CITY OF ATASCADERO
CITY COUNCIL

DRAFT MINUTES

Tuesday, June 12, 2007

CLOSED SESSION: 6:00 P.M.

1. PUBLIC COMMENT – CLOSED SESSION – None

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, Service Employees Intl. Union Local 620.

3. ADJOURN: 6:10 p.m.

CLOSED SESSION REPORT

City Attorney Patrick Enright announced that Council met in Closed Session with its labor negotiators and gave final directions on the MOU, which will be on the public agenda for the June 27th meeting.

REGULAR SESSION: 7:00 P.M.

Mayor Luna called the meeting to order at 7:06 p.m. and Council Member Béraud 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, Public Works Director Steve Kahn, Community Development Director Warren Frace, Fire Chief Kurt Stone, Police Chief John Couch, Community Services Director Brady Cherry, Deputy Public Works Director Geoff English, Deputy Community Development Director Steve McHarris, Associate Planner Kelly Gleason, Assistant Planner Callie Taylor and City Attorney Patrick Enright.

Mayor Luna announced that he would like to switch the Approval of the Agenda with Community Forum, and because of the referendum filed against Item #A-8, (the second reading of the Creek Ordinance) he would like to pull that item from the agenda and continue it to a date after the City Clerk has verified the signatures for the referendum. He explained that the zoning ordinance (Creek Ordinance) must be consistent with the General Plan and if there is a referendum on the text changes to the General Plan it will have an impact on what the zoning ordinance says. There was Council discussion of Mayor Luna’s suggestion.

APPROVAL OF AGENDA:

MOTION: By Council Member O’Malley and seconded by Council Member Béraud to amend the agenda by continuing Item #A-8 until the City Clerk comes back with the validated signatures on the referendum.

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

Mayor Luna read the decorum rules.

COMMUNITY FORUM:

Bob Wood, AGP Video, stated they are working hard on eliminating the difficulties with Channel 20 and asked the community to call AGP at 772-2715 to report any problems.
Pastor Tom Farrell, Atascadero Bible Church, invited the community to attend the annual All City Prayer in the Sunken Gardens to be held on June 24th at 6:00 p.m. Pastor Farrell led those present in prayer.

Ann Ketcherside requested the City Clerk and City Attorney prepare a letter stating that pulling agenda Item # A-8 was legally done, stated that 5599 Traffic Way is not a suitable site for a Youth Center because of health risks, and stated her concern that the creek setback is a taking.

Richard Mullen referred to several recent newspaper articles which have portrayed Atascadero as being incompetent. He stated much is going on in Atascadero, but only the negative news makes the headlines, and he encouraged all members of both sides of an issue to sit down and find civil solutions to their differences.

John Shadak sees a problem with the agenda change, as there was a clear message against the creek setback from the public and now he is concerned with how much it will cost if the issue is forced to an election.

Joan O'Keefe requested the City Manager prepare a report regarding violations at a senior complex built by developer Kelly Gearhart, asked when the community center would be completed, and reviewed her concerns regarding reports from the Redevelopment Director as expressed earlier at the Redevelopment Agency meeting.

Cal Wilvert, Environmental Center of San Luis Obispo County (ECOSLO) board member, spoke about the controversy generated by the creek setback ordinance, gave a history of setbacks in the city, and stated ECOSLO advocates an even more protective ordinance than that proposed by the city.

Eric Greening spoke about upholding the Clean Water Act and the National Pollutant Discharge Elimination System when considering creek setbacks. He also suggested a downtown access and marketing plan be prepared for the period of the reconstruction and enlargement of the 101/41 interchange, and setting a public hearing for Cal Trans to explain the different phases of the project.

Jolene Horn spoke about collecting signatures for the petition on the Creek Setback amendment to the General Plan, and stated the primary concerns of many citizens included: elimination of Item #7 (trails), what is the true cost of a hydrogeomorphologist, what does a water gauging facility look like, and does the official who will monitor that facility have the right to go onto private property.

