CITY OF ATASCADERO  
CITY COUNCIL  

DRAFT ACTION MINUTES  

Tuesday, June 14, 2011  

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

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<td>6:00 P.M.</td>
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<td>Agency Meeting:</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 5:15 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 Labor Negotiators (Govt. Code Sec. 54957.6)
   Agency designated representatives: Wade McKinney, City Manager
   Employee Organizations: Atascadero Firefighters Bargaining Unit;
   Atascadero Police Association; Service Employees International Union,
   Local 620; Mid-Management/Professional Employees; Non-Represented
   Professional and Management Workers and Confidential Employees

4. CLOSED SESSION -- ADJOURNMENT

5. COUNCIL RETURNS TO CHAMBERS

6. CLOSED SESSION -- REPORT

City Attorney Don Davis announced that there was no reportable action taken.

REDEVELOPMENT AGENCY: 6:00 P.M.

REGULAR SESSION – CALL TO ORDER: Immediately following the conclusion
of the Community Redevelopment
Agency meeting

Mayor O’Malley called the meeting to order at 6:18 p.m. and Mayor Pro Tem Kelley 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, 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, Acting
Police Chief Steve Gesell, Fire Chief Kurt Stone, and City Attorney
Don Davis.
APPROVAL OF AGENDA: Roll Call

MOTION: By Council Member Fonzi and seconded by Mayor Pro Tem Kelley to approve the agenda, with the following amendment: Move Item #C-4 to before the Public Hearings. 
Motion passed 5:0 by a roll-call vote.

A. CONSENT CALENDAR:

   - Recommendation: Council approve the City Council Meeting Draft Action Minutes of May 24, 2011. [City Clerk]

2. April 2011 Accounts Payable and Payroll
   - Fiscal Impact: $1,722,298.36.
   - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for April 2011. [Administrative Services]

3. Temporary Road Closure – Hot El Camino Cruise Nite 2011
   - Fiscal Impact: No net fiscal impact.
   - Recommendation: Council adopt the Draft Resolution authorizing temporary road closures on Friday, August 19, 2011, for Hot El Camino Cruise Nite 2011. [Community Services]

MOTION: By Council Member Sturtevant and seconded by Council Member Fonzi to approve the Consent Calendar. 
Motion passed 5:0 by a roll-call vote. (#A-3: Resolution No. 2011-039)

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: Ron Rothman, Steve Martin, Constantino Santos, Ann Ketcherside, Mike Brennler (Exhibit A), David Broadwater, Jim Shannon, and Tom Comar.

Mayor O’Malley closed the COMMUNITY FORUM period.
Item #C-4 (moved from Management Reports)

4. **Del Rio Road Commercial Area Specific Plan - Council Briefing: US 101 / Del Rio Road Interchange Improvements**
   - **Fiscal Impact:** Potential cost to the City is unknown.
   - **Recommendation:** Council authorize staff to begin discussions with Walmart Inc. and The Rottman Group regarding the phasing and funding of improvements for the US 101 / Del Rio Road freeway interchange.

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

**PUBLIC COMMENT:**

The following citizens spoke on this item: Ellen Berkowitz, Robert Winslow, Ann Ketcherside (spoke twice), David Broadwater (Exhibit B), Randy Lawrence, Icey Hagedorn, David Pecci, Jeanne Ponek, Kelly Long, Mitch Paskin, Lynn Hunter, Karyn Sturtevant, Armando Heredia, Lauren Yancey, Tino Santos, Alise Mullen, Darla Henderson, George Schroff, Marilyn Pasfaloff, Don Gooding, Jim Shannon, Wesley Dodds, Mike Brennler, Tom Comar (spoke twice), Ron Rothman (spoke twice), Ron Walters, Bob Wilkins, Fred Frank, and Cindy Sasur.

*Mayor O’Malley closed the Public Comment period.*

**MOTION:** By Mayor Pro Tem Kelley and seconded by Council Member Clay to authorize staff to begin discussions with Walmart Inc. and The Rottman Group regarding the phasing and funding of improvements for the US 101 / Del Rio Road freeway interchange, and return to the Council with options to consider.

