CITY OF ATASCADERO
CITY COUNCIL

DRAFT MINUTES

Tuesday, May 13, 2008

REGULAR SESSION: Immediately following the conclusion of the Redevelopment Agency meeting

Mayor Brennler called the meeting to order at 7:38 p.m. and led the Pledge of Allegiance.

Mayor Brennler asked all to keep the Erlinson family in their thoughts and prayers.

ROLL CALL:

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

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, Police Chief Jim Mulhall, Fire Chief Kurt Stone, Public Works Director Steve Kahn, Deputy Administrative Services Director Jeri Rangel, and City Attorney Brian Pierik.

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. Recognition of Administrative Services Volunteer, Anita Lamkin

Mayor Brennler read a prepared statement, recognizing Anita Lamkin for her 17 years of volunteer services to the City and the community.

A. CONSENT CALENDAR:

   - City Clerk Recommendation: Council approve the City Council Special Joint Meeting Minutes of February 28, 2008. [City Clerk]

2. February 2008 Accounts Payable and Payroll
   - Fiscal Impact: $2,884,981.99.
   - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for February 2008. [Administrative Services]

   - Fiscal Impact: None.
   - Recommendation: Council approve a request by the Community Services Department to close a portion Palma Avenue on five Saturdays 8/2/08, 8/9/08, 8/16/08, 8/23/08, 8/30/08 from 5:00 p.m. until 11:00 p.m. for Movies in the Park. [Community Services]

   - Fiscal Impact: None.
   - Recommendation: Council adopt Draft Resolution A finding that public convenience would be served by allowing the issuance of an off-sale beer and wine license for a new market located at 8550, Suite B, El Camino Real. [Community Development]

5. Weed Abatement – Awarding of Contractor Bid
   - Fiscal Impact: None.
   - Recommendation: Council authorize the City Manager to execute the contract with Travis Hansen dba Hansen Bros Custom Farming for weed abatement. [Fire]

MOTION: By Mayor Pro Tem Béraud and seconded by Council Member Luna to approve Consent Items #1, 2, 3, 4 and 5. 
Motion passed 5:0 by a roll-call vote.

COMMUNITY FORUM:

Pastor Tom Farrell, representing the Ministerial Association, led those present in prayer.
Joan O'Keefe expressed her concerns with the continuous neglect of the Printery.

Lee Perkins commended Mayor Brennler for his performance on the Council. She also stated that she hopes there is a stop sign planned for eastbound Curbaril at the 101 overpass.

Eric Greening is also concerned with blight at the Printery. Mr. Greening asked Council to agendize a study session in the near future to review and discuss potential impacts the Governor's revised budget might have on the City.

Marge Mackey thanked the City staff who assisted the Atascadero Land Preservation Society (ALPS) with their picnic in Stadium Park.

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

City Manager Wade McKinney responded to questions about the Printery by stating that the City is expecting new plans to be submitted by the engineer. He said the property site was cleaned up last week. Mr. McKinney answered questions from the Council.

**B. PUBLIC HEARINGS:**

1. **Weed Abatement – Hearing of Objections**
   - **Fiscal Impact:** None.
   - **Recommendations:** Council:
     1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections, and
     2. Authorize the Fire Chief to proceed and perform the work of abatement. [Fire]

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

**PUBLIC COMMENT**

Eric Greening asked if property owners should only mow their properties before 10:00 a.m., especially during the upcoming heat wave. Fire Chief Stone suggested everyone mow before 10:00 a.m.

