CITY OF ATASCADERO
CITY COUNCIL

DRAFT ACTION MINUTES

Tuesday, August 9, 2011

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

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<th>City Council Closed Session:</th>
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<td>City Council Regular Session:</td>
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CITY COUNCIL CLOSED SESSION: 5:15 P.M.

Mayor O’Malley announced that the Council is going into Closed Session at 5:18 p.m.

1. CLOSED SESSION -- PUBLIC COMMENT – None

2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION

3. CLOSED SESSION -- CALL TO ORDER

a. Conference with Real Property Negotiators
   (Govt. Code Sec. 54956.8)
   Property Address: 6700 El Camino Real, Atascadero, CA
   City Negotiator: Wade McKinney, City Manager
   Negotiating Parties: Jimmie D. Shores
   Under Negotiation: Instruction to negotiator will concern price and terms of payment.
b. Conference with Real Property Negotiators
(Govt. Code Sec. 54956.8)
Property Address: 6760 El Camino Real, Atascadero, CA
City Negotiator: Wade McKinney, City Manager
Negotiating Parties: Hubert W. Laprade
Under Negotiation: Instruction to negotiator will concern price and terms of payment.

c. Public Employee Appointment
(Govt. Code Sec. 54957)
Title: Police Chief

4. CLOSED SESSION -- ADJOURNMENT

5. COUNCIL RETURNS TO CHAMBERS

6. CLOSED SESSION -- REPORT

City Attorney Pierik announced that there was no reportable action taken.

REGULAR SESSION – CALL TO ORDER: 6:00 P.M.

Mayor O’Malley called the meeting to order at 6:02 p.m. and Council Member Sturtevant led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Clay, Fonzi, Sturtevant, Mayor Pro Tem Kelley and Mayor O’Malley

Absent: None

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

Staff Present: City Manager Wade McKinney, Administrative Services Director Rachelle Rickard, Community Development Director Warren Frace, Public Works Director Russ Thompson, Acting Police Chief Steve Gesell, Fire Chief Kurt Stone, and City Attorney Brian Pierik.

APPROVAL OF AGENDA: Roll Call

MOTION: By Council Member Sturtevant and seconded by Council Member Fonzi to approve the agenda.

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

1. Disaster Response Trailer Fundraiser Update and Recognition of Donors

Fire Chief Stone introduced the Project Coordinator Matt Miranda who updated the City Council on the Disaster Response Trailer. He also recognized some of their sponsors; Mr. Harris of Santa Lucia Bank and Mr. Wayne Hughes stated how important this project is to the City and expressed their pleasure in donating towards this vital equipment.

A. CONSENT CALENDAR:

1. **City Council Draft Action Minutes – June 28, 2011**
   - Recommendation: Council approve the City Council Draft Action Minutes of June 28, 2011. [City Clerk]

2. **June 2011 Accounts Payable and Payroll**
   - Fiscal Impact: $1,843,819.11.
   - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for June 2011. [Administrative Services]

3. **Designation of Voting Delegate - League of California Cities’ Annual Conference**
   - Fiscal Impact: None.
   - Recommendation: Council designate a voting representative and an alternate who will be present at the Annual Business Meeting of the League of California Cities' Annual Conference in September 2011, and direct the City Clerk to inform the League of the designation. [City Clerk]

4. **Amendment to Lease Agreement with NCI Affiliates, Inc. for the Operation of the Café at the Colony Park Community Center**
   - Fiscal Impact: Approval of this amendment will have a fiscal impact on the City of $2,400 per year for the next two years.
   - Recommendation: Council authorize the City Manager to execute the Amendment to Lease Agreement maintaining the monthly rent at $300 per month for the remainder of the lease term, and keeping all other terms and conditions the same. [Community Services]
5. **Amendment to Lease Agreement Removing the Atascadero Historical Society as a Party to the Lease for Use of the Lake Pavilion Basement by the Boys Scouts of America**
   - **Fiscal Impact**: None.
   - **Recommendation**: Council authorize the City Manager to execute the Amendment to Lease Agreement omitting the Atascadero Historical Society from the lease, and keeping all other terms and conditions the same. [Community Services]

6. **Supplemental Law Enforcement Services Fund Reallocation**
   - **Fiscal Impact**: None.

