



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, January 8, 2008

- **Closed Session: 6:00 P.M.**
- **Redevelopment Agency: 6:30 P.M.**
- **Public Financing Authority:** Immediately following the Redevelopment Agency Meeting
- **City Council: 7:00 P.M.**

CLOSED SESSION: 6:00 P.M.

1. PUBLIC COMMENT – CLOSED SESSION: None

2. CALL TO ORDER

- a. Conference with Real Property Negotiators (Govt. Code Sec. 54956.8)**
Property: Easement from Capistrano Avenue to Stadium Park along APN# 029-105-028
Agency Negotiator: Wade McKinney, City Manager
Negotiating Parties: Dr. Gary Renzaglia and Ms. Sandy Hughes
Under Negotiation: Instruction to negotiator will concern price and terms of payment

3. ADJOURN: 6:42 p.m.

CLOSED SESSION REPORT

City Attorney Brian Pierik announced that there was no reportable action from the Closed Session.

REGULAR SESSION: 7:00 P.M.

Mayor Brenner called the meeting to order at 7:03 p.m. and Council Member Clay led the Pledge of Allegiance.

ROLL CALL:

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

Absent: None

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

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

Mayor Brenner stated that the community's thoughts and prayers go out to Atascadero Superintendent of Schools John Rogers who is recovering from a serious accident. Mayor Brenner thanked the Public Works staff and PG&E for their efforts during the recent storm in keeping the storm drains clear.

APPROVAL OF AGENDA:

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

PRESENTATION:

1. Main Street Presentation on Winter Wonderland by Executive Director Steve Martin

Atascadero Main Street Executive Director Steve Martin gave a PowerPoint presentation on this year's downtown Winter Wonderland. Mr. Martin also spoke about the upcoming Sweetheart Stroll (see Exhibit A).

A. CONSENT CALENDAR:

1. **City Council Meeting Minutes – November 13, 2007**
 - City Clerk Recommendation: Council approve the City Council Meeting Minutes of November 13, 2007. [City Clerk]

2. **City Council Meeting Minutes – November 27, 2007**
 - City Clerk Recommendation: Council approve the City Council Meeting Minutes of November 27, 2007. [City Clerk]

3. **July 2007 Investment Report**
 - Fiscal Impact: None
 - Recommendation: Council approve the City Treasurer's report for July 2007. [Treasurer]

4. **September 2007 Accounts Payable and Payroll**
 - Fiscal Impact: 3,085,684.97.
 - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for September 2007. [Administrative Services]

5. **October 2007 Accounts Payable and Payroll**
 - Fiscal Impact: 4,471,101.64.
 - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for October 2007. [Administrative Services]

6. **Title 9 Planning and Zoning Text Amendment - PLN 2007-1238 - Processing timeframes, lot size requirement, and accessway setbacks (City of Atascadero)**
 - Fiscal Impact: None.
 - Recommendation: Council adopt on second reading, by title only, Draft Ordinance A approving Zone Change 2007-0138 based on findings. [Community Development]

7. **Planned Development Overlay District #9 - PLN 2007-1248 - 800-955 El Camino Real (Westar Associates)**
 - Description: Adoption would allow hotels and motels, and eating and drinking places with drive-through facilities in the PD-9 overlay zone subject to Conditional Use Permit approval.
 - Fiscal Impact: Hotels typically generate more revenue per square foot than retail uses because of the Transient Occupancy Tax (TOT). The proposed zone change would allow hotels in addition to retail on the project site. Staff anticipates this change will likely result in a positive fiscal impact to the City if a hotel is built on the site rather than a retail commercial building.

- Recommendation: Council adopt on second reading, by title only, Draft Ordinance A approving amendments to the conditionally allowed use for the PD-9 Overlay Zone based on findings. [Community Development]

8. Sewer Extension Reimbursement Agreement

- Fiscal Impact: The City will collect a 2% Administrative Charge from all reimbursements. This charge will be deducted from the total amount refunded.
- Recommendation: Council approve the attached Sewer Extension Reimbursement Agreement with Gary L. Hix and Barbara Lynch. [Public Works]

Items pulled: David Broadwater, Item #A-5.