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

*Mayor O’Malley recessed the meeting at 8:19 p.m.*

*Mayor O’Malley reconvened the meeting at 8:30 p.m.*
B. PUBLIC HEARINGS:

1. Apple Valley Assessment Districts
   - Ex Parte Communications:
   - Fiscal Impact: Annual assessments for 2011/2012 will total $39,620 for road/drainage system maintenance and $31,850 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley.
   - Recommendations: Council
     1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto for fiscal year 2011/2012; and,
     2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2011/2012 for Street and Storm Drain Maintenance District No. 01 – Apple Valley; and,
     3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto in fiscal year 2011/2012; and,
     4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2011/2012 for Landscaping and Lighting District No. 01 – Apple Valley. [Administrative Services]

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

PUBLIC COMMENT: None

MOTION: By Mayor Pro Tem Kelley and seconded by Council Member Fonzi to:

1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto for fiscal year 2011/2012; and,
2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2011/2012 for Street and Storm Drain Maintenance District No. 01 – Apple Valley; and,
3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 01 – Apple Valley, and the levy and collection of annual assessments related thereto in fiscal year 2011/2012; and,
4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2011/2012 for Landscaping and Lighting District No. 01 – Apple Valley.
Motion passed 5:0 by a roll-call vote. (#1: Resolution No. 2011-040, #2: Resolution No. 2011-041, #3: Resolution No. 2011-042, & #4: Resolution No. 2011-043)

2. **De Anza Estates Assessment Districts**
   - **Ex Parte Communications:**
   - **Fiscal Impact:** Annual assessments for 2011/2012 will total $38,923 for road/drainage system maintenance and $13,335 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. The City General Fund will contribute $1,466 for the fiscal year 2011/2012 for half of the maintenance costs of the trails and open space.
   - **Recommendations: Council:**
     1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 03 – De Anza Estates, and the levy and collection of annual assessments related thereto for fiscal year 2011/2012; and,
     2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2011/2012 for Street and Storm Drain Maintenance District No. 03 – De Anza Estates; and,
     3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No. 03 – De Anza Estates, and the levy and collection of annual assessments related thereto in fiscal year 2011/2012; and,
     4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2011/2012 for Landscaping and Lighting District No. 03 – De Anza Estates. [Administrative Services]

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

PUBLIC COMMENT: None

MOTION: By Council Member Fonzi and seconded by Council Member Clay to:
   1. Adopt Draft Resolution A approving the final Engineer's Report regarding the Street and Storm Drain Maintenance District No. 03 – De Anza Estates, and the levy and collection of annual assessments related thereto for fiscal year 2011/2012; and,
   2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2011/2012 for Street and Storm Drain Maintenance District No. 03 – De Anza Estates; and,
   3. Adopt Draft Resolution C approving the final Engineer's Report regarding the Landscaping and Lighting District No.
03 – De Anza Estates, and the levy and collection of annual assessments related thereto in fiscal year 2011/2012; and,


Motion passed 5:0 by a roll-call vote.  (#1: Resolution No. 2011-044, #2: Resolution No. 2011-045, #3: Resolution No. 2011-046, & #4: Resolution No. 2011-047)

3. **Woodridge (Las Lomas) Assessment Districts**
   - **Ex Parte Communications:**
   - **Fiscal Impact:** Annual assessments for 2011/2012 will total $23,639 for road/drainage system maintenance and $81,300 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Woodridge.
   - **Recommendations: Council:**
     1. Adopt Draft Resolution A approving the final Engineer’s Report regarding the Street and Storm Drain Maintenance District No. 02 – Woodridge (Las Lomas), and the levy and collection of annual assessments related thereto for fiscal year 2011/2012; and,
     2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2011/2012 for Street and Storm Drain Maintenance District No. 02 – Woodridge (Las Lomas); and,
     3. Adopt Draft Resolution C approving the final Engineer’s Report regarding the Landscaping and Lighting District No. 02 – Woodridge (Las Lomas), and the levy and collection of annual assessments related thereto in fiscal year 2011/2012; and,
     4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2011/2012 for Landscaping and Lighting District No. 02 – Woodridge (Las Lomas). [Administrative Services]

