CLOSED SESSION: 6:44 p.m.  
(Immediately Following Redevelopment Agency Meeting)

Mayor Luna announced that Closed Session Item #2.b.1 had been pulled.

1. PUBLIC COMMENT – CLOSED SESSION: None

2. CALL TO ORDER

   a. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
      (Govt. Code Sec. 54956.9 (a))
      1. Gaughan v. City of Atascadero  
         San Luis Obispo County Superior Court Case No. CV060925
      2. Martin Tracey v. City of Atascadero  
         San Luis Obispo County Superior Court Case No. CV070670

   b. CONFERENCE WITH REAL PROPERTY NEGOTIATORS  
      (Govt. Code Sec. 54956.8)
      1. Property: 5855 East Mall  
         Agency Negotiator: Warren Frace, Community Development Director  
         Negotiating Party: Gearhart Development  
         Under Negotiation: Instruction to negotiator will concern price and terms of payment.
      2. Property: Graves Creek Reservation 8, APN #055-011-019  
         Agency Negotiator: Warren Frace, Community Development Director  
         Negotiating Party: County of San Luis Obispo  
         Under Negotiation: Instruction to negotiator will concern price and terms of payment.
3. **ADJOURN:** 7:37 p.m.

4. **CLOSED SESSION REPORT**

Interim City Attorney Robert Schultz announced that prior to the regular session, Council met in Closed Session and no action was taken that required reporting under the Brown Act.

Mayor Luna announced that only Items 2-a.1 and 2 were considered in closed session. Council did not get to Item #2-b.2, and will try to do it after this meeting.

**REGULAR SESSION:** 7:00 P.M.

Mayor Luna called the meeting to order at 7:40 p.m. and Council Member Béraud led the Pledge of Allegiance.

**ROLL CALL:**

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

Absent: None

Others Present: City Clerk / Assistant to City Manager Marcia McClure Torgerson and Deputy City Clerk Grace Pucci.

Staff Present: City Manager Wade McKinney, Administrative Services Director Rachelle Rickard, Public Works Director Steve Kahn, Community Development Director Warren Frace, Fire Chief Kurt Stone, Police Lt. Jim Mulhall, Deputy Community Development Director Steve McHarris, Senior Planner Kelly Gleason, Assistant Planner Callie Taylor, and City Attorney Robert Schultz.

**APPROVAL OF AGENDA:**

**MOTION:** By Council Member Béraud and seconded by Mayor Pro Tem Brennler to approve the agenda. 

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

1. Employee Service Award Presentations: None

A. CONSENT CALENDAR:

1. City Council Special Meeting (Streetscape) Minutes – September 11, 2007
   City Clerk Recommendation: Council approve the City Council Special Meeting (Streetscape) Minutes of September 11, 2007. [City Clerk]

2. City Council Meeting Minutes – September 11, 2007
   City Clerk Recommendation: Council approve the City Council Meeting Minutes of September 11, 2007. [City Clerk]

   Fiscal Impact: None.
   Recommendation: Council approve the City Treasurer’s report for June 2007. [City Treasurer]

4. Temporary Road Closure – Farmers’ Market
   Fiscal Impact: $160.00 for the installation of Road Closed signs by Public Works Staff.
   Recommendation: Council approve a request by Farmers’ Market for the closure of Palma Avenue from East Mall to West Mall from 12:00 p.m. to 6:30 p.m. on October 17th, 2007. [Public Works]

5. Santa Cruz Road Repair Project Change Order, Bid No. 2007-006
   Fiscal Impact: $200,000.00
   Recommendation: Council:
   1. Authorize the City Manager to approve Change Order #1 up to an additional $200,000.00 for additional construction work on the Santa Cruz Road Repair Project (Project); and,
   2. Authorize the City Manager to approve any additional change orders up to 20% of the base bid plus Change Order #1; and,
   3. Authorize the closure of Santa Cruz Road between Lenosa Lane and San Gregorio Road for the Project’s duration. [Public Works]

MOTION: By Council Member O’Malley and seconded by Council Member Clay to approve Items #A-1, 2, 3, 4, and 5. Motion passed 5:0 by a roll-call vote.
B. PUBLIC HEARINGS:

