



CITY OF ATASCADERO CITY COUNCIL AMENDED AGENDA

MEETING INFORMATION:

The City Council meeting will be held in the City Council Chambers and in-person attendance will be available at that location.

HOW TO OBSERVE THE MEETING REMOTELY:

To observe remotely, residents can livestream the meeting on [Zoom](#), SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and listen live on KPRL Radio 1230AM and 99.3FM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website and on the City's YouTube Channel. To observe remotely using the Zoom platform please visit:

https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA

HOW TO SUBMIT PUBLIC COMMENT:

Public comment may be provided in-person.

Written public comments are accepted at cityclerk@atascadero.org. **Comments should identify the Agenda Item Number in the subject line of the email.** Such comments will be forwarded to the City Council and made a part of the administrative record. **To ensure distribution to the City Council before consideration of an item, please submit comments not later than 12:00 p.m. the day of the meeting.** All correspondence will be distributed to the City Council, posted on the City's website, and be made part of the official public record of the meeting. **Please note, comments will not be read into the record.** Please be aware that communications sent to the City Council are public records and are subject to disclosure pursuant to the California Public Records Act and Brown Act unless exempt from disclosure under applicable law. Communications will not be edited for redactions and will be printed/posted as submitted.

AMERICANS WITH DISABILITIES ACT ACCOMMODATIONS:

Any member of the public who needs accommodations should contact the City Clerk's Office at cityclerk@atascadero.org or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS:

Pursuant to Government Code § 84308, City Council Members are disqualified and not able to participate in any agenda item involving contracts (other than competitively bid, labor, or personal employment contracts), franchises, discretionary land use permits and other entitlements if the City Council Member received more than \$250 in campaign contributions from the applicant or contractor, an agent of the applicant or contractor, or any financially interested participant who actively supports or opposes the City's decision on the agenda item since January 1, 2023. Members of the City Council who have received, and applicants, contractors or their agents who have made, campaign contributions totaling more than \$250 to a City Council Member since January 1, 2023, are required to disclose that fact for the official record of the subject proceedings. Disclosures must include the amount of the campaign contribution and identify the recipient City Council Member and may be made either in writing to the City Clerk before the agenda item or by verbal disclosure during consideration.

City Council agendas and minutes may be viewed on the City's website:

www.atascadero.org/agendas

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, www.atascadero.org. Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are made a part of the record or referred to in their statement will be noted in the Minutes and available for review by contacting the City Clerk's office. All documents will be available for public inspection by appointment during City Hall business hours.



CITY OF ATASCADERO CITY COUNCIL

AMENDED AGENDA

Tuesday, December 10, 2024

City Hall Council Chambers, Fourth Floor
6500 Palma Avenue, Atascadero, California

<u>City Council Regular Session:</u>	6:00 P.M.
<u>City Council Closed Session:</u>	Immediately following conclusion of City Council Regular Session

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

PLEDGE OF ALLEGIANCE: Council Member Bourbeau

ROLL CALL:
Mayor Moreno
Mayor Pro Tem Funk
Council Member Bourbeau
Council Member Dariz
Council Member Newsom

A. CONSENT CALENDAR: (All items on the consent calendar are considered routine and non-controversial by City staff and will be acted upon by a single action of the City Council unless otherwise requested by an individual Council Member for separate consideration. Public comment on Consent Calendar items will be invited prior to action on the Calendar.)

1. City Council Draft Minutes – November 12, 2024, Regular Meeting and December 2, 2024 Special Meeting

- **Recommendation:** Council approve the November 12, 2024, City Council Regular Meeting Minutes and the December 2, 2024, City Council Special Meeting Minutes. [City Clerk]

2. City Council 2025 Meeting Schedule

- **Fiscal Impact:** None
- **Recommendation:** Council approve the 2025, Atascadero City Council Meeting schedule. [City Clerk]

3. **Reciting the Fact of the November 5, 2024 General Municipal Election**
 - Fiscal Impact: None.
 - Recommendation: Council adopt the Draft Resolution, reciting the fact of the General Municipal Election held on November 5, 2024, declaring the result and such other matters as provided by law. [City Clerk]

4. **Notice of Treasurer Resignation**
 - Fiscal Impact: None
 - Recommendation: Council receive and file notice of resignation by City Treasurer, Gere Sibbach, effective December 10, 2024 [City Clerk]

5. **October 2024 Accounts Payable and Payroll**
 - Fiscal Impact: \$4,985,009.98
 - Recommendation: Council approve certified accounts payable, payroll and payroll vendor checks for October 2024 [Administrative Services]

6. **September 2024 Investment Report**
 - Fiscal Impact: None
 - Recommendation: Council receive and file the City Treasurer's report for quarter ending September 30, 2024 [Administrative Services]

7. **2nd Reading - Newton Development Agreement (DEV24-0075) Ordinance**
 - Fiscal Impact: None
 - Recommendation: Council adopt on second reading, by title only, Draft Ordinance to approve a Development Agreement between Scott Newton and the City of Atascadero, amend Title 9 to establish development agreement overlay zone DA1, and amend the official zoning map to establish DA1 on the subject property, and certify the proposed Mitigated Negative Declaration prepared for the properties located at 11450 Viejo Camino and 11505 El Camino Real [Community Development]

8. **2nd Reading - Emergency Shelter Overlay Zone Amendment (ECHO Expansion Project)**
 - Fiscal Impact: None
 - Recommendation: Council adopt on second reading, by title only, Draft Ordinance amending Atascadero Municipal Code Title 9 Chapter 3 Article 23 ES (Emergency Shelter) Overlay Zone text to allow for an expansion of an existing shelter and programs located at 6370 Atascadero Avenue [Community Development]