7. **Enhanced 9-1-1 System and Center Upgrades**
   - **Fiscal Impact**: No net impact on the General Fund. General Fund expenditures in the amount of $154,000 will be reimbursed by the State of California’s 9-1-1 Program.
   - **Recommendations**: Council:
     1. Approve and appropriate the use of $154,000 in California 9-1-1 Emergency Communications Office funding for upgrades to the Public Safety Communications Center in accordance with the spending plan; and,
     2. Approve purchase from, and authorize the City Manager to execute a contract with, Vesta Pallas for Version 5.0 Software Upgrade and a five-year software maintenance contract for the Communications Center at a cost of $66,498.52; and,
     3. Authorize the Director of Administrative Services to make budget adjustments increasing revenues and expenses in the amount of $154,000. [Police]

8. **Old Morro Road Slope Repair Award (City Bid No. 2011-007)**
   - **Description**: Repair of the existing landslide along Old Morro Road just south of the intersection with State Route 41
   - **Fiscal Impact**: $88,390 in budgeted local transportation funds.
   - **Recommendation**: Council:
     1. Authorize the City Manager to execute a contract for $88,390.00, with M. Switzer Excavating to construct the Old Morro Road Slope Repair; and,
     2. Authorize the Public Works Director to file a notice of completion after the project is finished. [Public Works]
Mayor O’Malley pulled Item #A-3
Citizen Mike Brennler pulled Item #A-2
Citizen Mitch Paskin pulled Item #A-8

MOTION: By Council Member Fonzi and seconded by Council Member Sturtevant to approve Items #A-1, 4, 5, 6, & 7 of the Consent Calendar.  
Motion passed 5:0 by a roll-call vote.  (#A-7: Contract No. 2011-032)

Item #A-2: Mr. Brennler expressed his concern for the City doing business with the Wallace Group.

MOTION: By Council Member Sturtevant and seconded by Council Member Clay to approve Item #A-2 of the Consent Calendar.  
Motion passed 5:0 by a roll-call vote.

Item #A-3: Mayor O’Malley stated this item is actually an action item as the Council needs to appoint a delegate for the League of California Cities’ Conference next month.

MOTION: By Mayor O’Malley and seconded by Council Member Clay to appoint Council Member Sturtevant to be the League Delegate.  
Motion passed 5:0 by a roll-call vote.

Item #A-8: Public Works Director Thompson explained the project and Mr. Paskin stated that the explanation answered his questions.

MOTION: By Council Member Clay and seconded by Council Member Fonzi to approve Item #A-8 of the Consent Calendar.  
Motion passed 5:0 by a roll-call vote.  (Contract No. 2011-033)

UPDATES FROM THE CITY MANAGER:

City Manager Wade McKinney gave an update on projects and issues within the City.

COMMUNITY FORUM:

The following citizens spoke during Community Forum:  Ted Mort, Sy Tenenberg, Dane Senser, Debra Paskin, David Broadwater (Exhibit A), Steven Good, Joan O’Keefe, Barbie Butz, Mike Brennler, Reginald Correla, Judy Gray, Kelly Evans, Donn Clarius, Mitch Paskin, Ellen Béraud, Lee Perkins, Karyn Sturtevant, Tom Comar, Jim Shannon, and Ron Rothman.
Mayor O’Malley closed the COMMUNITY FORUM period.

Mayor O’Malley explained how the City Council complies with the Brown Act. City Clerk Torgerson also explained how the description in the City Council agenda complies with the Brown Act. City Attorney Pierik also concurred that the City Council agenda is in full compliance with the law.

Council Members Fonzi and Clay concurred with the comments of Mayor O’Malley, City Clerk Torgerson, and City Attorney Pierik.

B. PUBLIC HEARINGS:

1. Proposed Urgency Ordinance and a Regular Ordinance Pertaining To Compliance with ABX1 27 - Voluntary Alternative Redevelopment Program

   - Fiscal Impact: The estimated payments required of the City to participate in the Alternative Voluntary Redevelopment Program are $1,516,774.00 in FY 2011-12 and $400,000 per year in succeeding fiscal years.

   - Recommendations: Council:
      1. Adopt the Draft Urgency Ordinance determining to comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Atascadero Redevelopment Agency; AND,
      2. Introduce for first reading by title only, the Draft Ordinance determining to comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Atascadero Redevelopment Agency; AND,
      3. Authorize the City Manager to file an appeal to the State of California if City staff finds that the amount of the “community remittance” calculated by the State is subject to appeal. [City Attorney]

City Attorney Brian Pierik gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: David Broadwater, Joan O’Keefe, Mike Brennler, Ron Rothman, and Jim Shannon.

Mayor O’Malley closed the Public Comment period.
MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Clay to adopt the Draft Urgency Ordinance determining to comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Atascadero Redevelopment Agency.  
Motion passed 5:0 by a roll-call vote.  (Ordinance No. 556)

MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Clay to introduce for first reading by title only, the Draft Ordinance determining to comply with the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code in order to permit the continued existence and operation of the Atascadero Redevelopment Agency. Motion passed 5:0 by a roll-call vote.

MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Clay to authorize the City Manager to file an appeal to the State of California if City staff finds that the amount of the “community remittance” calculated by the State is subject to appeal. Motion passed 5:0 by a roll-call vote.