Sally Thompson said she believes that both sides on the creek setback issue are genuinely trying to take the best position, and hoped there was room for a compromise. She asked if a property owner could apply for a dispensation if they could show there was no flood danger as they were at a high enough elevation.
Lee Perkins spoke about the creek setbacks and stated the only issue before the City Council is the responsibility to protect the citizens, their property and the natural habitat of the creeks.

Susie Anderson stated she witnessed the petition signing last weekend and related stories about various signers. She asked that the second petition not be required, and urged Council to return to the original General Plan and to consider setbacks on a case by case basis.

Charlie Whitney speaking on behalf of the SLO Transfer of Development Credits Blue Ribbon Committee, asked for a response to their invitation to the city to participate on the committee. Mr. Whitney answered questions of Council.

Russ Wright stated he lives on a blue line creek and has been trespassed upon many times. He asked if blue line creeks were included in the lawsuit by ECOSLO and urged the Council to step back and reassess this issue.

Fred Frank stated the Council should be commended on the job they did on the setback, as it provides flexibility for landowners, and a lot of exceptions. He believed the petitioners were giving out misinformation and urged the City Clerk to take a look at how the issue was presented to the public.

Cindy Sazar remarked that clear answers to the questions raised by Mrs. Horn will be the key to alleviating a great deal of confusion and anxiety over the setback issue.

Dug Chisholm, President of the Atascadero Land Preservation Society (ALPS), clarified the role of ALPS in the community is to preserve and protect open space within the city of Atascadero by either purchase from willing buyers at market value or as gifts from donors. He stated they do not take positions on specific political issues or candidates.

Tino Santos spoke about businesses in Atascadero that have moved out of the city or closed and stated his belief that Atascadero is anti-business. He stated he resents people telling him what he can do with his property, and wants Atascadero to thrive like other local communities.

Tom Comar, spokesperson for Oppose Walmart, stated their opposition to a super center is based on studies done on its deleterious impact on local communities. Mr. Comar urged the Council to prevent the building of a super center through a big box grocery ordinance.

Don Blazej asked for clarification on the aerial photo that showed the creek reservation and setback line, and stated it was his understanding that E.G. Lewis created the creek reservations, but that there was not a 50 foot setback at that time.
Steve Tillman remarked that the issue of setbacks has been in the process for five years and in the past there has been no outcry by the public. He stated he sees a City Council that is being targeted for something that has been 5 years in the making.

Marty Brown stated she lives near the creek and supports the creek setback as it will ensure her property value and protect the drinking water.

David Broadwater expressed his support for a reconsideration of the big box ordinance, spoke about the sunset agreement on the creek setbacks, and applauded the city for the notice given for tonight’s agenda and hoped that would continue.

Glen Horn stated he could not understand the reverence people have for ECOSLO, as it is a social organization consisting of those who believe in things having to do with eco-friendly issues, and not a governmental organization. He also said he bought his property without knowledge that it had a setback and was concerned that people living along the creek were not notified about the lawsuit and the setback issue.

**Mayor Luna closed the Community Forum period.**

Mayor Luna and city staff answered questions raised during the Community Forum period.

Council Member Béraud explained her thought process regarding the creek setback issue and stated she looked at the big picture and what would be best for Atascadero long term. She indicated she would support an effort to have a public workshop to discuss all issues related to the setbacks.

Council Member Clay addressed the issue of misinformation coming from petitioners and stated he thought there might have been some entrapment going on. He also stated that the public didn’t rise up for the setback issue in the past because they had never been properly notified, and he explained that without the sunset clause, the sitting Council at that time would not have signed the settlement with ECOSLO.

Council Member O’Malley remarked that it was important not to rush the public process for the setback issue stating that if there had been more time they might have come closer to something everyone could agree on. He indicated his support for all issues of creek protection, but stated he wanted the city to do a study to identify problem areas and not leave that to property owners. He thought it was important for government to look at the entire ecosystem rather than doing it on a smaller scale. Regarding the studies done about Wal Mart super centers, Council Member O’Malley stated studies must apply to a specific area, and indicated he would not make a decision prior to an extensive public process and analysis.