9. **2nd Reading - CEQA Thresholds Ordinance (ZCH23-0061)**
 - Fiscal Impact: It is intended that the proposed code amendments will reduce staff time, resulting in nominal cost savings to both staff and applicants within the development review process.
 - Recommendation: Council:
 1. Adopt on second reading, by title only, Draft Ordinance A to amend Title 9 (Planning and Zoning Code) to adopt discretionary review thresholds and standards for hillsides, historic and archaeological resources, and watercourse adjacent areas; and

2. Adopt on second reading, by title only, Draft Ordinance B to approve a Zoning Map Amendment to remove the Historic Site (HS) Overlay Zone from certain properties containing colony homes and apply the Historical Site (HS) Overlay Zone to State and Federally registered historic resources. [Community Development]

10. Essential Services Transactions and Use Tax Contracting with the State of California

- Fiscal Impact: The sales tax measure will generate an estimated \$3 million in annual revenue. While the CDTFA cannot provide an estimate for the Preparatory Fee, staff anticipates costs being between \$5,000-\$40,000, and the on-going State administrative costs will be 0.57% of the revenue received from the tax increase. HdL will charge a \$100 monthly fee for the review and analysis services that will be paid from the General Fund, and 25% of the initial amount of new transactions or use tax revenue received by the City as a result of audit and recovery work performed by HdL. However, revenue will be received that otherwise would not have been realized, through the audit services that HdL will provide to the City, offsetting the costs.
- Recommendation: Council:
 1. Adopt Draft Resolution A authorizing the City Manager to execute agreements with the California Department of Tax and Fee Administration for implementation of a local transactions and use tax.
 2. Adopt Draft Resolution B authorizing representatives of the City of Atascadero to examine confidential transactions and use tax records of the California Department of Tax and Fee Administration (CDTFA) pertaining to transactions and use taxes collected by the CDTFA for the City of Atascadero.
 3. Authorize the City Manager to enter into a contract with Hinderliter, De Llamas and Associates for transactions tax audit and information services related to the Measure L-24 Sales Tax Revenue. [Administrative Services]

B. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS: (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Regional Economic Action Coalition (REACH)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Funk

1. Atascadero Basin Ground Water Sustainability Agency (GSA)
2. Design Review Committee
3. Homeless Services Oversight Council

Council Member Bourbeau

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Dariz

1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. Community Action Partnership of San Luis Obispo (CAPSLO)
4. Design Review Committee
5. Visit SLO CAL Advisory Committee

Council Member Newsom

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. League of California Cities – Council Liaison

PRESENTATIONS:

1. **Presentations recognizing outgoing Mayor Heather Moreno and Treasurer Gere Sibbach**

OATHS OF OFFICE:

1. **Administration of Oaths of Office**
Swearing in of Mayor Charles Bourbeau and Council Members Mark Dariz and Seth Peek

RECESS: The Mayor will call a recess for the City Council reception.

RECONVENE: The Mayor will reconvene the City Council at the conclusion of the City Council reception.

CITY COUNCIL REORGANIZATION:

1. **Council Appointment of Mayor Pro Tem.**
 - Accept nominations from the Council Members and appoint a Mayor Pro Tem for a two-year term ending December 2026.

UPDATES FROM THE CITY MANAGER: (The City Manager will give an oral report on any current issues of concern to the City Council.)

COMMUNITY FORUM: (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Any members of the public who have questions or need information may contact the City Clerk's Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or cityclerk@atascadero.org.)

C. PUBLIC HEARINGS:

1. Atascadero Tourism Business Improvement District (ATBID) Assessment

- Fiscal Impact: Should there be insufficient protests from the lodging owners to be assessed, and should the ordinance go into effect, additional ATBID revenues in an estimated amount of \$46,500 through June 30, 2025, will be collected.
- Recommendation: Council:
 1. Conduct a Public Hearing to receive all written and verbal protest votes from lodging owners.
 2. For a non-majority (less than 50%) protest, Council to conduct the second reading of the Draft ATBID Assessment Increase Ordinance amending Title 3, Chapter 16, section 3-16.04, changing the assessment rate under Streets and Highways Code Section 36541(a) for lodging businesses within the Atascadero Tourism Business Improvement District from 2% to 2.5% beginning early January 2025. **OR**
 3. If a majority protest exists (over 50%), do not conduct second reading of the Draft ATBID Assessment Increase Ordinance; the ATBID Assessment stays at 2%. [Community Services and Promotions]

D. MANAGEMENT REPORTS:

1. Consideration of Action to Fill the Vacant Treasurer Position Arising From Former Treasurer Gere Sibbach's Resignation

- Fiscal Impact: Unknown. Staff estimates the cost for a City run, stand-alone election to be at least \$500,000. If the City Council chooses to appoint a successor, there would be no significant additional expenses.
- Recommendation: Discussion and consideration of whether to fill the City Treasurer vacancy by appointment of an eligible elector or by calling for a special election to fill the vacancy [City Clerk]

E. COMMITTEE REPORTS: (The newly elected Mayor will assign Council Members to standing committees)

F. INDIVIDUAL DETERMINATION AND / OR ACTION: (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

ADJOURN TO CITY COUNCIL CLOSED SESSION

CITY COUNCIL CLOSED SESSION:

- 1. CLOSED SESSION — PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION — CALL TO ORDER**
 - a. Conference with Legal Counsel – Anticipated Litigation**
Significant (Government Code Sec. 54956.9(d)(4) – one potential case
- 4. CLOSED SESSION — ADJOURNMENT**

Announcement(s) of any reportable action(s) taken in Closed Session that occur(s) after the recess of Regular Session will be made at the beginning of the next Regular City Council meeting as Closed Session is not recorded or videotaped.