   - Disclosure of Ex-Parte Communications
   - Description: Appeal of the Planning Commission’s denial of a two-lot Tentative Parcel Map and Tree Removal Permit at 10270 Santa Ana Road.
   - Fiscal Impact: None.
   - Recommendation: Council:
     1. Deny the appeal and uphold the Planning Commission decision to deny Proposed Tentative Parcel Map 2006-0087;

Or

2. Refer the application back to staff and Planning Commission to consider the applicant’s revised Tentative Parcel Map. This option would require plan check for code compliance and revision of the Mitigated Negative Declaration. [Community Development]

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

Ex Parte Communications
   - Council Member Béraud stated she went to the site with Mayor Pro Tem Brennler and talked to two different neighbors on site. She also received several emails.
   - Mayor Pro Tem Brennler stated he visited the site and spoke to the neighbors, and received some correspondence.
   - Mayor Luna stated he received letters and emails but had no personal contact with anyone.
   - Council Member O’Malley stated he received letters and emails but had no personal contact with anyone.
   - Council Member Clay stated he visited the site and one of the workers took him down to see where the house and easement would be. He also spoke to one of the neighbors when leaving the site.

PUBLIC COMMENT

Kim Koch, applicant’s representative, answered questions of Council and explained the alternate configuration presented.
Cletus England, biological consultant for the applicant, gave a PowerPoint presentation on impacts to the ponds, swales and septic system plan at the site.

Will Richison, neighbor to this site, spoke about the larger pond, which is on his property, and expressed concern regarding the drainage on the applicant’s property and the burdensome expense of the proposed septic system. Mr. Richison distributed a letter to Council regarding those problems (Exhibit A).

Lena Ellison, neighbor to this site, explained that several findings which the Planning Commission could not make still cannot be made even with the new plan. She asked that the Council uphold the Planning Commission’s denial.

Linda Kelts, neighbor to this site, stated her concerns including drainage and the lack of a culvert, square footage of the second residence, and the possibility of second units on these properties.

Sherrie Hafer, neighbor to this site, stated that this project is not in keeping with the nature of Long Valley Ranch, and is concerned that the proposed home is very large and the septic tank will be located too high on the property.

Jean Sutten, neighbor to this site, stated the newer homes are not on flag lots, and commented that her concern is with the lot split and drainage.

Thad Maziars, neighbor to this site, stated that he moved to this area because it was all to be ranchettes and no one could subdivide their property. His concern is primarily that a split will be allowed on a small parcel.

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

Council Member Clay expressed concern with fairness as there are other flag lots in the area and the applicant has met all requirements for the lot split.

Council Member O’Malley stated he was very concerned with drainage issues for the site and that this project is not consistent with the character of the neighborhood.

Mayor Luna stated his agreement with Council Member O’Malley’s comments.

Mayor Pro Tem Brennler stated he agreed with Council Member O’Malley’s concerns.

Council Member Béraud stated that the new plan does not overturn all the findings of the Planning Commission.

**MOTION:** By Council Member Clay and seconded by Council Member O’Malley to refer the application back to staff and Planning Commission to consider the applicant’s revised Tentative
Parcel Map. This option would require plan check for code compliance and revision of the Mitigated Negative Declaration. 

*MOTION failed 2:3 by a roll-call vote. (Béraud, Brennler, Luna opposed)*

**MOTION:** By Mayor Pro Tem Brennler and seconded by Council Member Béraud to deny the appeal and uphold the Planning Commission decision to deny Proposed Tentative Parcel Map 2006-0087.

*MOTION passed 4:1 by a roll-call vote. (Clay opposed) (Resolution No. 2007-083)*

Mayor Luna recessed the hearing at 8:56 p.m.

Mayor Luna called the meeting back to order at 9:04 p.m.