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

**PUBLIC COMMENT:** None

**MOTION:** By Council Member Sturtevant and seconded by Mayor Pro Tem Kelley to:

1. Adopt Draft Resolution A approving the final Engineer’s Report regarding the Street and Storm Drain Maintenance District No. 02 – Woodridge (Las Lomas), and the levy and collection of annual assessments related thereto for fiscal year 2011/2012; and,
2. Adopt Draft Resolution B ordering the levy and collection of assessments for fiscal year 2011/2012 for Street and Storm Drain Maintenance District No. 02 – Woodridge (Las Lomas); and,
3. Adopt Draft Resolution C approving the final Engineer’s Report regarding the Landscaping and Lighting District No. 02 – Woodridge (Las Lomas), and the levy and collection of annual assessments related thereto in fiscal year 2011/2012; and,

4. Adopt Draft Resolution D ordering the levy and collection of assessments for fiscal year 2011/2012 for Landscaping and Lighting District No. 02 – Woodridge (Las Lomas).

Motion passed 5:0 by a roll-call vote. (#1: Resolution No. 2011-048, #2: Resolution No. 2011-049, #3: Resolution No. 2011-050, & #4: Resolution No. 2011-051)

C. MANAGEMENT REPORTS:

1. **Historic City Hall Project Bid Awards:** 

   - **ACH-08 Historic Repair & Rehabilitation:** 
     - **ACH-12 Rough Carpentry:** 
     - **ACH-16 Elevator:** 
     - **ACH-17 Fire Protection:** 
     - **ACH-18 Plumbing:** 
     - **ACH-19 Heating, Ventilation & Air Conditioning (HVAC)**

   **Fiscal Impact:** 
   - $12,631,527 in budgeted City Hall Project Funds, including funding from FEMA, CalEMA and the Community Redevelopment Agency of Atascadero.

   **Recommendations:** 
   - Council:
     1. Reject protest from Spectra Company and award bid to, and authorize the City Manager to execute a contract with, Diani Building Corporation in the amount of $10,099,669 base bid, plus add alternates 1, 2, 3, 4, 5, 9, 10, 12 and 14, totaling $465,000, for the ACH-08 Historic Repair & Rehabilitation construction services for the Historic City Hall Project; and,
     2. Award bid to, and authorize the City Manager to execute a contract with, Diani Building Corporation in the amount of $277,920 for the ACH-12 Rough Carpentry construction services for the Historic City Hall Project; and,
     3. Award bid to, and authorize the City Manager to execute a contract with Republic Elevator, in the amount of $276,320 for the ACH-16 Elevator purchase and installation services for the Historic City Hall Project; and,
     4. Award bid to, and authorize the City Manager to execute a contract with Alpha Fire Sprinkler Corporation, in the amount of $259,841 for the ACH-17 Fire Protection design and construction services for the Historic City Hall Project; and,
     5. Award bid to, and authorize the City Manager to execute a contract with Scott T. Murray Plumbing, in the amount of $403,000 for the ACH-18 Plumbing construction services for the Historic City Hall Project; and,
     6. Award bid to, and authorize the City Manager to execute a contract with Santa Margarita Construction, in the amount of $849,777 for the
ACH-19 Heating, Ventilation and Air Conditioning construction services for the Historic City Hall Project; and,
7. Authorize the Director of Public Works to file a Notice of Completion with the County Recorder upon satisfactory completion of each project. [Administrative Services]

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

PUBLIC COMMENT:

The following citizens spoke on this item: Jim Wilkins

*Mayor O’Malley closed the Public Comment period.*

**MOTION:** By Mayor Pro Tem Kelley and seconded by Council Member Fonzi to:

1. Reject protest from Spectra Company and award bid to, and authorize the City Manager to execute a contract with, Diani Building Corporation in the amount of $10,099,669 base bid, plus add alternates 1, 2, 3, 4, 5, 9, 10, 12 and 14, totaling $465,000, for the ACH-08 Historic Repair & Rehabilitation construction services for the Historic City Hall Project; and,

2. Award bid to, and authorize the City Manager to execute a contract with, Diani Building Corporation in the amount of $277,920 for the ACH-12 Rough Carpentry construction services for the Historic City Hall Project; and,

3. Award bid to, and authorize the City Manager to execute a contract with Republic Elevator, in the amount of $276,320 for the ACH-16 Elevator purchase and installation services for the Historic City Hall Project; and,

4. Award bid to, and authorize the City Manager to execute a contract with Alpha Fire Sprinkler Corporation, in the amount of $259,841 for the ACH-17 Fire Protection design and construction services for the Historic City Hall Project; and,

5. Award bid to, and authorize the City Manager to execute a contract with Scott T. Murray Plumbing, in the amount of $403,000 for the ACH-18 Plumbing construction services for the Historic City Hall Project; and,

6. Award bid to, and authorize the City Manager to execute a contract with Santa Margarita Construction, in the amount of $849,777 for the ACH-19 Heating, Ventilation and Air Conditioning construction services for the Historic City Hall Project; and,
7. Authorize the Director of Public Works to file a Notice of Completion with the County Recorder upon satisfactory completion of each project.


