 Square Feet of Gross Floor Area or Retail Discount Stores in Excess of 90,000 Square Feet with at Least 5% of Gross Floor Area Dedicated to Items Such as Groceries.
        OR
        b. **Call for an election.**
           i. Submit the Ordinance, without alteration, to the voters by adopting the Draft Resolution A, ordering the submission, to the qualified electors of the City, of a certain measure relating to amending the General Plan and Zoning Code, at the General Municipal Election to be held on Tuesday, November 4, 2008, as called by Resolution No. __________; and,

CC Draft Minutes 06/24/08
Page 8 of 16
ii. Adopt Draft Resolution B, setting priorities for filing written arguments regarding a City measure and directing the City Attorney to prepare an impartial analysis.

**OR**

c. Order a report on the impact the adoption of this ordinance would have on the City. (*Once the Council receives this report, the Council shall either adopt the ordinance within 10 days or order an election.*) [City Clerk]

City Clerk Torgerson gave the staff report and answered questions of Council.

City Attorney Pierik discussed the timing of a first and second reading and offered to provide further direction if Council decides to adopt the ordinance.

**Ex Parte Communications:**

Council Member Clay stated he received approximately 250 emails on the subject, of which about 200 were positive toward putting initiative on the ballot. He received about 30 phone calls, all of which supported putting the initiative on the ballot; he noticed most of the calls to City Hall were in support of the initiative. He stated it was approximately 10:1 in favor of putting the item on the ballot.

Council Member O’Malley did not recall talking with an official representative of Wal-Mart, Rottman Group or the Shield Initiative about the initiative; his conversations were more about the project. He saw reports of approximately 70 phone calls coming into City Hall, most of which were weighted more in support of the initiative. Of his approximately 300 emails, less than 50 were in support of the initiative. Over 90% were in support of letting the people vote.

Mayor Brennler stated that he had received a large number of phone messages and has had conversations with residents discussing the pros and cons. He received between 150-300 emails. He was also contacted by Tom Comar who discussed his opinions.

Mayor Pro Tem Béraud apologized for the problems with her email which caused a delayed response to the emails. She discussed this issue with acquaintances and made some inquiries into the community.

Council Member Luna estimated he received the same emails and phone calls, including those transmitted from City Hall. He read all of the emails and attempted to respond. He agreed with Council Member Clay and Mayor Brennler’s estimation of the composition. He also spoke to Tom Comar last week about various options.

*Mayor Brennler called for a recess at 7:49.*
*Mayor Brennler called the meeting back to order at 8:08.*
Mayor Brennler invited the Initiative’s spokesperson to make his 10-minute presentation. He stated that the applicant will also be able to speak for ten minutes and the time will be split between Aaron Rios and Keith Mathias.

Tom Comar, representing Oppose Wal-Mart, gave his presentation advocating for adoption of the Shield Initiative and answered questions of Council.

Aaron Rios, representing Wal-Mart, and Keith Mathias, representing The Rottman Group, made their presentations advocating against adoption of the Shield Initiative tonight and answered questions of Council.

**PUBLIC COMMENT:**

Sondra Flores asked Council to support Wal-Mart so residents would not have to spend the money to travel to Paso Robles.

Mike Anderson spoke in support of letting the initiative go to the ballot.

Ray Johnson stated he supports the electorate voting on this issue and added that if the ordinance is adopted tonight, an effort to repeal it will be initiated.

Jim Shannon expressed concerns about the process and spoke in support of the initiative going to a vote rather than adopting it tonight.

Bob Marks, spoke in support of the initiative going to the ballot to enable the maximum amount of citizen participation.

Tish Keely said the Council needs to address the issues of direction and of revenue, but that Wal-Mart may not be the answer. She supports passage of ordinance, but would approve of it going to the ballot.

Tim McCutcheon spoke in support of the initiative being placed on the ballot. He added that petition signers were told their signatures would bring it to a vote.

Maggie Moore stated she supported adoption of the ordinance tonight, but that since she supports the citizens’ right to vote, she urged the Council to send this to election.

Franka Lanski expressed her concern with how individuals disrespect one another. She supports small business and buying American and felt the City should fight corporative takeovers.

Jeff Grandinetti spoke against Wal-Mart due to working conditions imposed by Wal-Mart in other countries.

Tim O’Keefe urged Council to adopt the ordinance tonight to give workers a chance at a fair salary and stated that the majority of organized labor opposes Wal-Mart due to employment practices.
Tom McGee, independent business owner, urged Council to add this issue to the ballot, stating that the initiative will stifle businesses coming in.

Roberta Fonzi spoke in favor of putting the initiative on the ballot, stating that adoption tonight would remove some of the Council’s options and expose the City to a possible discrimination lawsuit.

Heather Moreno said the Shield Initiative restricts the City’s options and she urged the Council to put it on the ballot. She added that many people signed the petition under the assumption this would put it on the ballot.

Gordon Chapman urged Council to put it on the ballot, adding that free enterprise and competition should not be feared.

