

**STATEMENT OF CANDIDATE FOR  
MEMBER OF CITY COUNCIL  
City of Atascadero**

**PAMELA HEATHERINGTON**  
Occupation: Medical Office Manager

**Education and Qualifications:** I bring to the Atascadero City Council a diversity of viewpoints and experiences. Raised in San Diego, I can appreciate the concerns of our citizens for the way we grow and the impact growth has on our environment. On the other hand I appreciate the practical housing requirements of our community.

I have managed several businesses and a non-profit organization and will bring all of this experience with me.

Graduate of Cal Poly San Luis Obispo with a B.A. in philosophy with a concentration in social ethics.

Married

I serve on the San Luis Obispo County Health Commission, the Atascadero Planning Commission, Domestic Violence Task Force, and as treasurer for the San Luis Bay Chapter of the Surfrider Foundation. I am also a founding member of the Marine Interest Group, past chair of the Sierra Club Conservation Committee, past member of the Sierra Club's National Toxics Committee, alumna of the San Luis Obispo Chamber of Commerce Leadership Class, past board member of the Environmental Center of San Luis Obispo.

If elected to this office, I will do my best to serve as a leader and role model for our community while working towards a sustainable future for our children.

s/ Pamela Heatherington

**STATEMENT OF CANDIDATE FOR  
MEMBER OF CITY COUNCIL  
City of Atascadero**

**BRET HEINEMANN**  
Occupation: Educator and Writer

**Education and Qualifications:** As a part time educator and writer I have the time available to dedicate to the City of Atascadero Council and serve the community.

I have an earned bachelor's degree from CSU Fresno where I graduated in 1997 with a major in history and minor in political science.

In Atascadero it is the role of government to provide and deliver services to the community equally and in a timely manner. It is also the responsibility of the city to make sure there are adequate sources of funding and to use them wisely.

General and master plans are an important part of this, but these plans must be flexible to allow for future needs and ideas not yet thought of. Ideas and needs which will make Atascadero an even nicer place to live and work.

One of our greatest resources is our time to volunteer to serve others including taking the time to serve on the city council. Time is something we can never get back once given, and I'm looking forward to using my time to be on the council. I recognize that in so doing that I will also be a role model in the community.

I thank you for your time to read this and vote.

s/ Bret Heinemann

**STATEMENT OF CANDIDATE FOR  
MEMBER OF CITY COUNCIL  
City of Atascadero**

**ROBERTA FONZI**  
Occupation: Planning Commission Chair/Businesswoman

**Education and Qualifications:** I am a longtime resident of Atascadero; my family has lived here since the mid-1950's. I graduated from local schools, Cuesta College and Cal Poly, with Honors. I authored Atascadero's Incorporation Study, and I understand what it takes for a city to financially succeed.

Atascadero needs a new direction and a positive image. Atascadero is in financial crisis; we are living off our savings. Eventually, this will result in severe reductions in services and loss of local control.

I support an elected mayor to rebuild our public image.

I oppose the Shield Initiative and support development of the Del Rio intersection.

I promise to listen to people and take decisive action to remedy our deteriorating financial situation! I pledge to support policies where all citizens are treated as adults; I will examine all issues with fairness and an open mind.

I currently Chair the Planning Commission where I've served for nearly 10 years, and served on the Main Street Design Committee. People know and trust my judgment; I have a proven track-record.

I will strive to preserve our unique quality of life, our heritage and rural lifestyle and will never forget that I serve the public. Respectfully,

s/ Roberta Fonzi

**STATEMENT OF CANDIDATE FOR  
MEMBER OF CITY COUNCIL  
City of Atascadero**

**JERRY L. CLAY SR.** **Age: 74**  
Occupation: City Councilman

**Education and Qualifications:** For 12 years I have based my Council decisions on common sense and what is best for Atascadero. You will always know where I stand.

I supported the concept of a Super Wal-Mart commercial center. The Council should have moved this project forward, in November 2007. The construction phase would be in our sights, competitive shopping, a north Atascadero grocery store, and reversing our Cities financial woes would be a reality.

Atascadero's Financial Problems are real! Reserves are being depleted at an alarming rate. If this continues the City will have to make drastic cuts.

