CITY OF ATASCADERO
CITY COUNCIL

DRAFT MINUTES

Tuesday, March 27, 2007

Closed Session:  5:30 p.m.
Redevelopment Agency:  6:30 p.m.
City Council:  7:00 P.M.

CLOSED SESSION:  5:30 P.M.

1. PUBLIC COMMENT – CLOSED SESSION

2. CALL TO ORDER

   a. CONFERENCE WITH LABOR NEGOTIATORS (Govt. Code Sec. 54957.6)
      Agency Designated Representatives:  City Manager Wade McKinney, Assistant City Manager Jim Lewis
      Employee Organizations:  Department Heads, Confidential, Atascadero Police Association, Atascadero Professional Fire Fighters Association Local 3600

   b. 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:  Patrick Enright, City Attorney
      Negotiating Parties:  Dr. Gary Renzaglia
      Under Negotiation:  Instruction to negotiator will concern price and terms of payment.

3. ADJOURN:  6:57 p.m.
CLOSED SESSION REPORT

City Attorney Patrick Enright announced that the Council met in closed session and gave further directions to the labor negotiator on Item #2.a., and did not discuss Item #2.b., which was continued to the next meeting.

REGULAR SESSION: 7:00 P.M.

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

ROLL CALL:

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

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, Public Works Director Steve Kahn, Community Services Director Brady Cherry, Fire Chief Kurt Stone, and City Attorney Patrick Enright.

COMMUNITY FORUM:

Pastor Steve Shiveley, Calvary Chapel, led those present in prayer.

David Curtis asked for an update on campaign finance reform and the recent meeting some city officials attended regarding the issue.

Tom Comar, Oppose Wal Mart, thanked Council for their decision to televise meetings and explained why Wal Mart is the recipient of so much criticism.

Bill Arkfeld reported that the downtown Springtime Stroll will be held this Saturday, and a downtown bike ride has been scheduled for May 11th. He expressed concern with rumble strips on Traffic Way, which are noisy and ineffective, and suggested moving the crosswalk at Palma and Traffic way to the east to eliminate the left turn hazard.
Zoe Duty spoke in support of a citywide Neighborhood Watch program, which would address the need for neighborhood organization during a disaster.

Lee Perkins thanked the Council for televising their meetings and clarified the reason Trader Joes went to Templeton. She spoke of the advantages of a lifestyle shopping center which would not include a super Wal Mart.

Steve Martin, Executive Director Atascadero Main Street, spoke about the upcoming downtown stroll on Saturday. He reported the Main Street Board had discussed the issue of rumble strips on Traffic Way and it was decided that a board member would survey the merchants along Traffic way to get their input, after which the Board would send a recommendation to the Council.

Ann Ketcherside expressed her sorrow on hearing of Wendy Scalise’ passing. She stated the Annex could be developed in a beautiful way that would complement the downtown and the new Colony Square without the inclusion of a Wal Mart.

*Mayor Luna closed the Community Forum period.*

**APPROVAL OF AGENDA:**

Mayor Luna suggested moving Item #B-3 to be heard after Presentations.

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

**PRESENTATIONS:**

1. **Employee Service Award Presentations**

City Manager Wade McKinney presented Keith Falerios of the Atascadero Police Department with an employee service Award.

**B. Amendment to the City of Atascadero Contract with the California Public Employees’ Retirement System (CalPERS)**

- **Description:** Request for authorization to amend the contract formula with CalPERS from 2% @ 55 to 2.5% @ 55 for non-safety members.
- **Fiscal Impact:** 1% of miscellaneous salaries (approximately $25,000 in 2007-2008)
- **Recommendations:** Council:
  1. Adopt the Draft Resolution of Intention to amend the contract between the City Council of the City of Atascadero and the Board of
Administration of the California Public Employees' Retirement System (PERS); and,

2. Introduce for first reading by title only, the Draft Ordinance of the City Council of the City of Atascadero authorizing an amendment to the contract between the City Council of the City of Atascadero and the Board of Administration of the California Public Employees’ Retirement System. [City Manager]

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

PUBLIC COMMENT – None

MOTION: By Council Member Béraud and seconded by Mayor Pro Tem Brennler to adopt the Draft Resolution of Intention to amend the contract between the City Council of the City of Atascadero and the Board of Administration of the California Public Employees' Retirement System (PERS); and, introduce for first reading by title only, the Draft Ordinance of the City Council of the City of Atascadero authorizing an amendment to the contract between the City Council of the City of Atascadero and the Board of Administration of the California Public Employees’ Retirement System.