Mayor Luna explained that most residential properties in Atascadero have a 25 foot front setback, and that the city could not put in trails on private property unless there was an easement, and setbacks are not easements, which are on a person’s deed. He
indicated property owners are still responsible for cutting weeds within a setback and that they can put up fencing and do landscaping. He also explained why it is estimated that over half the houses in the city are legal non-conforming uses, and expressed surprise that there should be this furor over creek setbacks because most properties have setbacks; however he has listened to the public and if this goes further he will make sure their concerns are heard.

Mayor Pro Tem Brenner stated he did not run on a platform of setbacks, but rather on a platform of accountability, and this issue happened before he got on the Council. He explained his thought process and commented that he would continue to act in the best interest of the public. He would like to see some of the creek setback language cleared up, and would not be against future educational workshops. He expressed disappointment with some of the inflammatory language, and suggested spending less time dwelling on differences and to try to find common ground to make this a better community.

*Mayor Luna recessed the hearing at 9:15 p.m.*

*Mayor Luna called the meeting back to order at 9:22 p.m.*

**COUNCIL ANNOUNCEMENTS AND REPORTS:**

Mayor Luna spoke about the recent Economic Summit where he spoke about the need for the Council to come together on issues they agree on to try to bring the community together. He would like to bring the Council together on their #1 goal of enhancing the economic base of Atascadero, and asked for Council agreement to direct the City Manager to 1) take campaign finance off of the next agenda, and 2) focus on economic development.

Council Member Béraud stated she fully supports Mayor Luna’s suggestion to bring the community together, especially regarding economic development. She reported on the ICSC (shopping center) conference she recently attended, and encouraged other Council Members to attend. Council Member Béraud also stated she is in touch with Aaron Rios the representative from Wal Mart and waiting to have direct talks with him regarding the uniqueness of Atascadero, their plans for the center, and to give Council input.

Council Member O’Malley agreed that economic development must be the city’s top priority, and that it must be addressed with a unified approach. He also agreed the Council must take some issues off the table to more quickly address economic development, but he has a concern with removing campaign finance reform to a date uncertain, stating he wants a date certain of February 2009, which would be after the 2008 election cycle.
Mayor Pro Tem Brennler stated he supports kick starting the issue of economic development and reported that he had visited Cal Poly’s City and Regional Development Department, and they are willing to help the city achieve a vision for the community.

Council Member Clay stated that economic development has to be all inclusive; surveys must go out to all people including those who cannot come to meetings. He commented that there are many upcoming issues that will create division in the community, and for that reason he thinks campaign finance should be continued to a date certain of 2009.

There was further Council discussion regarding Mayor Luna’s suggestion.

MOTION: By Council Member Béraud and seconded by Mayor Luna to take campaign finance off the next City Council agenda to allow Council to focus on economic development and that a public workshop be scheduled for September on campaign finance reform.

Council Member O’Malley moved to amend the motion.

MOTION: By Council Member O’Malley and seconded by Council Member Clay to amend the motion that Council complete the process of the economic development plan first and then address campaign finance reform.

Motion failed 2:3 by a roll-call vote. (Béraud, Brennler, Luna opposed)

MOTION: By Council Member Béraud and seconded by Mayor Luna to take campaign finance off the next City Council agenda to allow Council to focus on economic development and that a public workshop be scheduled for September on campaign finance reform.