The Shield Initiative is an awful proposal. I will vote against this Initiative. If passed it could shield our City from having financial security. Atascadero voters, defeat this measure!

I support: All City employees who contribute to our City on and off duty, The Veterans Memorial (Local Veterans are to be commended for their efforts), Letting our Citizens elect their Mayor, Main Street, the Chamber, Parks, youth / senior recreation programs, horses, 4-H and FFA projects.

The Clay family fell in love with Atascadero in 1940. I'm proud of my family's 68 years of community involvement/service and my Council voting record. Thanks for your vote!

s/ Jerry L. Clay Sr.

**STATEMENT OF CANDIDATE FOR  
MEMBER OF CITY COUNCIL  
City of Atascadero**

**LEN COLAMARINO**

**Age: 57**

**Occupation:** Lawyer/Business Principal and Consultant

**Education and Qualifications:** Atascadero became my home in January 2005, when I relocated and found the special people, ideal climate and outdoor lifestyle I want for the rest of my life. I have been troubled, however, to see Atascadero's business sector problems going unsolved and opportunities remaining unrealized.

I have the skill set to help. During 30 years of legal and business experience, I have acquired the professionalism and expertise needed to manage the complex affairs of a city of 28,000. I also bring a much-needed, enterprising approach.

I am neither a member, nor an opponent, of either of Atascadero's competing groups. My constituency is the whole community. My campaign is not about Wal-Mart. With or without Wal-Mart, my vision for Atascadero is the same. The voters' decision on the Shield Initiative will govern my handling of the Wal-Mart project on the Council.

I propose to ambitiously pursue the revival of Atascadero's retail sector, starting with the redevelopment of downtown. A business district befitting our beautiful city will improve revenues, property values, and our community. I also have ideas for upgrading business along El Camino Real. Learn more about my detailed vision, plans and qualifications on my website "UpGrade Atascadero" at [www.upgradeatascadero.org](http://www.upgradeatascadero.org).

s/ Len Colamarino

**DECLARACIÓN DEL CANDIDATO A  
MIEMBRO DEL CONCEJO MUNICIPAL  
Ciudad de Atascadero**

**LEN COLAMARINO**

**Edad: 57**

**Ocupación:** Abogado/Director y Consultor Empresarial

**Educación y Competencia:** Atascadero se convirtió en mi hogar en enero de 2005, cuando me reubicé y encontré la gente especial, el clima ideal y el estilo de vida al aire libre que quiero para el resto de mi vida. Sin embargo, me preocupa ver que los problemas del sector comercial de Atascadero no se resuelven y que las oportunidades quedan sin realizar.

Tengo el conjunto de habilidades para ayudar. Durante 30 años de experiencia legal y comercial, he adquirido el profesionalismo y la pericia necesarios para administrar los asuntos complejos de una ciudad de 28,000. También aportó un enfoque empresarial muy necesario.

No soy ni un miembro ni un oponente de ninguno de los grupos que compiten en Atascadero. Mi distrito es toda la comunidad. Mi campaña no es acerca de Wal-Mart. Con o sin Wal-Mart, mi visión para Atascadero es la misma. La decisión de los votantes sobre la Iniciativa Escudo gobernará el manejo del proyecto Wal-Mart en el Concejo Municipal.

Propongo buscar ambiciosamente el renacimiento del sector minorista de Atascadero, comenzando con la reurbanización del centro de la ciudad. Un distrito comercial conveniente para nuestra hermosa ciudad mejorará las rentas, los valores de la propiedad, y nuestra comunidad. También tengo ideas para mejorar los negocios a lo largo de El Camino Real. Conozca más acerca de mi visión detallada, planes y calificaciones en mi sitio Web "UpGrade Atascadero" en [www.upgradeatascadero.org](http://www.upgradeatascadero.org).

f/ Len Colamarino

**STATEMENT OF CANDIDATE FOR  
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**BOB KELLEY**

**Age: 63**

**Occupation:** Businessman

**Education and Qualifications:** Atascadero needs change and I'm a candidate for change. My 3 top priorities are finance, downtown revitalization and providing integrity to our city government. Our city can't operate using reserve funds for business as usual, those funds can't last forever, the budget must be balanced. The downtown streetscape program has to be put on fast track and be completed as soon as possible; this will draw businesses to our downtown. The city must provide the environment for successful business. I will bring strong leadership and my business experience to the City Council and lead us into a prosperous future.