Motion passed 5:0 by a roll-call vote. (Resolution No. 2007-011)

COUNCIL ANNOUNCEMENTS AND REPORTS:

Mayor Luna spoke about former Council Member Wendy Scalise and asked for a moment of silence in her memory.

Mayor Pro Tem Brennler reported on a “Clean Money Clean Cities” conference that he attended which dealt with local campaign finance reform.

Council Member O'Malley reported that he and City Clerk Torgerson will be attending the Administrative Services Policy Committee this Friday at the League of California Cities, which will deal with issues of campaign finance reform.

Council Member Clay spoke about former Council Member Scalise and her contributions to the city. Regarding Wal Mart he encouraged people to go into a super Wal Mart and speak with their associates and other shoppers, and he hoped the issue would come to a vote of the people.

Mayor Pro Tem Brennler reported he had attended a California Summit for Safe Communities which he will discuss at the next Council meeting.
Council member Béraud asked when Council will be discussing the issue of Campaign Finance Reform. City Manager Wade McKinney stated no date has yet been determined, but the City Attorney is currently drafting the staff report.

A. CONSENT CALENDAR:

1. **January 2007 Investment Report**
   - **Fiscal Impact:** None.
   - **Recommendation:** Council approve the City Treasurer’s report for January 2007. [Treasurer]

2. **Final Map 2006-0135 (Tract 2621) West Front (TTM 2003-0035) (West Front Village LLC)**
   - **Description:** Final Map creates a 46 lot subdivision that includes commercial retail and multifamily lot.
   - **Fiscal Impact:** None.
   - **Recommendations:** Council:
     1. Adopt and Approve Final Map 2006-0135 (Tract 2621); and,
     2. Reject, without prejudice to future acceptance on behalf of the public, the offers of dedication of Portola Road, Coromar Court and San Simeon Court; Easements for Public Utility, Sanitary Sewer, Pedestrian Access, Street Tree, Drainage Basin and Park (Lot 28); and,
     3. Authorize and direct City Clerk to endorse the City Council's Approval; and,
     4. Authorize City Manager to sign a Subdivision Improvement Agreement for improvements associated with Final Map 2006-0135. [Public Works]

3. **Final Map 2007-0151 (Parcel Map AT 06-0278) 7095 El Camino Real (LLA 2007-0081) (Taft, Cozzolino, Atascadero Enterprises)**
   - **Description:** The Lot Line Adjustment changed the configuration of 3 parcels; no additional lots were created.
   - **Fiscal Impact:** None.
   - **Recommendation:** Council accept and Approve Final Parcel Map 2007-0151 (Parcel Map AT 06-0278). [Public Works]

4. **Temporary Road Closure – Sweetheart Stroll (Atascadero Main Street)**
   - **Fiscal Impact:** $160.00 per event for the installation of Road Closed signs by Public Works Staff.
   - **Recommendation:** Council approve a request by Atascadero Main Street for the temporary road closure of Entrada Avenue, from El Camino Real to Palma Avenue, and Palma Avenue, from Traffic Way to West Mall, for the Sweetheart Stroll that has been re-scheduled for Saturday, March 31, 2007, from 11:00 a.m. – 5:00 p.m. [Public Works]
5. **Temporary Road Closure - Sunken Gardens Yard Sales**
   - **Fiscal Impact:** $160.00 per event for the installation of Road Closed signs by Public Works Staff.
   - **Recommendation:** Council approve a request by the Community Services Department for the road closure for the both of the annual Sunken Gardens Yard Sales; one to be held April 21st, 2007 and the other to be held on September 15th, 2007. [Community Services]

6. **Veterans Memorial Project**
   - **Fiscal Impact:** None.
   - **Recommendation:** The Parks and Recreation Commission recommends Council approve the Proposed Veterans Memorial Project at the Lake Park as proposed. [Community Services]

Items pulled: Council Member Béraud, Item #A-6.