**Mayor Brennler closed the Public Comment period.**

**MOTION:** By Council Member Luna and seconded by Mayor Pro Tem Béraud to authorize the Fire Chief to proceed and perform the work of abatement. *Motion passed 5:0 by a roll-call vote.*

**C. MANAGEMENT REPORTS**

1. **Mid-Year and Mid-Cycle Budget Revisions**
- **Fiscal Impact:** $970,000 net decrease in General Fund revenues and $368,540 net increase in General Fund expenditures for fiscal year 2007-2008.  
  $1,680,000 net decrease in General Fund revenues and $452,780 net increase in General Fund expenditures for fiscal year 2008-2009.  
  $446,790 increase in revenues for other funds and $103,120 increase in expenditures for other funds for fiscal year 2007-2008.  
  $545,000 increase in revenues for other funds and $575,730 increase in expenditures for other funds for fiscal year 2008-2009.  
- **Recommendations:** Council:  
  2. Adopt Draft Resolution B approving a Proposition 1B Local Streets and Roads Funding Proposal and accepting Proposition 1B funding from the State of California Department of Finance to be used on eligible transportation projects within the City of Atascadero.  
  3. Approve staff budget actions taken and adopt the fiscal policies as described in this staff report. [Administrative Services]

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

**PUBLIC COMMENT**

Roberta Fonzi appreciated the thorough report and asked what effect the cost of gasoline will have on the City’s budget, especially tourism. She also asked how the upcoming retirement of several employees will affect the City.

John De Morales, Director of the Atascadero State Hospital, relayed that the State Hospital doesn’t foresee any budget cuts; that they are exempted from State budget cuts. Mr. De Morales also stated that their budget is based on case load, which has been increasing yearly.

Al Fonzi elaborated on the escalating problems in the oil industry. He encouraged the Council to reevaluate some of the City policies and, with the current economic conditions, look long and hard at the future of our City.

*Mayor Brennler closed the Public Comment period.*

**MOTION:** By Mayor Pro Tem Béraud and seconded by Council Member Luna to:  
1. Adopt Draft Resolution A amending the 2007-2008 and 2008-2009 fiscal year budgets; and,  
2. Adopt Draft Resolution B approving a Proposition 1B Local Streets and Roads Funding Proposal and accepting Proposition 1B funding from the State of California Department of Finance to be used on eligible transportation projects within the City of Atascadero; and,  
3. Approve staff budget actions taken and adopt the fiscal policies as described in this staff report, including the
policy to not approve any new appropriations without the elimination or reduction of a currently budgeted project or program.

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

2. **Request to Amend City’s Smoking Ordinance to Include Atascadero State Hospital**
   
   • **Fiscal Impact:** None.
   • **Recommendation:** Council direct Staff to prepare a modification to the current City Smoking Ordinance to include Atascadero State Hospital and surrounding State property. [Police]

Police Chief Jim Mulhall gave the staff report and he and City Attorney Pierik answered questions of Council.

As a result of expressed Council concerns, City Attorney Brian Pierik stated that he feels the language proposed is too broad and he would recommend looking at other cities’ ordinances and have staff return with alternative language that would add only the Atascadero State Hospital.

**PUBLIC COMMENT**

John De Morales, Director of Atascadero State Hospital, explained that the State Hospital is subject to Title 22, which requires that all long-term care facilities provide smoking areas for the residents of the facilities. If a City ordinance were to be put in place, it would trump Title 22 and the State Hospital would be smoke free, both inside the physical structure and outdoors in the courtyards. Mr. Morales answered questions of the Council.

*Mayor Brennler closed the Public Comment period.*

Council discussed various options for developing the smoking ordinance.

**MOTION:** By Mayor Pro Tem Béraud and seconded by Council Member Luna to have the City Attorney return this item with alternate language that will add only the Atascadero State Hospital to the City’s Municipal Code concerning the prohibition of smoking on their grounds.

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

3. **Paloma Creek Park Playground Equipment Replacement Project Award**
   
   • **Fiscal Impact:** $177,055.55. Amount has been budgeted in the 2007-09 budget.
   • **Recommendation:** Council authorize the City Manager to execute a contract with Dave Bang Associates, Inc., in the amount of $177,055.55 for the purchase and installation of a new playground structure for Paloma Creek Park. [Public Works]
Public Works Director Steve Kahn gave the staff report and answered questions of Council.