Emergency services must be maintained at the utmost levels. City services need to become as efficient as possible and in some areas need to be streamlined.

Wal-Mart has purchased property identified as one of the best commercial sites in our city. I support Wal Mart's application as it goes through the process of an EIR and hopefully onto completion as it meets the needs and requirements of our General Plan. As a former 7 year member of the Planning Commission I was instrumental in the writing of the General Plan and fully endorse the implementation of the plan. Vote for change.

s/ Bob Kelley

**CITY OF ATASCADERO  
FULL TEXT OF MEASURE D-08**

**ATASCADERO SHIELD INITIATIVE: TAXPAYERS' INITIATIVE  
ORDINANCE TO REDUCE COSTLY EFFECTS OF HIGH INTENSITY  
URBAN DEVELOPMENT BY PRESERVING ATASCADERO'S  
UNIQUE SMALL TOWN CHARACTER**

**THE PEOPLE OF THE CITY OF ATASCADERO, STATE OF  
CALIFORNIA, DO ORDAIN AS FOLLOWS**

**Section 1. Statement of Purposes and Intent.**

The purposes and intent of this measure are to:

- Guarantee the right of Atascadero's citizens to determine Atascadero's future growth and quality of life.
- Ensure the long-term economic viability of neighborhood commercial centers in the city, especially along El Camino.
- Prevent the deterioration of existing commercial areas and associated blighting and cost to the public.
- Prevent concentration of traffic and associated air quality impacts. Reduce traffic congestion and air pollution.
- Protect the rural small-town character of this unique city of the Central Coast.
- Ensure the retention of the historic Colony Landscape pattern, unique small-town rural character.
- Preserve the vitality of older neighborhoods.
- Ensure the region's welfare and prevent the adverse impacts of L.A. style urbanization.

**Section 2. Findings.**

a. Atascadero's quality of life is threatened by changes to the unique small town atmosphere from large scale commercial development that results in:

1. Deterioration of existing commercial areas and associated blighting.
2. Concentration of traffic resulting in decreased levels of service and increased air pollution.
3. Higher taxes and utility rates to subsidize growth;
4. Increased air, water, and noise pollution;
5. Crowding, congestion and increased crime; and
6. Inadequacy of services and facilities.

b. The public health, safety, and general welfare will be promoted by the adoption of this measure.

**Section 3. Definitions.**

For purposes of this measure, the following words and phrases shall have the following meanings:

- a. "Effective date" shall mean the date on which this Initiative measure was adopted by the City Council of the City of Atascadero or the date on which it was passed by the voters at the polls, whichever occurs first.
- b. "Big box commercial structure" means an individual retail commercial establishment with more than 150,000 square feet of gross floor area. The "gross floor area," of such a store includes outdoor storage areas, any outdoor area providing services, such as, but not limited to, outdoor merchandising display, garden supplies, plant display, snack bars, etc. "Gross floor area," however, does not include loading area. For the purpose of determining the applicability of the 150,000 square feet

maximum, the aggregate square footage of all adjacent stores within 300 yards which may share either a series of checkout stands, management areas, storage area, common entrances, or a controlling ownership interest, shall be considered a single commercial establishment (for example, a plant nursery associated with a general merchandise store or home improvement store, or a discount department store associated with a grocery store).

c. "Discount superstore" shall mean a retail discount store in excess of 90,000 square feet with at least 5% of gross floor area dedicated to non-taxable goods such as groceries. Wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting sales to customers paying a periodic assessment or fee shall be excluded from this definition.

**Section 4. Big Box Commercial Structures.**

Big box commercial structures shall be prohibited in all zoning districts in the city.

**Section 5. Discount Superstores.**

Discount Superstores shall be prohibited in all zoning districts within the city.