**MOTION: By Council Member Luna and seconded by Council Member Clay to approve Items #A-1, 2, 3, 4, 6, 7, and 8.
*Motion passed 5:0 by a roll-call vote. (Item #A-6 Ordinance No. 524, Item #A-7 Ordinance No. 525, Item #A-8 Contract No. 2008-001)***

Item #A-5

David Broadwater spoke about a discrepancy between an invoice and a disbursement check written to Mathis and Associates, and requested that Council specify what they are actually authorizing to this vendor in their approval of this item.

Administrative Services Director Rachelle Rickard explained that this is a disbursement report which only reflects what amount the checks were actually written for.

**MOTION: By Mayor Pro Tem Béraud and seconded by Council Member Luna to approve Item #A-5.
*Motion passed 5:0 by a roll-call vote.***

B. MANAGEMENT REPORTS:

1. San Luis Obispo County Office of Education Surplus Property Offer – 10801 El Camino Real (City of Atascadero)

- Fiscal Impact: Declining purchase of the subject property would have no fiscal impact on the City. If the property were to be privately developed for high-density residential, conditions of approval would be applied to assure that the residential development remained revenue neutral.
- Recommendation: Council adopt Draft Resolution A and decline purchase of the subject property. [Community Development]

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

PUBLIC COMMENT

Eric Greening asked whether Hidden Oaks had any kind of secondary access, and if this property were to be developed would it be required to have a secondary access.

Community Development Director Frace stated there is only one access at this time, but any future development would have to meet Fire Department standards.

Mike Zappas, owner of Hidden Oaks Village, stated a secondary access was created to the State Hospital on the backside of the property, and that an appraisal was done on this property.

Joan O'Keefe stated that if Hidden Oaks had been developed under the usual format for the Multi-Family designation most of the trees would have been destroyed. She asked if the property doesn't sell, would it be possible to consider it for open space in the future.

Mayor Brennler closed the Public Comment period.

**MOTION: By Council Member O'Malley and seconded by Council Member Clay to adopt Draft Resolution A and decline purchase of the subject property.
*Motion passed 5:0 by a roll-call vote. (Resolution No. 2008-001)***

2. Update on City Council Strategic Planning Goals

- Fiscal Impact: None.
- Recommendation: Council provide direction on the progress and status of the City Council's strategic planning goals. [City Manager]

Improving the City's Economic Base

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

PUBLIC COMMENT

Joan O'Keefe spoke about downtown issues including older property owners who are not making any improvements to their property, and the need to recruit restaurants. She also spoke about progress at the outlet center and the importance of considering all the facts when looking at the figures presented.

Tom Comar, Oppose Wal Mart spokesperson, spoke about the Atascadero Shield Initiative, stated it is important to sharpen Atascadero's vision, and indicated his support for hiring the economic consultant.

Lee Perkins spoke in support of hiring an economic consultant to look at the big picture. She also referred to the growing wine industry in San Luis Obispo County and the related businesses which will profit from it.

Bruce Bevens spoke in support of hiring an economic consultant to come into the city and look at what opportunities are available. He would like to see Atascadero more diversified; strengthening locally owned businesses and improving tourism.

Joanne Main, President/CEO Atascadero Chamber of Commerce, stated her agreement with hiring a consultant, but was concerned that the Shield Initiative was ill timed and would actually block business. She encouraged the city to be proactive in bringing businesses in.

Eric Greening encouraged the Council to investigate the backgrounds of the consultants prior to selecting one, and suggested contacting the jurisdictions that had used those consultants in the past.

Kelly Gearhart spoke about downtown economics and questioned whether the city would actually listen to what the consultant says. He explained that it takes too long to process a building permit for a business in this community, and that there is too much criticism in Atascadero and not enough decisions made.

David Broadwater stated he was in favor of making the investment for a consultant to look at the larger picture, and that in the long term spending the money to get a comprehensive detailed review is important.

Chuck Ward explained why he believes the city has an anti business reputation. He spoke against hiring a consultant stating there are other places to spend the money, and against the Shield Initiative which he believes will discourage developers from coming into Atascadero.

Tino Santos questioned the decision to turn down a study which would have been funded by Wal Mart, and now wanting to spend the city's dollars to hire a consultant. He explained his concerns regarding the economic troubles in Atascadero.

Steve Martin related a story about Paso Robles, and explained his idea for a city-wide summit. He asked the Council to commit to either taking the advice of the consultant or the suggestions resulting from the summit he had proposed.