2. **PLN 2006-1117 Ridgeway Court Planned Development: Custom Planned Development #29 5825 Ridgeway Ct (Beck)**

- **Disclosure of Ex-Parte Communications**
- **Description:** Approval would allow an 8-unit detached residential planned development.
- **Fiscal Impact:** Based on findings from the Taussig Study, revenue from new residential development including property tax revenues, vehicle licensing fees, sales taxes, and other revenues are insufficient to cover the maintenance and emergency services costs of new development. Based on the revenue projections from the Taussig Study, the City has developed standard Conditions of Approval for new development projects that require the cost of maintenance and emergency services to be funded by the project through a combination of road assessment districts, landscape and lighting districts and community facilities districts (Conditions 17 and 18).
- **Recommendations:**

  Planning Commission recommends Council:

  1. Adopt Resolution A certifying Proposed Mitigated Negative Declaration 2007-0003; and,

  2. Introduce for first reading, by title only, draft Ordinance A approving Zone Text Change 2006-0121 to establish Planned Development Overlay Zone #29; and,

  3. Introduce for first reading, by title only, draft Ordinance B approving Zone Map Change 2007-0135 based on findings; and,
4. Adopt Resolution B approving Conditional Use Permit 2006-0184 (Master Plan of Development), based on findings and subject to Conditions of Approval and Mitigation Monitoring; and,

5. Adopt Resolution C approving Vesting Tentative Tract Map 2006-0089 based on findings and subject to Conditions of Approval and Mitigation Monitoring. [Community Development]

Deputy Community Development Director Steve McHarris gave the staff report and answered questions of Council.

Ex Parte Communications

- Council Member Clay stated he did not speak to anyone but attended the Planning Commission meeting.
- Mayor Pro Tem Brennler stated he walked the site.
- Council Member Béraud stated she visited the site, but did not speak to anyone.

PUBLIC COMMENT

Jim Beck, applicant, spoke about the process he has gone through over the last three years to develop this property. Mr. Beck answered questions of Council, and stated a historic plaque could be placed on the wall.

Marge Mackay stated her concerns with the rampant growth in this area of town and asked that this project be denied or reduced in density as the scale is out of proportion for the neighborhood.

Ron Rothman asked about the square footage of the lots on which the homes would be built.

Mayor Luna closed the Public Comment period.

MOTION: By Council Member O’Malley and seconded by Council Member Clay to adopt Resolution A certifying Proposed Mitigated Negative Declaration 2007-0003; and, introduce for first reading, by title only, draft Ordinance A approving Zone Text Change 2006-0121 to establish Planned Development Overlay Zone #29; and, introduce for first reading, by title only, draft Ordinance B approving Zone Map Change 2007-0135 based on findings; and, adopt Resolution B approving Conditional Use Permit 2006-0184 (Master Plan of Development), based on findings and subject to Conditions of Approval and Mitigation Monitoring; and, adopt Resolution C approving Vesting Tentative Tract Map 2006-0089 based on findings and subject to Conditions of Approval and Mitigation Monitoring.
Monitoring, and that a historical plaque be applied to one of the stone elements of the wall at the corner, design and wording to be at staff’s discretion. 
Motion passed 5:0 by a roll-call vote. (Item #B-2.1 Resolution No. 2007-084, Item #B-2.4 Resolution No. 2007-085, Item #B-2.5 Resolution No. 2007-086)

3. PLN 2007-1200 Road Abandonment / Lot Line Adjustment, 6305 Morro Road (Giessinger)
   ▪ Disclosure of Ex-Parte Communications
   ▪ Description: This request is proposed to accommodate an 850 square foot car wash adjacent to an existing car wash / gas station.
   ▪ Fiscal Impact: As conditioned, the applicant shall pay all fees and expenses to abandon the right-of-way. No significant fiscal impact is anticipated on the City with this Road Abandonment. If the City seeks fair market value of the property the project will be revenue positive to the City.
   ▪ Recommendations:
     Planning Commission recommends the Council:
     1. Adopt Resolution A summarily vacating an undeveloped portion of Marchant Avenue right-of-way (Road Abandonment 2007-0018) based on findings and subject to Conditions of Approval.
     2. Adopt Resolution B approving Lot Line Adjustment 2007-0082, based on findings and subject to Conditions of Approval.
     3. Seek market rate compensation for the undeveloped portion of Marchant Avenue right-of-way. [Community Development]

Deputy Community Development Director Steve McHarris gave the staff report and with Public Works Director Steve Kahn answered questions of Council.