2. **2011-2013 Operating and Capital Budget**

- **Fiscal Impact:** The total revenues are budgeted at $40,012,320 and $27,497,880 for fiscal years 2011-2012 and 2012-2013 respectively. Total expenditures are budgeted at $52,118,990 and $37,446,380 for fiscal years 2011-2012 and 2012-2013 respectively.

- **Recommendations:** Council:
  1. Adopt Draft Resolution adopting the budgets for the 2011-2012 and 2012-2013 fiscal years and delegating to the City Manager the authority to implement same; and,
  2. Adopt Draft Resolution amending fiscal year 2010-2011 budget; and,
  3. Adopt Draft Resolution adopting the fiscal year 2011-2012 annual spending limit. [Administrative Services]

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

**PUBLIC COMMENT:**

The following citizens spoke on this item: Jim Shannon

*Mayor O’Malley closed the Public Comment period.*

**MOTION:** By Council member Sturtevant and seconded by Mayor Pro Tem Kelley to:

1. Adopt Draft Resolution adopting the budgets for the 2011-2012 and 2012-2013 fiscal years and delegating to the City Manager the authority to implement same; and,
2. Adopt Draft Resolution amending fiscal year 2010-2011 budget; and,
3. Adopt Draft Resolution adopting the fiscal year 2011-2012 annual spending limit.

Motion passed 5:0 by a roll-call vote. (#1: Resolution No. 2011-052, #2: Resolution No. 2011-053, & #3: Resolution No. 2011-054)
3. **LAFCO Sphere of Influence and Municipal Services Review Updates - Memorandum of Agreement with San Luis Obispo County Update**

- **Fiscal Impact:** The Sphere of Influence Amendment would not have any fiscal impact on the City, and does not obligate the City to annex the area.
- **Recommendation:** City Council adopt Draft Resolution A, authorizing LAFCO to update the City’s Sphere of Influence and Municipal Services Review and authorize the signature of the updated Memorandum of Agreement with the County of San Luis Obispo. [Community Development]

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

**PUBLIC COMMENT:**

The following citizens spoke on this item: William Everett, and Jim Wilkins.

**Mayor O’Malley closed the Public Comment period.**

**MOTION:** By Council Member Sturtevant and seconded by Council Member Fonzi to adopt Draft Resolution A, authorizing LAFCO to update the City’s Sphere of Influence and Municipal Services Review and authorize the signature of the updated Memorandum of Agreement with the County of San Luis Obispo.

*Motion passed 5:0 by a roll-call vote. (Resolution No. 2011-055)*

**COUNCIL ANNOUNCEMENTS AND REPORTS:**

Mayor Pro Tem Kelley announced that the Thelma Vetter Trust made a $100,000 donation towards the Charles Paddock Zoo. The money is being directed to create a red panda exhibit.

**D. COMMITTEE REPORTS:**

- **Mayor Pro Tem Kelley**
  1. Economic Vitality Corporation, Board of Directors (EVC) – Members are asking Atascadero about our Stimulus Programs.

- **Council Member Fonzi**
  1. City of Atascadero Design Review Committee – is working very well and seems to be a productive process.
E. INDIVIDUAL DETERMINATION AND / OR ACTION:

City Clerk-Parks and Recreation Commission vacancy
City Clerk Torgerson announced that Charlie Joslin resigned from the Parks & Recreation Commission due to a change in location of his place of employment. She stated that she had started advertising for applicants and will notify the Council when the interviews are scheduled.

F. ADJOURNMENT:

Mayor O'Malley adjourned the meeting at 9:52 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 – Atascadero Loss History, submitted by Mike Brennler
Exhibit B – Letter to City Council, submitted by David Broadwater