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

A. CONSENT CALENDAR:

   - City Clerk Recommendation: Council approve the City Council Strategic Planning notes from the February 23-24, 2007 meetings. [City Clerk]

2. City Council Meeting Minutes – April 24, 2007
   - City Clerk Recommendation: Council approve the City Council Meeting Minutes of April 24, 2007. [City Clerk]
3. **Apple Valley Assessment Districts**
   - **Description:** Annual approval and notice of Public Hearing on June 26th.
   - **Fiscal Impact:** There is no fiscal impact to general residents within the City.
   - **Recommendations:** Council:
     1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Street and Storm Drain Maintenance District No. 01 – Apple Valley for fiscal year 2007/2008; and
     2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer’s Annual Levy Report regarding the Street and Storm Drain Maintenance District No. 01 – Apple Valley; and
     3. Adopt Draft Resolution C declaring the City’s intention to levy and collect annual assessments within Street and Storm Drain Maintenance District No. 01 – Apple Valley in fiscal year 2007/2008, and to appoint a time and place for the public hearing on these matters; and
     4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 – Apple Valley for fiscal year 2007/2008 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code; and

4. **De Anza Estates Assessment District**
   - **Description:** Annual approval and notice of Public Hearing on June 26th.
   - **Fiscal Impact:** There is no fiscal impact to general residents within the City.
   - **Recommendations:** Council:
     1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Street and Storm Drain Maintenance District No. 03 – De Anza Estates for fiscal year 2007/2008; and
     2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer’s Annual Levy Report regarding the Street and Storm Drain Maintenance District No. 03 – De Anza Estates; and
     3. Adopt Draft Resolution C declaring the City’s intention to levy and collect annual assessments within Street and Storm Drain Maintenance District No. 03 – De Anza Estates in fiscal year
2007/2008, and to appoint a time and place for the public hearing on these matters; and

4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 – De Anza Estates for fiscal year 2007/2008 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code; and

5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer’s Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 – De Anza Estates for fiscal year 2007/2008; and


[Administrative Services]

5. Las Lomas (Woodridge) Assessment Districts

- **Description:** Annual approval and notice of Public Hearing on June 26th.
- **Fiscal Impact:** There is no fiscal impact to general residents within the City.
- **Recommendations:**
  1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Street and Storm Drain Maintenance District No. 02 – Woodridge for fiscal year 2007/2008; and
  2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer’s Annual Levy Report regarding the Street and Storm Drain Maintenance District No. 02 – Woodridge; and
  3. Adopt Draft Resolution C declaring the City’s intention to levy and collect annual assessments within Street and Storm Drain Maintenance District No. 02 – Woodridge in fiscal year 2007/2008, and to appoint a time and place for the public hearing on these matters; and
  4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 – Woodridge for fiscal year 2007/2008 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code; and
  5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer’s Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 – Woodridge for fiscal year 2007/2008; and

[Administrative Services]
6. Annual Street Striping Award  
   - Recommendation: Council authorize the City Manager to execute a contract with Central Coast Striping in the amount of $57,357.64 for two years of annual Street Striping. [Public Works]

7. Temporary Road Closure (Calvary Chapel of Atascadero)  
   - Fiscal Impact: $160.00 per event for the installation of Road Closed signs by Public Works Staff.  
   - Recommendation: Council approve a request by Calvary Chapel of Atascadero for the closure of Palma Avenue from East Mall to West Mall on Sunday, June 24\textsuperscript{th} and Friday, September 28\textsuperscript{th} for events in the Sunken Gardens. [Public Works]

8. Title 9 Planning and Zoning Text Amendment ZCH 2006-0125 / PLN 2006-1139  
   - Description: Consideration of the adoption of an Ordinance to establish permanent creek setbacks.  
   - Fiscal Impact: None.  
   - Recommendation: Council adopt on second reading, by title only, Draft Ordinance A approving Zone Change 2006-0125 based on findings. [Community Development]

9. CT Text Amendment ZCH 2006-0130 / 9700 El Camino Real (Jacobson/Patel)  
   - Description: Proposal for the construction of a Hotel at 9700 El Camino Real.  
   - Fiscal Impact: None.  
   - Recommendation: Council adopt on second reading, by title only, Draft Ordinance A approving Zone Change 2006-0130 amending the CT zoning code text to conditionally allow “health care services” based on findings. [Community Development]

10. Off-site Alcohol Sales License Determination PLN 2007-1211 / 8360 EL Camino (Food 4 Less)  
    - Description: Request from Food 4 Less to approve the additional general Alcohol Beverage Control license application to expand alcohol sales to include liquor.  
    - Fiscal Impact: None.  
    - Recommendation: Council adopt Draft Resolution A finding that public convenience would be served by allowing the issuance of a general alcohol sales license to Food 4 Less located at 8360 El Camino Real. [Community Development]

Items pulled: David Broadwater, Item #A-1.

