DRAFT MINUTES

Tuesday, February 9, 2010

City Hall
Council Chambers
6907 El Camino Real, Atascadero, California

REGULAR SESSION: 6:00 P.M.

Mayor Fonzi called the meeting to order at 6:03 p.m. and Mayor Pro Tem O’Malley asked one of the Boy Scouts in attendance to lead the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Clay, O’Malley, Kelley, Béraud and Mayor Fonzi

Absent: None

Others Present: City Clerk / Assistant to City Manager Marcia McClure Torgerson

Staff Present: City Manager Wade McKinney, Assistant City Manager Jim Lewis, Administrative Services Director Rachelle Rickard, Community Development Director Warren Frace, Public Works Director Russ Thompson, Community Services Director Brady Cherry, Police Chief Jim Mulhall, Fire Chief Kurt Stone, and City Attorney Brian Pierik.
APPROVAL OF AGENDA: Roll Call

MOTION: By Council Member Clay and seconded by Council Member Béraud to approve the agenda. 
*Motion passed 5:0 by a roll-call vote.*

A. CONSENT CALENDAR:

1. **December 2009 Investment Report**
   - Fiscal Impact: None.
   - Recommendation: Council approve the City Treasurer’s report for December 2009. [Administrative Services]

2. **December 2009 Accounts Payable and Payroll**
   - Fiscal Impact: Total expenditures for all funds is $2,572,636.28.
   - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for December 2009. [Administrative Services]

MOTION: By Council Member Clay and seconded by Council Member Béraud to approve the Consent Calendar.
*Motion passed 5:0 by a roll-call vote.*

UPDATES FROM THE CITY MANAGER:

City Manager Wade McKinney gave an update on the Purple Heart Trail. Cal Trans has approved the placement of 10 new Purple Heart Trail signs in several locations within the County along Highway 101. The two Atascadero signs will be installed first to assist in the fundraising for the $15,000 required for this program.

Atascadero’s Finance department was once again recognized by the California Society of Municipal Finance Officers for excellence in budgeting.

The Carlton restaurant and lounge are currently closed. The lenders, owners, and potential buyers are working together to solve the issue so that they can re-open.

Staff is expecting the La Plaza project plans to be submitted soon.

Wal-Mart will submit their plans in the next few weeks. Bob Winslow will continue to work on the Annex project and will also be submitting plans soon.

Staff continues to work on the City Hall project. The Council will receive an update at their February 23, 2010 meeting on the progress on the restoration of City Hall.
COMMUNITY FORUM:

Tom Gaddis, member of the Atascadero Ministerial Association, led those present in prayer.

Jedidiah Damery, of Troup 111/176, announced that the Boy Scouts of America is celebrating its 100th year of scouting. He shared with the Council some of the activities they have participated in to celebrate.

Doris Lund expressed her concern for a problem that has been occurring in her neighborhood for the last few years. The church across the street from her home has parking lot lights that shine into her home. She contacted the City and was told that the church did not apply for the proper permit for the installation of the lights. The City has attempted to gain compliance from the church but has not been successful.

Mitch Paskin expressed his concerns with the Oak Ridge Estates development and its effect on the roads in his neighborhood.

Heather Young announced the next Art and Wine Tour slated for Friday, February 12th. Ms. Young also asked for assistance in finding vacant properties that would be willing to participate in hosting the upcoming art show in May.

Joanne Main announced the next Chamber Mixer will be on February 18th in the basement of the Pavilion.

Steve Martin, Executive Director of Atascadero Main Street, announced upcoming events in the Downtown and gave a summary of the work plan for Main Street this year.

David Broadwater expressed his concern with the City’s handling of the recent mural painted on the KMan Cyclery building.

Jim Wilkins invited everyone to the Colony House during the Art Tour and Sweetheart Stroll.

Mayor Fonzi closed the COMMUNITY FORUM period.

Mr. McKinney stated that he has spoken with the assistant Pastor of the church referred to by Ms. Lund, and they have purchased the lights and we expect them to be replacing the lights soon. He also said that we have not conducted a subsequent traffic study; however, he does agree with Mr. Paskin that we need improvements on the Oak Ridge Estates roads and expect Castlerock to take care of the roads.

Mr. Frace stated that Staff has been in contact with the owner of KMan Cyclery and are working with him on a solution. The City’s current policy and procedure is to treat any painting on the side of a building as a sign, which requires a sign permit. The size of this mural triggers the Administrative Use Permit, as it is larger than the allowed sign.

B. PUBLIC HEARINGS: None.
C. MANAGEMENT REPORTS:

1. Storm Water Management Plan (SWMP) - Citizen Advisory Committee
   - Fiscal Impact: Minimal fiscal impact of additional staff time to support Committee work.
   - Recommendation: Each Council Member appoint one community member to serve on the Storm Water Advisory Committee. [Public Works]

Public Works Director Russ Thompson gave the staff report and answered questions from the Council.