**Section 6. Required Public Actions.**

The City's General Plan and Zoning Code shall be amended in the manner required by law to conform with these provisions. To the extent that any policy or provision of this Ordinance is not self-executing, the City Council shall promptly enact such regulations and ordinances as may be necessary to carry out the directives and intent hereof. The City Council and all City agencies, boards, and commissions, are hereby directed to take any and all actions necessary to carry out this Initiative measure, including but not limited to, adoption and implementation of any amendments to the City General Plan, Zoning Ordinance, and City Code. This measure shall be implemented forthwith as a matter of the highest priority to the City.

**Section 7. Public Health Safety and Welfare.**

These provisions are minimum requirements for the promotion of the public health, safety and general welfare.

**Section 8. Guidelines.**

The City Council may adopt guidelines to implement and interpret this Initiative measure following public notice and public hearing, provided that any such guidelines shall be consistent with the provisions and intent of this measure. Any such guidelines must be adopted by two-thirds' vote of the City Council.

**Section 9. Exemptions for Certain Projects.**

This measure shall apply to all properties and projects covered by its terms, except it shall not apply to any development project which has obtained a vested right as of the effective date of this measure. For purposes of this measure, a "vested right" shall have been obtained only if each and all of the following criteria are met:

- a. The proposed project has received a building permit or its final discretionary approval;
- b. Substantial expenditures have been incurred in good faith reliance on the permit or final discretionary approval; and
- c. Substantial construction has been performed in good faith reliance on the permit or final discretionary approval.

The "substantiality" of expenditures incurred and of construction performed and the question of whether or not such expenditures and construction were in "good faith" are questions of fact to be determined on a case by case basis by the City Council following application by the developer and notice and public hearing. Actions taken by a developer to speed up or expedite a development project with knowledge of the pendency of this measure shall not be deemed to be in "good faith" and shall not qualify for vested rights. Phased projects shall be considered for exemption on a phase by phase basis to the extent permitted by California law.

#### **Section 10. Amendment and Repeal.**

This Ordinance may be amended or repealed only by a vote of the people.

#### **Section 11. Severability.**

If any section, subsection, sentence, clause, phrase, part or portion of this measure is for any reason held to be invalid or unconstitutional by a final judgment of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this measure. It is hereby declared that this measure and each section, subsection, sentence, clause, phrase, part or portion thereof would have been adopted or passed irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts or portions be declared invalid or unconstitutional.

#### **Section 12.**

If qualified, this Initiative shall be submitted to a vote of the people at a special election.

### **IMPARTIAL ANALYSIS OF MEASURE D-08**

Pursuant to Elections Code Section 9280, the City Attorney presents here an impartial analysis of Measure D-08 (hereafter referred to as "Measure") showing the effect of the Measure on existing law and the operation of the measure.

**A "yes" vote on the Measure is a vote to prohibit big box commercial structures with over 150,000 square feet of gross floor area and discount superstores over 90,000 square feet with at least 5% of gross floor area dedicated to non-taxable goods such as groceries within the City of Atascadero.**

**A "no" vote on the Measure leaves existing zoning and general plan provisions of the City of Atascadero in place.**

#### General Plan and Zoning

A general plan is a city's basic planning document with seven mandatory elements including land use, circulation, housing, conservation, open space, noise and safety plus any optional elements selected by the city. All land use approvals must be consistent with the general plan.

Zoning is the division of a city into districts and the application of different regulations in each district. Some zoning regulations may be city-wide. Zoning ordinances may regulate structural and architectural design of buildings and designate building uses allowed within each district. A zoning ordinance is valid if it is reasonably related to the public welfare.

#### Effect of Measure on Existing Law

The Measure is consistent with the existing general plan of the City. Therefore, the Measure, if passed by the voters, would not require any amendment to the general plan. The Measure would constitute an amendment to the zoning code of the City.

#### Operation of the Measure

The operation of the Measure would impact future projects in the City by prohibiting in all zoning districts of the City any individual retail commercial establishment in excess of 150,000 square feet gross floor area. In addition, the Measure would prohibit any retail discount stores in excess of 90,000 square feet from having 5% or more of its gross floor area dedicated to non-taxable goods such as groceries. The Measure states that it shall be implemented as a matter of the highest priority of the City.