PUBLIC COMMENT - None

**MOTION:** By Mayor Brennler and seconded by Council Member O’Malley to authorize the City Manager to execute a contract with Dave Bang Associates, Inc., in the amount of $177,055.55 for the purchase and installation of a new playground structure for Paloma Creek Park.  
*Motion passed 5:0 by a roll-call vote.*

4. Lewis Avenue Bridge Project (City Bid No. 2006-014)
   - **Fiscal Impact:** None.
   - **Recommendations:** Council:
     1. Accept the work of Souza Construction, Inc., as complete.
     2. Authorize the Public Works Director to sign and file the Notice of Completion [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 Council Member Clay to:
   1. Accept the work of Souza Construction, Inc., as complete; and,
   2. Authorize the Public Works Director to sign and file the Notice of Completion.  
   *Motion passed 5:0 by a roll-call vote.*

COUNCIL ANNOUNCEMENTS AND REPORTS:

1. **Council Member Jerry Clay**  
Request for Council consensus to direct staff to add to their June 24, 2008, agenda, consideration of the addition of a Ballot Measure to the November 2008 election:

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<th>Shall the electors elect a Mayor and four Council Members?</th>
<th>Yes/No</th>
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<td>If yes, shall the term of office of Mayor be two years?</td>
<td>Yes/No</td>
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<td>If yes, shall the term of office of Mayor be four years?</td>
<td>Yes/No</td>
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A City Council discussion ensued regarding this item.

**MOTION:** By Council Member Clay and seconded by Council Member O’Malley to place this item on a future agenda, allowing public input and then vote on whether or not to place it on the Ballot.
Motion failed 2:3 by a roll-call vote. (Luna, Béraud and Brennler opposed)

D. COMMITTEE REPORTS:

Council Member Luna said that the Finance Committee met and heard the same presentation that Administrative Services Director Rachelle Rickard gave on the budget this evening.

Mayor Pro Tem Béraud said she will be attending an Integrated Waste Management meeting the following day.

Mayor Brennler said he will be attending the Air Pollution Control District meeting the following morning.

Council Member O’Malley gave the following updates:

- S.L.O. Council of Governments (SLOCOG) – $20,000 was approved by the Council in this evening’s budget to help match funds for the San Gabriel Safe Routes to School Grant.
- S.L.O. Regional Transit Authority (SLORTA) – Will be getting a new manager and new depot. Costs are an issue. Working on getting funding for a regional transit station in Atascadero.
- Economic Vitality Corporation, Board of Directors (EVC) – There is a retreat this upcoming week. They are moving ahead with the tourism study.
- League of California Cities – Council Liaison and CITIPAC Board Member – Three Council Members will be attending a meeting soon.

E. INDIVIDUAL DETERMINATION AND/OR ACTION:

Assistant to the City Manager/City Clerk Marcia McClure Torgerson reported that the initiative petition for the big box ordinance was submitted to the Clerk’s office on Thursday, May 8th. She said the petition has 2,218 signatures, of which 1,511 will need to be verified for it to be successful. Ms. Torgerson hopes to finish signature verification sooner, but has until June 20th to complete. She explained options if the initiative succeeds and answered questions of the Council.

Assistant to the City Manager/City Clerk Marcia McClure Torgerson discussed the upcoming, Phase II: Building Public Trust Workshop on Thursday, May 22nd, from 9:00am – 4:00pm. She said that the Committee is also working on another forum, tentatively scheduled for June 26th, for the public to come and discuss campaigning for public office and other related topics. Ms. Torgerson answered questions of the Council.

City Attorney Brian Pierik reminded the Council that they will need to re-open the Redevelopment Agency Closed Session after they adjourn this meeting.
F. ADJOURNMENT:

MOTION: By Council Member Luna and seconded by Council Member O’Malley to adjourn the meeting.

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

Mayor Brennler adjourned the meeting at 10:55 p.m.

MINUTES PREPARED BY:

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Marcia McClure Torgerson, C.M.C., City Clerk