Suzy Anderson spoke against adoption of the ordinance tonight, adding that a petition circulator told her that a signature would help put this on the ballot. She confirmed that a referendum is being drafted, should the ordinance be passed. She also expressed her concern with a telephone conversation with Mayor Brennler.

Pearl Tarpley Gardiner spoke in support of the initiative going to the ballot, adding that Paso Robles has passed up Atascadero due to a more welcoming climate for business and industry.

Joanne Main urged the Council to place the initiative on the ballot so that all voices may be heard, adding that the EIR is needed before a decision should be reached.

Donna Wallace, former planning commissioner, urged the Council to reject the ordinance and put it to the voters. She added that adoption would also open the City up to a lawsuit.

Jay DeCou urged the Council to put the initiative to a vote and stated that a big-box shield will reinforce Atascadero’s unfriendly business image.

Lynn Hunter asked the Council to adopt the Shield Initiative tonight. She said the General Plan, which allowed a specific use for the property, should be the guide.

Richard Moen stated he is against changing the rules once the process has started. He asked that if the initiative passes, it should apply to new applicants, not existing ones.

Bob Wilkins, asked that the Council let the initiative go to ballot and set an example for young people that a good government does not operate by demand of a vocal minority.

John Taylor, on behalf of the Atascadero Police Association, urged the Council not to adopt the Shield Initiative but to let it go to vote of people. He said the Atascadero Police Association supports commercial development so our citizens can continue to receive legendary public service.
Frank Sommers said he was approached by petition circulators who said the signatures would help to put the issue on the ballot.

Steve Tillman urged Council not to delegate their decision and that the Council has the responsibility to lead.

Jay Slane urged Council to adopt the ordinance tonight. He said the Council should accept research from institutions such as the University of Iowa and US House of Representatives and not only the UCSB.

Kelly Goodman, business owner, supports Wal-Mart and said that small businesses can survive if they change the way things are done. She urged the Council to let the Initiative go to a vote.

George Raft stated the Shield Initiative will block free enterprise and urged the Council to send this matter to the voters.

Chuck Ward asked the Council to let the initiative go to the voters. He stated that the City needs a positive, welcoming environment to attract businesses and corporations.

Catherine Baker spoke in opposition to Wal-Mart and asked the Council to adopt the Shield Initiative. She shared findings from her research on Wal-Mart.

Wesley Doss said the City needs an anchor to draw people to the area. He asked the Council to put this to a vote of the people and not to adopt the ordinance tonight.

Fred Frank commended Council for supporting the ADE economic study and encouraged more efforts in economic development. He urged the Council to adopt the ordinance and not allow an outside corporation to dominate its influence.

Bev Aho said the City can become pro business and let Wal-Mart in to help bring businesses into town; or it can raise property and sales taxes; or it can become a Community Service District. She urged the Council to turn this situation around.

Ann Hatch stated that adoption of the ordinance violates the public’s right to vote, and she urged the Council to place it on the ballot so the issue can be resolved.

Lee Perkins addressed points made by previous speakers and urged the Council to adopt the Shield Initiative tonight. She added that the Shield Initiative would not prohibit a grocery store at the north end of town.

Don Idler spoke against adopting the Shield Initiative tonight and asked that they let the people vote. He added that the City needs more retail.

Greg Barber stated he supports free enterprise and urged the community to support Wal-Mart.
Mary Arnold asked the Council not to adopt this ordinance tonight, but to put it on the ballot. She said entrepreneurs know how to survive and succeed.

John Holman voiced support for the Shield Initiative and said it protects markets that anchor our current retail centers.

Chris Thompson voiced his opposition to a super Wal-Mart and supports diversity in the marketplace.

Robert Skinner, petition circulator, said that circulators told the public the ordinance could either go to the voters or be adopted by the Council. He urged the Council to approve the ordinance. He read aloud an email from another Initiative supporter.

*Mayor Brennler called a recess at 10:27 pm
Mayor Brennler called meeting back to order at 10:36 pm*

**PUBLIC COMMENT (continued):**

Beth Hetra, San Luis Obispo resident, discussed land usage issues for Atascadero. She cautioned the Council to proceed carefully and advised against pushing bigger.

Michael Stornetta, Atascadero Professional Firefighters 3600, said expanding retail development will enable the City to provide services, but that the Initiative stands in the way of that goal.

Ashley Stornetta said that 10% of population is not an accurate representation of the community and that the people of Atascadero ought to be allowed to voice their opinion.

Shannon Stanley, Paso Robles resident, commented on the state of businesses in Atascadero and encouraged the Council to give the City a chance.

Jolene Horn asked the Council to place the initiative on the ballot to allow voters to have a voice. She stated that a referendum will be submitted should the ordinance be adopted.

Kelly Long supported putting the Initiative to a ballot and opposed adoption tonight tonight. She added that more retail is needed.

Stan Sherwin advocated for strong leadership and increased business activity in this town to keep us from withering away.

Steve Isaacson urged the Council to allow the Initiative to go to a vote and opposed adoption or requiring an additional report on the subject. He felt that adoption tonight would permanently divide the community.