The City has received an application for a proposed 146,500± square foot Wal-Mart store at the intersection of El Camino Real and Del Rio Road. The Measure would not impact the size of the proposed store; however, the 5% limit on non-taxable goods in the Measure would impact the grocery section of the proposed Wal-Mart store. The current application proposes a 34,000± square foot grocery sales and support area. Five percent (5%) of 146,500 square feet is 7325 square feet. Therefore, if the Measure is approved by the voters, Wal-Mart would have to reduce its grocery area to less than 7325± square feet in order to proceed with the proposed store.

s/ Brian A. Pierik, City Attorney

## ARGUMENT IN FAVOR OF MEASURE D-08

The choice is clear. Do we want to develop a vibrant, walkable CITY CENTER, OR a massive Superstore complex on the edge of town? Do we want diverse, sustainable economic retail GROWTH to shore up much needed tax base OR a Superstore that shifts sales tax revenue from others with minimal financial gains to the City? This decision forever defines the development and character of Atascadero. Make no mistake, a superstore will change our City's SHOPPING PATTERNS and prevent the realization of an economically viable downtown. All large cities on the Central Coast and County have adopted similar ordinances banning Superstores to ensure their economic survival.

VOTE YES FOR SUSTAINABLE ECONOMIC GROWTH and TO BAN SUPERSTORES

WHY IS MEASURE D-08 NEEDED?

SUPERSTORES have BIG NEGATIVE IMPACTS:

ECONOMIC:

- Superstores drain revenue from locally-owned businesses
- Superstores decimate plazas with Grocery-based anchor tenants such as Spencer's, Food For Less and K-Mart plazas
- Higher demand of city services raises citizen tax burden
- Property Values of homes near Superstores decline
- Tourism suffers if city loses its unique character

VALUES: Quality of life is threatened by...

- Loss of downtown as community and social center
- Superstore paves the way to sprawling L.A. style urbanization
- Traffic congestion, air, light and noise pollution 24/7

ASK YOURSELF:

- Why does Atascadero boast the greatest population gain in the Central Coast for 2007?
- What attraction does Atascadero hold for you?
- Which would attract future tourist dollars: a Superstore or a vibrant downtown center?

MEASURE D-08 DOES NOT PREVENT A GROCERY STORE being built anywhere in the city.

SUMMARY: This Measure reinforces Atascadero's General Plan, ensuring the vitality of the City's downtown and its future economic growth and safeguarding the region's economic welfare. Visit website: [www.atascaderoshield.com](http://www.atascaderoshield.com)

Vote Yes on Measure D-08

s/ Thomas A. Comar, Spokesperson for Atascadero Shield Initiative  
s/ Ellen Bakker Béraud, Atascadero City Council Member  
s/ Mike Brenner, City Council Member  
s/ Joan M. O'Keefe, Planning Commissioner  
s/ Brian Wallace, Downtown Business Owner

## ARGUMENT AGAINST MEASURE D-08

ATASCADERO IS FACING TOUGH FINANCIAL TIMES. As the city struggles to pay for vital services like police and fire protection, this ill-conceived measure would deprive Atascadero of new tax revenue while limiting choices for consumers, including those on tight budgets.

Measure D-08 is a terrible idea and sets a bad precedent.

It effectively limits consumer choice in Atascadero.

It is unfairly written so it only applies to superstores like Wal-Mart Supercenters, but not to other large-scale retailers like Costco or Lowe's.

Finally, Measure D-08 would cost the city hundreds of thousands of dollars in lost revenue.

More than ever, Atascadero should be encouraging investment in the city and supporting efforts to create new jobs and expand consumer choices.

MEASURE D-08 HURTS CONSUMERS AND ATASCADERO

- Local laws should not force consumers to shop in neighboring towns for their everyday goods. Not everyone can afford to shop at stores with high prices.
- Busy families and working parents CHOOSE to shop in stores offering one-stop shopping to save money and time.

Atascadero's tax base is shrinking and sales tax revenue has dropped.

And according to the City Council Staff Report, Atascadero is projected to be running a deficit within five years. This would result in cutbacks to vital city services including roads, police and fire protection.

ATASCADERO NEEDS NEW TAX REVENUE TO IMPROVE LOCAL FINANCES

This attempt to limit consumer choice will hurt Atascadero's ability to create jobs and bring in new tax revenue.