**MOTION:** By Council Member Clay and seconded by Mayor Pro Tem Brennler to approve Items #A-1, 2, 3, 4, and 5.

*Motion passed 5:0 by a roll-call vote. (Item #A-2.4 Contract No. 2007-005)*

**Item #A-6:**

**Ex Parte Communications**

- Council Member Clay: Had asked at Strategic Planning sessions that a memorial for veterans be placed on an agenda, has purchased memorial bricks in the amount of $500, attended some of the Committee’s meetings early on but did not attend the Parks and Recreation Commission meeting.

- Council Member O’Malley: Has been involved with project since its inception. Met over a year ago with Mary and Rick Chastain regarding a veterans project, as a result of that meeting met with Council Member Clay to find a way to bring the community together to honor veterans. He has been active in the Veterans Memorial Committee since its inception and invited Col. Hatch to participate. He is the Chair of the Fundraising Committee, has purchased art from some of the ad hoc committee members and Mr. Greenaway, and had attended the Parks and Recreation Committee meeting.

- Mayor Luna: Attended the Parks and Recreation Commission meeting.

- Mayor Pro Tem Brennler: Attended the Parks and Recreation Commission meeting and visited the proposed project site. He has had conversations with Mark Greenaway, Col. Hatch, Cathy Baker and Joe Ramirez.
Council Member Béraud: Met with Mark Greenaway to look at the sculpture, and has received numerous emails regarding the art work.

Community Services Director Brady Cherry gave the staff report and answered questions of Council.

Colonel Bill Hatch, Chair of the Veterans Memorial Committee, gave a PowerPoint presentation on the project.

Council Member Clay recognized Leroy Dodge and Mary Chastain, and asked all those in attendance who support the project to stand.

Mayor Luna gave a brief presentation about the memorial, read from a prepared statement regarding the process, and apologized to Mr. Greenaway and the Ad Hoc Art Committee for the criticism leveled at them and the way in which they were treated.

PUBLIC COMMENT

Steve Fuller stated there is a need for a veterans memorial, however, he thinks as presented this project is a little busy, loud and too active. He would like to see something quieter that would give time for private reflection.

Steve LaSalle, member of the Ad Hoc Arts in Public Places Committee, explained that the committee fully supports a memorial, but had voted 4:1 to reject the project based on artistic excellence.

Leslie Axtell read from a prepared statement in support of the project and Mr. Greenaway’s design, and asked Council to accept the gift of the project.

Carlos Morales stated that the memorial is for the veterans who chose the sculpture and is not about art. He said this would be a veterans memorial, not a war memorial.

Maureen Lubers spoke in support of the memorial on behalf of her cousin who taught grammar school in Atascadero and was lost at Guadalcanal, and her husband who served for 20 years and would cherish the sculpture as it is depicting many soldiers from many wars.

Geraldine Wiley Brasher Femister stated her opposition to the design of the memorial, and her support of the Ad Hoc Committee who rejected the design, though she supports the idea of a memorial for veterans.

Sally Tipman indicated she wants to honor the veterans but would like to see another design for the sculpture. She asked the Council to follow the city’s established policy for art in public places.
Robert Gober indicated that the statue as proposed is very compelling and recognizes the realities of war. He stated this memorial will provide a place of reflection for those who visit it.

Dominic Ciminelli spoke of his history in the service and stated that utilizing people in the statue will help visitors participate in the memorial and speaks to the relationships developed in war.

Tim Haley spoke about his definition of a veteran and that it is important to recognize the heroes in service. He urged the Council to support the memorial as presented.

Joe Ramirez, member of the Ad Hoc Arts Committee, stated he was the sole dissenting voice, and explained the criteria that the committee had to address. He stated he finds the statue compelling, something that fits the times and expresses American values.