Item #A-1:

David Broadwater spoke about the February Strategic Planning Workshop and reviewed the issues that were discussed there by Council. He requested that reports on Strategic Planning be taken off the consent calendar in the future and placed on the agenda as a regular item so there can be a full verbal report, discussion by the Council and public comment.

Eric Greening stated he agreed with Mr. Broadwater and spoke of the great importance of what is decided at those sessions. He suggested the sessions be moved back into City Hall to allow public comment, that notes be more detailed and specific, that the session be video taped, and if taping is not possible, then a public hearing given as part of a regular Council meeting to sum up what was decided at the session.

Mayor Luna explained the process used for Strategic Planning sessions, and Council commented on the issues raised by the speakers.

MOTION: By Council Member O’Malley and seconded by Council Member Béraud to approve Item #A-1.
Motion passed 5:0 by a voice vote.

B. PUBLIC HEARINGS:

- **Description:** Approval of the construction of twelve (12) new attached single-family residences and the demolition of two existing single-family residences.
- **Fiscal Impact:** Based on the revenue projections from the Taussig Study, the City has developed standard conditions of approval for new development projects that require the cost of maintenance and emergency services to be funded by the project through a combination of road assessment districts, landscape and lighting districts and community facilities districts or other approved means (CUP and TTM Conditions #18 and #19).
- **Recommendations:** Planning Commission recommends Council:
  1. Adopt Draft Resolution A certifying Proposed Mitigated Negative Declaration 2006-0036; and,
  2. Introduce for first reading, by title only, Draft Ordinance A approving Zone Change 2005-0110 based on findings; and,
  3. Adopt Draft Resolution B approving Conditional Use Permit 2005-0174 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,
  4. Adopt Draft Resolution C approving Tentative Tract Map 2005-0081 based on findings and subject to Conditions of Approval and Mitigation Monitoring. [Community Development]

**Ex Parte Communications**

- Mayor Luna stated he received four emails regarding this issue dealing with parking and bulb outs, and one on the lights over the trash enclosure
- Council Member Clay stated he received a call from David Lowe regarding parking, as well as the email on the lights.
- Council Member O’Malley stated he received the same emails and worked with staff to respond.
- Mayor Pro Tem Brennler stated he received the same emails and a letter and call from David Lowe.
- Council Member Béraud stated she received the same emails.

Deputy Community Development Director Steve McHarris gave the staff report and answered questions of Council.

**PUBLIC COMMENT**

Gil Rodriguez, project designer, spoke about the project.

Jeremiah Lowe stated he has lived on Santa Ysabel long enough to see the changes to the street, new development, and the effect of it all on traffic. He commented that on-street parking must be part of this project to eliminate future problems.
David Lowe said he owns the apartment project across the street and expressed his concerns regarding parking, which included lack of adequate parking in the project, parking for construction trucks and work crews, and handicapped parking.

*Mayor Luna closed the Public Comment period.*

Staff addressed issues raised during the Public Comment period.

**MOTION:** By Council Member Clay and seconded by to Mayor Pro Tem Brennler to adopt Draft Resolution A certifying Proposed Mitigated Negative Declaration 2006-0036; and, introduce for first reading, by title only, Draft Ordinance A approving Zone Change 2005-0110 based on findings; and, adopt Draft Resolution B approving Conditional Use Permit 2005-0174 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and, adopt Draft Resolution C approving Tentative Tract Map 2005-0081 based on findings and subject to Conditions of Approval and Mitigation Monitoring, with the inclusion of a motion sensor light for the trash enclosure.