The Council Members announced their appointments to the committee:

Mayor Fonzi: Suzie Anderson  
Mayor Pro Tem O’Malley: Eric Gobler  
Council Member Kelley: Jamie Kirk  
Council Member Béraud: Debra Skinner  
Council Member Clay: Jolene Horn

2. Proposed Resolution of Support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010
   - Fiscal Impact: There is no fiscal impact from the adoption of this Resolution. If the Ballot Measure is successful, it will have a positive impact on the City’s budget by preventing further takings or borrowings by the State.
   - Recommendation: Council adopt the Draft Resolution in support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010. [City Manager]

Assistant to the City Manager Marcia Torgerson gave the staff report and introduced Dave Mullinax, League of California Cities representative, who explained the details concerning the proposed Resolution and answered questions from the Council.

PUBLIC COMMENT: None

MOTION: By Council Member O’Malley and seconded by Council Member Béraud to adopt the Draft Resolution in support of the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.  
Motion passed 5:0 by a roll-call vote.  (Resolution No. 2010-003)

Mayor Fonzi recessed the meeting at 7:06 p.m.

Mayor Fonzi reconvened the meeting at 7:16 p.m.
3. **Water Efficient Landscape Ordinance - Title 8 Building Code Text Amendment (City of Atascadero)**

- **Fiscal Impact:** Staff time for review of landscape plans and Landscape Documentation Packages, and to verify landscape installation can be absorbed with existing staff for now.
- **Recommendation:** Council introduce for first reading, by title only, draft Ordinance A approving an amendment to Title 8, the Building Code, of the Atascadero Municipal Code, to establish a Water Efficient Landscape and Irrigation Ordinance as required by the State of California. [Community Development]

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

**PUBLIC COMMENT:**

John Neil, Executive Director of the Atascadero Mutual Water Company, thanked City Staff for their efforts on the compliance of State mandate. Mr. Neil also answered questions from the City Council.

Len Colamarino stated that this action seems to positively deal with the State mandate required of the City.

Rick Mathews commended City Staff and the Water Company on their proactive efforts towards conservation.

*Mayor Fonzi closed the Public Comment period.*

**MOTION:** By Council Member Béraud and seconded by Mayor Pro Tem O’Malley to introduce for first reading, by title only, draft Ordinance A approving an amendment to Title 8, the Building Code, of the Atascadero Municipal Code, to establish a Water Efficient Landscape and Irrigation Ordinance as required by the State of California.

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

4. **County Animal Services Contract Extension for FY 2009 - 2010**

- **Fiscal Impact:** The cost for the one-year contract extension for FY 2009-10 ($199,440.00) is included in the Police Department’s 2009-10 Budget.
- **Recommendation:** Council authorize the Mayor to execute an Agreement with the County of San Luis Obispo in the amount of $199,440.00 for the provision of Animal Control Services from July 1, 2009 to September 30, 2010. [Police]

Police Chief Jim Mulhall gave the staff report and answered questions from the Council.
PUBLIC COMMENT:

Sally Knight, VP Board of NCHS, urged the Council to consider an aggressive sterilization program to reduce the number of homeless cats in Atascadero. (Exhibit A)

Anita Rouse, President of the NCHS, answered additional questions from the Council.

Mayor Fonzi closed the Public Comment period.

MOTION: By Council Member Kelley and seconded by Mayor Pro Tem O’Malley to:
1. Authorize the Mayor to execute an Agreement with the County of San Luis Obispo in the amount of $199,440.00 for the provision of Animal Control Services from July 1, 2009 to September 30, 2010; and,
2. Direct Staff to look into lowering the service levels by partnering with the Humane Society on an aggressive spay/neuter program; and,
3. Direct Staff to work with the County on a one-year contract instead of a 3-year contract.

Motion passed 5:0 by a roll-call vote. (Contract No. 2010-001)

COUNCIL ANNOUNCEMENTS AND REPORTS:

Council Member Clay urged everyone to support our local restaurants.

Mayor Pro Tem O’Malley reminded everyone that even though the Carlton Restaurant and Lounge are temporarily closed, the Hotel is still open and there are several other restaurants near the Carlton that are open for business.

Council Member Béraud received a call from the Campaign for an American Solution regarding health insurance. She urged everyone to join those who are trying to find affordable healthcare for all. Also, she has received the Paso Robles bike plan. She stated that she knows Atascadero’s plan won’t be as extensive. Ms. Béraud asked the City Clerk to forward the plan to all of the Council.

D. COMMITTEE REPORTS:

Mayor Fonzi
1. Air Pollution Control District – The APCD has decided to break away from the County. Mayor Fonzi voted against this move as it will be costly.

Mayor Pro Tem O’Malley
1. SLO Council of Governments, President (SLOCOG) – Mayor Pro Tem O’Malley is now president of SLOCOG. (Exhibit B)
2. Central Coast Regional Water Quality Control Board, Member (RWQCB) – Irrigated agriculture is going to be the top priority of the Board.

Council Member Kelley
1. Atascadero State Hospital Advisory Committee – Hospital is being affected by budgetary constraints also. ASH is not part of the Early Release Program.
2. Atascadero Youth Task Force – Kids are very interested in the improvements of the Zoo.

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURNMENT:

Mayor Fonzi adjourned the meeting at 8:43 p.m.

MINUTES PREPARED BY:

________________________________________________________________________
Marcia McClure Torgerson, C.M.C.
City Clerk / Assistant to the City Manager

The following exhibit is available for review in the City Clerk’s office:

Exhibit A – North County Humane Society handout, Sally Knight
Exhibit B – SLOCOG notes, submitted by Mayor Pro Tem O’Malley