C. MANAGEMENT REPORTS:

1. Presentation by the Central Coast Zoological Society to Create a Proposed Assessment District to Support the Charles Paddock Zoo
   - Fiscal Impact: The Zoological Society Study on the possible creation of an assessment district to support the Zoo will have no fiscal impact on the City. A Zoo assessment district would have a significant positive fiscal impact on the City.
   - Recommendation: Council authorize the Central Coast Zoological Society to explore the creation of an Assessment District to support the Charles Paddock Zoo. [Community Services]

City Manager Wade McKinney gave the staff report and answered questions from the Council. Zoo Director Alan Baker, and Zoological Society representatives George Dodge and Cory Black explained the status of the Zoo and the proposed Assessment District process.

PUBLIC COMMENT: None
MOTION: By Mayor O’Malley and seconded by Mayor Pro Tem Kelley to authorize the Central Coast Zoological Society to explore the creation of an Assessment District to support the Charles Paddock Zoo. 

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

2. **East Mall Pedestrian Bridge Access - Approval of Purchase Agreement for 5901 East Mall Lot 14, Block OL (City of Atascadero)**

- **Description:** Request for authorization to purchase property from Robert and Elise Olson
- **Fiscal Impact:** The purchase of the lot would result in the expenditure of $124,000 for the property. There will also be some additional title and escrow fees due at closing.
- **Recommendation:** Council authorize the City Manager to execute a Purchase Agreement with Robert and Elise Olson in the amount $124,000 for the purchase of a 2,500 square foot, vacant lot at 5901 East Mall, Atascadero, deemed necessary for adequate public access to the proposed Atascadero Creek pedestrian bridge. [City Manager]

City Manager Wade McKinney gave the staff report and answered questions from the Council.

PUBLIC COMMENT: None

MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Sturtevant to authorize the City Manager to execute a Purchase Agreement with Robert and Elise Olson in the amount $124,000 for the purchase of a 2,500 square foot, vacant lot at 5901 East Mall, Atascadero, deemed necessary for adequate public access to the proposed Atascadero Creek pedestrian bridge.

*Motion passed 5:0 by a roll-call vote.* (Contract No. 2011-034)

COUNCIL ANNOUNCEMENTS AND REPORTS:

The City Council Members made brief announcements.

Council Member Fonzi asked staff to look into the issue of a product called “wicked” that is being sold in smoke shops in our community. She explained that this product is a form of potpourri, is smoked and it contains strychnine. Council Member Fonzi asked staff bring back information to the Council on this project, including if this product can be included in the list of products that are not to be sold to minors.
Council Member Kelley reported that the Ferrocarril Road neighborhood, that includes a gate between the two phases, recently has had a problem with emergency responses which caused some delay for the ambulance and Fire Department to arrive at the reported location. He asked staff to survey the situation to clarify the addresses for future emergency calls. He also asked if the gate is required to remain across the road.

Mayor O’Malley stated that he thought that there was more flexibility locally in the decision to lower the flag at the Veterans Memorial to honor those who have passed on.

There was Council consensus to have staff pursue increasing the local ability to decide when to lower the American flag at the Veterans Memorial.

D. COMMITTEE REPORTS:

Mayor O’Malley
1. Integrated Waste Management Authority (IWMA) – IWMA Board is considering a ban on all plastic and paper bags. It will be coming to the IWMA Board in September 2011. Mayor O’Malley asked that this issue be placed on the City Council’s next agenda so that the Council and community may give input on the issue which he can then take back to the IWMA Board.
2. League of California Cities – CITIPAC Board Member – Mayor O’Malley asked if staff could find out if there will be a CITIPAC meeting at the League’s Annual Conference.

Mayor Pro Tem Kelley
1. SLO County Mayors Luncheon – Mayor Pro Tem Kelley attended for Mayor O’Malley and noted that the group was cohesive and works well together.

Council Member Fonzi
1. SLO Local Agency Formation Commission (LAFCo) – alternate – Council Member Fonzi attended a tour of the sphere of influence of Pismo Beach.
3. SLO Council of Governments (SLOCOG) – Council Member Fonzi asked that SLOCOG assist the City in the effort to have Cal Trans fund the landscaping of the 101/41 project. Also, she expressed her concern for SLOCOG’s desire to regionalize Transit Funds.

Council Member Sturtevant
1. City / Schools Committee – Discovered that there is an enormous amount of information to sort through on the issue of the Junior High’s possible move.
2. League of California Cities – Council Liaison – Attended the League’s dinner last month. State Controller John Chiang spoke at the event.

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None
F. ADJOURNMENT:

Mayor O’Malley adjourned the meeting at 9:38 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 – Prepared statement by David Broadwater, dated 8/9/11