*Motion passed 4:1 by a roll-call vote. (Béraud opposed) (Item #B-1.1 Resolution No. 2007-043, Item #B-1.3 Resolution No. 2007-044, Item #B-1.4 Resolution No. 2007-0045)*

Council Member Béraud stated for the record that she believes there should be on-street parking.

2. **El Corte Planned Development #17: PLN 2099-0795 (Eddings)**
   - **Description:** Project approval would allow a 7-unit residential planned development on a project site that is currently developed with a single family residence.
   - **Fiscal Impact:** Based on the revenue projections from the Taussig Study, the City has developed standard conditions of approval for new development projects that require the cost of maintenance and emergency services to be funded by the project through a combination of road assessment districts, landscape and lighting districts and community facilities districts (Conditions CUP 18 and 19/ TTM 8 and 9).
   - **Recommendations:** Planning Commission recommends Council:
     1. Adopt Resolution A certifying Proposed Mitigated Negative Declaration 2006-0031; and,
     2. Introduce for first reading, by title only, Draft Ordinance A approving Zone Change 2006-0112 based on findings; and,
     3. Adopt Resolution B approving Conditional Use Permit 2006-0178 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,
4. Adopt C approving Vesting Tentative Tract Map 2006-0082 based on findings and subject to Conditions of Approval and Mitigation Monitoring. [Community Development]

Ex Parte Communications

- Mayor Luna stated he received an email from Larry Putnam supporting the project.
- Council Member Clay stated he talked to Royce Eddings about his concern regarding naming the cul-de-sac driveway after his daughter, and he attended the Planning Commission hearing.
- Council Member O’Malley stated he discussed this project in a few previous iterations with Mr. Eddings and discussed the issue of naming a street for a relative.
- Mayor Pro Tem Brennler stated he attended the Planning Commission meeting.

Deputy Community Development Director Steve McHarris gave the staff report and answered questions of Council.

PUBLIC COMMENT

Royce Eddings, applicant, gave a brief history of the project and explained that he had tired to address all the concerns and suggestions made by neighbors and Planning Commissioners. He requested the street be named after his deceased daughter Erica and would like to name it Erica Court. Mr. Eddings answered questions of Council.

Robert O’Brien, El Corte Road, asked that the Council deny any significant changes to the zoning of this neighborhood and the quantity of homes listed in this plan. He expressed concern with changing the character of the neighborhood as it currently exists given this increase in density.

MOTION: By Council Member O’Malley and seconded by Mayor Pro Tem Brennler to go past 11:00 p.m.
Motion passed 5:0 by a roll-call vote.

Catherine McDonald, El Corte Road, asked that the Council not approve this development, as she thinks it is inconsistent with the neighborhood to allow seven homes on this site. She stated she is opposed to the project based on the density only.

Deal Salina Cardinale stated she agrees with the previous speakers and believes that seven houses are too many; it should be four as called for in the original zoning.

Joanne Main applauded the applicant for meeting with the neighbors and responding to all their suggestions. She stated the applicant listened to what the Planning Commission wanted, has been a good member of the community, and hires local people.

Mayor Luna closed the Public Comment period.
MOTION: By Council Member O’Malley and seconded by Mayor Pro Tem Brennler to adopt Resolution A certifying Proposed Mitigated Negative Declaration 2006-0031; and, introduce for first reading, by title only, Draft Ordinance A approving Zone Change 2006-0112 based on findings; and, adopt Resolution B approving Conditional Use Permit 2006-0178 (Master Plan of Development) based on findings and subject to Conditions of Approval and Mitigation Monitoring; and, adopt C approving Vesting Tentative Tract Map 2006-0082 based on findings and subject to Conditions of Approval and Mitigation Monitoring including the naming of the street Erica Court.