Dan O'Grady spoke about the Planning Commission's recent approval of a drive through restaurant and stated the appeal process is a normal part of city government and should not be degraded.

Mayor Brennler closed the Public Comment period.

There was Council consensus to continue on with current projects, do the downtown summit, and come back in two weeks with the economic consultant recommendation.

It was decided that an ad hoc committee consisting of Mayor Brennler and Council Member Clay would participate in the summit with the business community.

Mayor Brennler recessed the hearing at 9:38 p.m.

Mayor Brennler called the meeting back to order at 9:55 p.m.

Campaign Reform

Assistant to City Manager Marcia McClure Torgerson gave the staff report and answered questions of Council.

PUBLIC COMMENT

David Broadwater spoke about the fiscal impacts of this program and questioned how much would be spent on it. He expressed concern with the list of individuals who were contacted by the consultant and stated the process should be inclusive of all people in town.

Mark Phillips stated that the original goal of this issue was to put a campaign contribution cap in place, and he expressed concern regarding the people who were contacted to meet with the consultant.

Marty Brown expressed her disappointment and concern regarding the exclusion of certain individuals from this process.

Tino Santos spoke against limiting campaign contributions stating it limits citizens' freedom, and commented on the lack of civility between the people of Atascadero on both sides of certain issues.

Lee Perkins spoke of the need for campaign finance reform in Atascadero. She requested that staff include an extended amount of time during the proposed program for citizens to ask all the questions they have.

Tom Comar explained Oppose Wal Mart's interest in campaign reform and their support for campaign contribution limits.

Ron Walters stated he is against the government putting limits on what he can or can't do for a political candidate. He was concerned with groups who act as PAC's but are not registered as such, and suggested in-kind contributions should have a dollar amount attached to them.

Garth Wilwand said there should be campaign contribution caps and Atascadero should take the lead on this issue. He was also concerned that certain groups were excluded from the process.

Mayor Brennler closed the Public Comment period.

Ms. Torgerson addressed issues raised during the Public Comment period.

MOTION: By Council Member O'Malley and seconded by Council Member Clay to go past 11:00 p.m.

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

There was Council direction to do the workshops on campaign reform and involve as many people as possible.

Continue Emphasis on Roads

Public Works Director Steve Kahn gave the staff report and answered questions of Council.

PUBLIC COMMENT – None

There was Council agreement to accept staffs' review of this item.

Repair City Hall

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

PUBLIC COMMENT – None

There was Council agreement to accept staffs' review of this item.

Enhance Public Safety

Police Chief Jim Mulhall and Fire Chief Kurt Stone gave the staff report and answered questions of Council.

PUBLIC COMMENT – None

There was Council agreement to accept staffs' review of this item.

Natural Resources Program

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

PUBLIC COMMENT – None

There was Council agreement to accept staffs' review of this item.

COMMUNITY FORUM

David Broadwater clarified the comments he made at an earlier meeting regarding an overpayment to Mathis and Associates.

City Clerk / Assistant to City Manager Marcia McClure Torgerson responded to Mr. Broadwater's comments.

Mayor Brennler closed the Community Forum period.

COUNCIL ANNOUNCEMENTS AND REPORTS:

None

C. COMMITTEE REPORTS:

Mayor Brennler

1. Air Pollution Control District (APCD): they will be conducting a survey regarding housing, land use, air pollution and transportation.
2. Economic Opportunity Commission (EOC): Mayor Brennler thanked the EOC and their staff for their patience and their work for those less fortunate.
3. Mayors Roundtable: the report from Sacramento was bleak, and in this time of economic uncertainty the city's finances must be watched.

Council Member O'Malley

1. S.L.O. Regional Transit Authority (SLORTA): is currently being managed through SLOCOG while SLORTA seeks a new manager.

D. INDIVIDUAL DETERMINATION AND/OR ACTION:

City Manager

The City is receiving a lot of public records requests, including several very large ones and he will be bringing on some temporary help to manage the requests.

E. ADJOURNMENT:

Mayor Brennler adjourned the meeting at 12:37 p.m. to the next regularly scheduled meeting of the City Council on January 22, 2008.

MINUTES PREPARED BY:

Grace Pucci, Deputy City Clerk

The following exhibit is available for review in the City Clerk's Office:

Exhibit A - Sweetheart Stroll and Winter Wonderland Information