Measure D-08 would prevent superstores from opening in Atascadero, meaning the city would lose hundreds of thousands of dollars in new tax revenue.

City laws should not discriminate against a specific business and should not tell working families where they have to buy their groceries and other everyday needs.

VOTE NO ON MEASURE D-08

s/ Thomas Patrick O'Malley, Atascadero City Council Member  
s/ Donald D. Idler, Business Owner  
s/ Bob Wilkins, First Mayor and Business Owner  
s/ Kelly Long, Business Owner  
s/ Joanne Main, President/CEO of Atascadero Chamber of Commerce

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D-08

### VOTE NO ON MEASURE D-08

IT'S BAD FOR CONSUMERS AND BAD FOR ATASCADERO

#### Measure D-08 isn't about saving downtown or economic growth.

It's about limiting consumer choice. And it comes at a time when Atascadero is struggling to pay for vital services like roads, police and fire protection. Measure D-08 would eliminate the possibility of hundreds of thousands of dollars in tax revenue.

#### ATASCADERO FACES REAL FINANCIAL PROBLEMS

- Our tax base is shrinking
- Sales tax revenue has dropped
- Our current expenses are greater than our revenue
- Cuts to vital services and city jobs are anticipated with the current economic slow down

#### Measure D-08 takes away your right to choose where to shop.

Measure D-08 hurts working families who depend on low prices. In these difficult economic times with gas approaching \$5 a gallon and rising food prices, not everyone can afford to shop out of town for everyday items or at stores with higher prices.

Measure D-08 is discriminatory. It only applies to stores like Wal-Mart Supercenters and Super Targets, not other large retailers like Costco or Lowe's.

It's simple, Measure D-08:

- LIMITS consumer choice
- HURTS Atascadero's ability to encourage investment and create new jobs
- DISCRIMINATES against certain businesses in Atascadero
- ELIMINATES hundreds of thousands of dollars in possible tax revenue
- IS BAD FOR DOWNTOWN

VOTE NO ON MEASURE D-08 TO ENSURE THE VITALITY OF OUR CITY

For more information please visit  
[www.atascaderoconsumers4choice.com](http://www.atascaderoconsumers4choice.com)

### VOTE NO ON MEASURE D-08

s/ Jay DeCou, Business Owner  
s/ Michael D. Goodman, Business Owner  
s/ Charlotte Covington, Owner - McGees  
s/ Stan Sherwin, Owner - K-Jon's Jeweler  
s/ Tom O'Malley, City Councilman

## REBUTTAL TO ARGUMENT AGAINST MEASURE D-08

Measure D-08 grew out of a groundswell of community support for downtown development and in opposition to superstores.

Superstores will compete with our developing downtown, decrease shopping choice and merely shift sales tax revenue, draining city services.

Superstores increase two things, traffic and crime. Taxpayers will have to pick up the cost of infrastructure and every police and emergency response to the superstore.

Measure D-08 is a conservative ordinance allowing membership clubs like Costco or Sam's Club which generate less traffic than superstores and are not open 24/7.

Measure D-08 Protects **CHOICE**:

- Diversity in shopping
- Established plazas with grocery store anchors
- Head of household jobs

Measure D-08 Protects **SALES TAX REVENUE**:

Superstores do not bring added revenue, but are a form of economic displacement--studies show that 80% or more of superstore sales are "transferred sales" from existing merchants.

#### **SUMMARY:**

Measure D-08 welcomes new business to Atascadero, encourages greater competition and more consumer choice by not allowing superstores to become the only place to buy certain kinds of goods. Once competitors close, superstore prices increase. All large cities on the Central Coast and the county itself ban superstores.

Size caps facilitate a market composed of small and mid-sized stores. Banning superstores allows Downtown investment. **They don't sell small town quality of life on any shelf at superstores, but once they take it from us, we can't buy it back at any price.**

**VOTE YES on Measure D-08!** Visit website:  
[www.atascaderoshield.com](http://www.atascaderoshield.com)

s/ George Luna, Councilmember  
s/ Douglas Marks, Planning Commissioner  
s/ Sorrel Marks, Parks & Rec Commissioner  
s/ Randy Lawrence, MD, General Surgeon  
s/ Ronald Rothman, Atascadero Shield Comm.