Bill Arkfeld stated he was concerned that the way this happened will create a setback for public art in the community. He supports the memorial but would like to take a step back to insure the process is correct.

John Jardine spoke about visiting the Vietnam Memorial and said that this memorial moves him. He thought the sculpture captured American values showing real people during times of real strife taking care of one another.

Chuck Ward, Veterans Memorial Committee, hoped that in time people would recognize that this does not glorify war, but is a memorial erected by the city to honor those from this community who died in the service of the country.

Ernie Porter stated he entirely approves of the memorial, as he sees himself in the statue, and that it represents war as it really is. He spoke in support of the artist and his realistic representation of war.

Sonia Sera stated this is not an art appreciation project; it is a veterans project and honors our veterans by giving a face to those who died at different times in our history. She stated her appreciation to those who worked on this project and urged support.

Lorene Caberra expressed concern with the protocol and process for this project and the precedent that might be set for private projects on city land. She would like this put on hold until a process is in place.

Pat Tanner remarked that this sculpture speaks to him of the current soldier’s responsibility to the country and to those who went before them. He urged the Council to not hold up the project due to artistic quality.

Tracy Di Vita Bass, Ad Hoc Art Committee, defended the Committee’s decision and explained the criteria they used to judge the statue. She stated that based on seven specific selection standards currently in place they rejected the proposed statue.
Dustin Wike thought the statue was a proper representation of the veterans in the community, shows a timeline and was not busy. He said his father has served in Iraq and is going back again and this would be a good way to honor him and the soldiers over there who are serving their country.

Bob Wilkins, Veterans Memorial Committee, spoke in support of the artist Mark Greenaway and the statue. He supports the memorial and urged the Council to do the same and listen to the veterans who were speaking tonight.

William Hearst stated he likes the memorial and that it represents people. He stated he has been in three American conflicts and such service should be remembered.

Kathy Baker stated she lost a son in Iraq and that when she first saw the statue thought it was busy. However upon reflection, she realized that soldiers are very busy defending our freedom, watching their backs and helping others and she now likes the statue.

Bruce Bevens spoke about the lack of process, but because a large number of people are heavily invested in this project and it represents a special circumstance, he did not think it should set a precedent, and he approves of the memorial.

John O’Connell explained that when he came home from Vietnam he was surprised that veterans were forgotten. What strikes him about this monument is that it shows the people who should not be forgotten.

Brian Atwell stated that beauty is in the eye of the beholder, and there will always be those who do not agree on a project. He has two sons in the army and urged the Council to approve the memorial so his sons could see it when they return.

Ann Hatch, Veterans Memorial Committee, remarked that this statue is about what the veterans think represents them; it is not to honor war, but to honor heroes and their commitment to each other and our country.

Barbie Butz, non-voting Chairperson of the Ad Hoc Art Committee and Parks and Recreation Commissioner, explained that the committee used the Arts in Public Places procedure that is currently in place, and that there was a lot of discussion, two meetings and a site visit. She expressed her appreciation for their participation, and would like to see the city move forward on this.

Zoe Duty remarked that after this hearing everyone will know that there is a process in place for art in public places and will expect and know that the process must be followed. She commented that the veterans like this and it is their memorial.

*Mayor Luna recessed the hearing at 9:23 p.m.*

*Mayor Luna called the meeting back to order at 9:32 p.m.*
There was Council agreement to continue Item #B-1 to the April 10th City Council agenda.

William John Hatch, spoke about what the memorial means to him. He commented that it is more than a piece of art; it is a monument that accurately depicts the realities of what soldiers have faced.

Bob Profitt stated that not all statues mean something, but this memorial does and he urged the Council to vote for it.

Jeff Van den Eikhof stated he is behind this memorial, has given his engineering services to the project and is committed to it. He would like it to be just as beautiful as the Sunken Gardens.

Al Fonzi, Veterans Memorial Committee, spoke about the process and about the Parks and Recreation Commission meeting at which no one spoke against the memorial. He stated the memorial is a gift to the city and urged its acceptance.