Ex Parte Communications
  ▪ Council Member O’Malley stated he heard from the applicant and some members of the business community when this project first came forward.
  ▪ Mayor Pro Tem Brennler stated he had been at the site.

PUBLIC COMMENT

Don Giessinger, applicant, clarified the location of the area he has been maintaining, gave a brief history of the project, and explained how he would like to improve the area in the future. Mr. Giessinger answered questions of Council.

Mayor Luna closed the Public Comment period.
Mayor Pro Tem Brennler stated he believes the Market Rate compensation should remain in the motion.

MOTION: By Council Member O'Malley and seconded by Council Member Clay to adopt Resolution A summarily vacating an undeveloped portion of Marchant Avenue right-of-way (Road Abandonment 2007-0018) based on findings and subject to Conditions of Approval; and, adopt Resolution B approving Lot Line Adjustment 2007-0082, based on findings and subject to Conditions of Approval. 

Motion passed 4:1 by a roll-call vote. (Brennler opposed) (Item #B-3.1 Resolution No. 2007-087, Item #B-3.2 Resolution No. 2007-088)

C. MANAGEMENT REPORTS:

1. Proposition 1B Funding Application for Proposed Atascadero Transit Center
   - Description: If successful, this funding would bring $2,500,000.00 to the City for the design and construction of a Transit Center.
   - Fiscal Impact: Staff is requesting authorization to apply for $2,500,000.00 in Proposition 1B funds to build an Atascadero Transit Center. This amount was selected based on approximate costs of a small transit center. Matching funds may be a ranking criterion for 1B Funding application that will be available on October 10th. This may be an opportunity to leverage other City funds for redevelopment in Downtown Atascadero. Staff will report back when more detailed information is available about the application criterion.
   - Recommendation: Council approve the attached Draft Resolution authorizing the submission of an application to the San Luis Obispo Council of Governments (SLOCOG) for $2,500,000.00 from Proposition 1B funding for an Atascadero Transit Center. [Public Works]

Public Works Director Steve Kahn gave the staff report and answered questions of Council.

PUBLIC COMMENT

Eric Greening stated it was likely that a local match of some sort would be required and suggested returning to the Redevelopment Agency for that rather than the City Council, as he would hesitate to pull the local match out of operating revenues for transit.

Steve Martin, Atascadero Main Street Executive Director, stated the design committee has discussed this issue and recommended it to the Board, which supports a transit
center in the downtown and many of the recommendations shown tonight particularly those regarding pedestrian safety, lighting and bathrooms.

*Mayor Luna closed the Public Comment period.*

**MOTION:** By Council Member O’Malley and seconded by Mayor Pro Tem Brenner to approve the attached Draft Resolution authorizing the submission of an application to the San Luis Obispo Council of Governments (SLOCOG) for $2,500,000.00 from Proposition 1B funding for an Atascadero Transit Center. *Motion passed 5:0 by a roll-call vote.* *(Resolution No. 2007-089)*

2. **Commission Norms and Procedures**
   - **Fiscal Impact:** None.
   - **Recommendations:** Council:
     1. Review Commissions’ suggested amendments to the Commission Norms and Procedures; and,
     2. Make any desired amendments to the Commission Norms and Procedures; and,
     3. Approve the Commission Norms and Procedures [City Manager]

Assistant to City Manager Marcia McClure Torgerson gave the staff report and answered questions of Council.

Council comments:
- The two documents should be reconciled to be consistent with each other.
- Page 221 retain paragraph two under Consent Calendar.
- Page 226 paragraph one under Public Meetings, strike the suggested addition.
- Page 224 first paragraph, retain the Commission suggestion.
- Add to Norms: If a Council or Commission Member is a complainant in something that comes before them for review, that member must divulge that information.
- Page 226 paragraph two under Consent Calendar should read the same as the Planning Commission statement on page 221.
- Prefer staff to take their notes from tonight’s meeting, integrate them into one document and come back to the Council for final review.