Motion passed 5:0 by a roll-call vote (Item #B-2.1 Resolution No. 2007-046, Item #B-2.3 Resolution No. 2007-047, Item #B-2.4 Resolution No. 2007-048)

Mayor Luna recessed the hearing at 11:12.

Mayor Luna called the meeting back to order at 11:24

3. Operating Budget 2007 - 2009

- Recommendations: Council:
  1. Adopt Draft Resolution for Budgets for the 2007-2008 and the 2008-2009 fiscal years and delegate to the City Manager the authority to implement same; and

[City Manager]

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

PUBLIC COMMENT – None

MOTION: By Council Member O’Malley and seconded by Council Member Béraud to adopt Draft Resolution for Budgets for the 2007-2008 and the 2008-2009 fiscal years and delegate to the City Manager the authority to implement same; and adopt Draft Resolution amending the 2006-2007 fiscal year budget with the following modifications: Designation of $10,000 for EVC and finding an additional $50,000 within the budget for the Community Outreach area in the first year and $30,000 in the second year.
4. Downtown Parking & Business Improvement Area (PBIA) (FY 2007-2008)

**Confirmation of Annual Assessment**

- **Description:** Request for Council to confirm annual assessment for downtown PBIA.
- **Fiscal Impact:** Downtown Parking and Business Improvement District revenue of approximately $10,500 for fiscal year 2007-2008.
- **Recommendation:** Council adopt the Draft Resolution confirming annual assessment for Downtown Parking & Business Improvement Area (Fiscal Year 2007-2008). [City Manager]

Assistant to the City Manager Marcia McClure Torgerson gave the staff report.

**PUBLIC COMMENT** – None

**MOTION:** By Council Member O’Malley and seconded by Council Member Clay to adopt the Draft Resolution confirming annual assessment for Downtown Parking & Business Improvement Area (Fiscal Year 2007-2008). *Motion passed 5:0 by a roll-call vote. (Resolution No. 2007-051)*

C. MANAGEMENT REPORTS:

1. **Conveyance of CalTrans Capistrano Avenue Drainage Easements to the City of Atascadero**

- **Description:** Request for Council to accept drainage easements from CalTrans.
- **Fiscal Impact:** There will be no fiscal impact as a result of the initiation of transference and acceptance of these drainage easements. The City will save a significant amount of funds by not having to pay for these easements in the future.
- **Recommendation:** Council direct staff to initiate the transference of five (5) CalTrans drainage easements to the City. [Public Works]

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

**PUBLIC COMMENT** – None
MOTION: By Council Member O’Malley and seconded by Mayor Pro Tem Brennler to direct staff to initiate the transference of five (5) CalTrans drainage easements to the City.

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

D. COMMITTEE REPORTS:

Council Member Béraud
1. Would like to speak about compensation for the Planning Commission and City Council in the future.

Council Member O’Malley
1. S.L.O. Council of Governments (SLOCOG) / S.L.O. Regional Transit Authority (SLORTA): Brought up problems at Portola and Highway 41 regarding the trail system and requested a meeting with D.J. Funk and Cal Trans to lobby for easing up on requirements. SLOCOG: spoke with the Executive Director and he believes they can help with the Stadium Park easement and/or parking. Housing and Community Development has requested San Luis Obispo County start a housing needs assessment. SLOCOG staff wants to consider county-wide development impact fees and has requested the Community Development Director attend that meeting.

E. INDIVIDUAL DETERMINATION AND/OR ACTION:

City Council

Council Member Clay stated he spoke with Mr. Funk regarding the 94% loss of riparian vegetation figure referred to at the meeting regarding creek setbacks and he agreed there must have been a mistake in that figure as there is more riparian vegetation, not less.

F. ADJOURNMENT:

Mayor Luna adjourned the meeting at 12:06 a.m. to the next regularly scheduled meeting of the City Council on June 26, 2007.

MINUTES PREPARED BY:

Grace Pucci, Deputy City Clerk