CITY OF ATASCADERO
CITY COUNCIL

DRAFT ACTION MINUTES

Tuesday, May 24, 2011

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

CITY COUNCIL CLOSED SESSION:  5:30 P.M.

1. CLOSED SESSION -- PUBLIC COMMENT

The following citizens spoke during Public Comment: Joan O'Keefe, and Mike Brennler.

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

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 Pierik announced that there was no reportable action taken. At a future Council meeting, when the labor contracts are to be approved, they will be listed as a Management Report.

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

Mayor O’Malley called the meeting to order at 6:04 p.m. and 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 Brian Pierik.

APPROVAL OF AGENDA: Roll Call

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

A. CONSENT CALENDAR:

   • Recommendation: Council approve the City Council Meeting Draft Action Minutes of May 10, 2011. [City Clerk]
2. **Community Development Block Grant Program - Fiscal Years 2012/13 through 2014/2015**
   - **Fiscal Impact:** Continued availability of approximately $190,000 annually during the next three years for CDBG eligible programs.
   - **Recommendation:** Council authorize continued participation in the urban county Community Development Block Grant Program for Fiscal Years 2012/2013 through 2014/2015. [Public Works]

3. **Proposition 1B Transit - Approve Certifications and Assurances and Designation of Authorized Agents**
   - **Fiscal Impact:** Potential receipt of $900,000 of Proposition 1B funding.
   - **Recommendations:**
     1. Adopt the Draft Resolution, approving Certifications and Assurances; and,
     2. Designate the City Manager and Director of Administrative Services as Authorized Agents. [Public Works]

   **MOTION:** By Council Member Clay and seconded by Mayor Pro Tem Kelley to approve the Consent Calendar.
   *Motion passed 5:0 by a roll-call vote. (Resolution No. 2011-038)*

**UPDATES FROM THE CITY MANAGER:**

City Manager Wade McKinney gave an update on projects and issues within the City. Mr. McKinney also introduced Rich Krumholz of Caltrans, asking him to address the City Council regarding the 101/41 landscaping project and other Caltrans issues within Atascadero, and answer questions from the City Council. (Exhibit A)

**PUBLIC COMMENT:**

The following citizens spoke on this item: Ellen Béraud, and Joan O'Keefe.

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

**COMMUNITY FORUM:**

The following citizens spoke during Community Forum: Lee Perkins (Exhibit B), Gail Gresham, Carmen Castaneda, Tom Comar, Joan O'Keefe, Paul Netz, Mike Brennler, and Ellen Béraud.

*Mayor O'Malley closed the COMMUNITY FORUM period.*
B. PUBLIC HEARINGS: None.

C. MANAGEMENT REPORTS:

1. Tobacco Retail Business Compliance Update
   - Fiscal Impact: None.
   - Recommendation: Council direct Staff to continue to monitor the retail sale of tobacco products to ensure adherence to the State Law that prohibits the sale of tobacco to minors, and report back to City Council any non-compliance by retailers for additional consideration of a tobacco retail licensing ordinance. [Police]

Acting Police Chief Steve Gesell gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: Linda Hendy, Christine LeFevre (Exhibit C), and Ellen Beraud.

Mayor O'Malley closed the Public Comment period.

MOTION: By Council Member Fonzi and seconded by Council Member Clay to direct Staff to continue to monitor the retail sale of tobacco products to ensure adherence to the State Law that prohibits the sale of tobacco to minors, and report back to City Council, after four compliance checks, any non-compliance by retailers for additional consideration of a tobacco retail licensing ordinance. Motion passed 5:0 by a roll-call vote.

COUNCIL ANNOUNCEMENTS AND REPORTS:

The City Council Members made brief announcements.

D. COMMITTEE REPORTS: None
E. INDIVIDUAL DETERMINATION AND / OR ACTION:

City Council
Mayor Pro Tem Kelley – Stated that Council Member Fonzi and himself attended the Ad Hoc Committee with Atascadero Mutual Water Company Board Members, concerning water rates. After discussion, the Committee directed their staffs to work together on an agreement that meets both their needs.

F. ADJOURNMENT:

Mayor O’Malley adjourned the meeting at 7:42 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 – Caltrans handout, submitted by Rich Krumholz
Exhibit B – Atascadero Democratic Club Resolution, submitted by Lee Perkins
Exhibit C – Public Health handout, submitted by Christine LeFevre