Ann Hatch read statements from David Merrill, and Grigger Jones expressing their support for the memorial.

Glen Sawyer, Quartermaster VFW Post 2814, stated they will purchase the flags for the memorial and see they are maintained.

Sgt. Paul Leffart stated when he speaks to young people today they are ignorant about war and what went before, and he hopes this memorial will explain it to them as it represents many wars and conflicts. He remarked that the statue moves him and shows the sacrifices of those who went before him and he asked Council to support it.

Raymond Gould was concerned that vets are treated as second class citizens and this memorial would be an honor and tribute to them.

Sgt. Russell Dagnal commented that it would make him proud to have a place to go to and when he sees this he sees a way to find peace, healing and remembrance for those who died.

Mayor Luna closed the Public Comment period.

Council Member Béraud stated she supports the building of a veterans memorial in Atascadero and agrees that the city should provide public land for the memorial. She does not believe it is her job as a Council Member to give an opinion about the art work presented and relies on the Public Arts Committee to do that job, as public land requires public review. She supports the decision of the Public Arts Committee and thinks the process must be opened to new ideas. She suggested approving the memorial wall and considering the sculpture at a future time.
Mayor Pro Tem Brennler thanked the audience for their civil behavior and stated that he will support the project.

Council Member O’Malley commented that the city did follow the policy and procedures in place and that it is not mandatory to accept the Ad Hoc Arts Committee’s decision. This memorial is for veterans and their families, the city did its due diligence and he supports the project.

Council Member Clay thought the memorial was beautiful and honors the veterans and the city.

Mayor Luna remarked that it was clear this is an emotional issue and is all about the veterans designing something to honor their comrades. He spoke of his own father’s service and stated he would support the project because of him.

**MOTION:** By Council Member Clay and seconded by Council Member O’Malley to accept the Parks and Recreation Commission’s recommendation and approve the proposed Veterans Memorial Project at the Lake Park as proposed. *Motion passed 4:1 by a roll-call vote. (Béraud opposed)*

*Mayor Luna recessed the hearing at 10:05 p.m.*

*Mayor Luna called the meeting back to order at 10:12 p.m.*

**B. MANAGEMENT REPORTS:**

1. **Eagle Creek Golf Course Reuse – Study Session**
   - **Fiscal Impact:** None.
   - **Recommendation:** Council provide direction to staff and Planning Commission on how to proceed with amendments to the Eagle Creek Golf Course project. [Community Development]

   *ITEM B-1 WAS CONTINUED TO A DATE CERTAIN OF APRIL 10, 2007.*

2. **Colony Park Community Center Project Operations Planning – Status Report**
   - **Fiscal Impact:** Approximate annual operations total of $485,960; $225,820 Building Maintenance, $3,200 Parks (Landscape Maint.) and $256,040 center operations.
   - **Recommendation:** Council review operations report and provide direction as necessary. [Community Services]
Council Member O’Malley stated he must step down from consideration of this project as he owns property within 500 feet of the location.

Community Services Director Brady Cherry gave the staff report and with Administrative Services Director Rachelle Rickard and Assistant City Manager Jim Lewis answered questions of Council.

PUBLIC COMMENT

Barbie Butz was supportive of the center and referred to a previous RFP that brought in the YMCA as a partner. She thanked all those who helped to make this a reality.

Mayor Luna closed the Public Comment period.

D. COMMITTEE REPORTS:

None

E. INDIVIDUAL DETERMINATION AND/OR ACTION:

City Council

There was discussion regarding Council’s use of prepared statements and there was agreement that this should be addressed at the May 5th meeting regarding Council norms.

City Manager

City Manager Wade McKinney announced there would be a CTC meeting on April 26th in San Luis Obispo to decide funding of the 41/101 interchange, and encouraged Council Members to attend. On May 18th the Fire Department will be conducting a city-wide emergency drill.

F. ADJOURNMENT:

Mayor Luna adjourned the meeting at 10:49 p.m. to the next regularly scheduled meeting of the City Council on April 10, 2007.

MINUTES PREPARED BY:

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Grace Pucci, Deputy City Clerk