**MOTION:** By Council Member Béraud and seconded by Mayor Pro Tem Brenner to go past 11:00 p.m. *Motion passed 5:0 by a roll-call vote.*

**PUBLIC COMMENT**

Eric Greening spoke about the pulling of consent items and stated it must be a right of any commissioner to pull an item for separate action and discussion. Regarding
personal agendas versus the good of community, he explained why both Commissions were uncomfortable with the word “apolitical”.

Mayor Luna closed the Public Comment period.

MOTION: By Council Member Beraud and seconded by Council Member Clay to accept the changes as discussed and as recorded and staff to come back with a combined Commissioner Norms for approval.

Motion passed 5:0 by a voice vote.

3. Request for Continued Funding Commitment to Assist in Purchase of Property by the Atascadero Land Preservation Society (ALPS) (8300, 8350, 8400 Toloso Road)
   - Fiscal Impact: $50,000 from the Tree Fund, and $200,000 from the Open Space Acquisition Fund. These funds are included in the current budget.
   - Recommendation: Council confirm the City’s commitment to ALPS in the amount of $250,000.00, to cover the remainder of the purchase price for the Davis property, at Highway 41, near the three bridges. [City Manager]

Assistant to City Manager Marcia McClure Torgerson explained that the land owners have opted out of the agreement to sell the property and the president of ALPS is in attendance to explain the details of that information.

PUBLIC COMMENT

Dug Chisholm explained that ALPS was requesting that Council remove their previous authorization, and read into the record a letter from ALPS to the City Council (Exhibit B). Mr. Chisholm answered questions of Council.

Mayor Luna closed the Public Comment period.

COMMUNITY FORUM:

Cindy Blake announced that Ride Share Week starts at the beginning of October, and explained the theme of Make the Change, Make a Difference.

Joanne Main, Atascadero Chamber, thanked the community for the successful showcase mixer at the lake and reviewed upcoming events sponsored by the Chamber.

Eric Greening commented on the opening of the Lewis Avenue Bridge and stated it could become a symbol for the city in the future.
Donald Cross spoke about Ardilla Avenue where a sewer is under construction and there are problems with drainage and a trench that has settled. Mr. Cross distributed a handout to Council regarding those problems (Exhibit C).

*Mayor Luna closed the Community Forum period.*

Public Works Steve Kahn spoke about the Ardilla Avenue sewer project and drainage problems.

COUNCIL ANNOUNCEMENTS AND REPORTS:

Council Member O’Malley asked staff to bring back an update on the Colony Square project.

City Manager Wade McKinney stated staff would bring back a status report of where they are in their construction project at a November meeting.

Council Member Béraud suggested getting a different consultant for the January Strategic Planning meeting,

City Manager McKinney stated staff could look at reshaping the January meeting and using a different consultant, and come back with options.

D. COMMITTEE REPORTS:

Council Member O’Malley

1. Economic Vitality Corporation, Board of Directors (EVC): Sam Blakeslee may be a guest speaker at their next meeting. They continue to work on the regional tourism study.

E. INDIVIDUAL DETERMINATION AND/OR ACTION:

City Manager

City Manager Wade McKinney announced that the League of California Cities has asked Council Member O’Malley to be on the statewide board for City PAC representing the Channel Counties division, and asked Council to endorse his appointment.

*There was Council consensus to endorse Council Member O’Malley for the new League of California Cities’ appointment.*
Mr. McKinney reported on the following: the Lewis Avenue Bridge is on schedule and the grand opening is scheduled for October 19th, the groundbreaking for the Highway 41/101 interchange is 11:00 a.m. this Friday, and the Community/Youth Center opening is October 30th at 10:00 a.m.

F. ADJOURNMENT:

Mayor Luna adjourned the meeting at 11:37 p.m. to Closed Session. The next regularly scheduled meeting of the City Council will be on October 23, 2007.

MINUTES PREPARED BY:

Grace Pucci, Deputy City Clerk

The following exhibits are available for review in the City Clerk’s office:

Exhibit A – Will Richison, letter
Exhibit B – Atascadero Land Preservation Society, letter
Exhibit C – Donald Cross, handout