Tino Santos said the petition circulators told him his signature would help to put the issue on the ballot. He voiced support for putting the Initiative on the ballot.
Frank Henderson supported the Initiative going to the ballot, adding that the ballot would provide a true survey of the public’s preferences.

**MOTION:** By Council Member O’Malley and seconded by Council Member Luna, to continue the meeting past 11:00 p.m.  
*Motion passed 5:0 by a roll-call vote.*

Ron Rothman said Wal-Mart did not respect the General Plan process when they submitted their initial plans for a supercenter.

Robert Winslow voiced concerns about petition circulators’ tactics and the City’s economic situation. He encouraged more development and growth in Atascadero and urged the Council to let the people vote on the Initiative.

Ron Olson, voiced support for Wal-Mart for its affordable prices, creation of jobs and revenue, and competition. He asked the Council to let the people vote on this issue.

John Angel questioned Wal-Mart’s record of paying its fair share in other communities and stated he felt Wal-Mart’s presence hurts other businesses.

George Billings said businesses are not worried about Wal-Mart. He urged the Council to put let the people vote on this issue.

Steve LaSalle, read a letter from Atascadero resident, Daphne Fahsing, in which she voiced her opposition to Wal-Mart and added her support for adopting the ordinance tonight. Mr. LaSalle voiced his agreement.

Tess Comar spoke in favor of this issue going to a vote in November.

Bill Shaffer voiced his support for adoption of the ordinance tonight. He said the Council needs to preserve the long-term benefit of the community and he urged them to work together in this process.

Ray Buban stated that the people will make their preferences known in the upcoming election.

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

Mayor Brennler asked if adoption would invite a successful lawsuit or constitute a violation of the first amendment. City Attorney Pierik stated that these issues would require legal analysis.

Council Member Clay advocated putting this on the ballot and letting people make the decision.
Mayor Pro Tem Béraud stated that Wal-Mart should not be viewed as the only solution to our economic difficulties. She felt it was important to proceed with the economic development study and diversify our strategies. She expressed concern that Atascadero was the only sizeable city in the county that did not have a Big Box ordinance and read statements of Mayor Tony Navarro Ferraro from Arroyo Grande regarding supercenters. She also shared input from her conversations with business owners. She stated her belief that the Council lead in the decision on this issue.

Council Member Luna stated it is time to move forward, as the issue is divisive to the community and mentioned that prior Councils have also struggled to increase retail development. He voiced concern that the General Plan was not fully protecting the City’s rural nature. Council Member Luna stated that the 30-month review process involves economic studies researching impacts to other businesses, but that this information will not be available before November’s election. However, he stated the voters should have the opportunity to decide the issue.

Council Member O’Malley discussed the enhanced shopping opportunities in years past and discussed some of the advances in recent years, while setting money aside into reserves. He said he thinks part of the downturn in the last couple of years is due to some of the decisions made. He is concerned with the City’s current and expected deficit and advocated for letting the voters decide this issue.

Mayor Brennler stated this is a very difficult decision. In his talks with community members, friends and family, he feels this is a difficult issue. He stated he would support the democratic process and will yield to the people’s will. He said he remains committed to do whatever possible to improve downtown revitalization.

Council Member Clay cited data for salary and benefit packages at Wal-Mart and reflected on past retail development brought into the City. He supported letting the people vote on this issue.

Mayor Brennler encouraged all to be civil toward each other as we move forward.

**MOTION:** By Council Member Luna and seconded by Council Member O’Malley to receive the Certificate of Sufficiency from the City Clerk, certifying the Initiative Petition to Amend the General Plan and Zoning Code to Prohibit Commercial Establishments in Excess of 150,000 Square Feet of Gross Floor Area or Retail Discount Stores in Excess of 90,000 Square Feet with at Least 5% of Gross Floor Area Dedicated To Items Such As Groceries that was filed with the City Clerk on May 8, 2008. Motion passed 5:0 by a roll-call vote.

**MOTION:** By Council Member O’Malley and seconded by Council Member Clay to call for an election:

i. Submit the Ordinance, without alteration, to the voters by adopting the Draft Resolution A, ordering the submission,
to the qualified electors of the City, of a certain measure relating to amending the General Plan and Zoning Code, at the General Municipal Election to be held on Tuesday, November 4, 2008, as called by Resolution No. 2008-049; and,

ii. Adopt Draft Resolution B, setting priorities for filing written arguments regarding a City measure and directing the City Attorney to prepare an impartial analysis.

Motion passed 4:1 by a roll-call vote. (Béraud opposed)

F. ADJOURNMENT:

MOTION: By Mayor Pro Tem Béraud and seconded by Council Member Luna to adjourn.

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

Council Member Clay expressed disappointment that the item regarding the Mayor election, was not addressed at tonight’s meeting.

Mayor Brennler adjourned the meeting at 11:55 p.m. to the next regularly scheduled meeting of the City Council on July 8, 2008.

MINUTES PREPARED BY:

Victoria Randall, Deputy City Clerk