



CITY OF ATASCADERO CITY COUNCIL

MINUTES

Tuesday, June 11, 2024

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

<u>City Council Closed Session:</u>	5:30 P.M.
<u>City Council Regular Session:</u>	6:00 P.M.

Mayor Moreno called the City Council Meeting to order at 5:31 P.M.

Prior to Roll Call, Mayor Moreno noted that Council Member Newsom was appearing remotely.

Council Member Newsom requested, due to emergency circumstances, to appear remotely pursuant to the provisions of AB 2449 and noted that there were no other adults present in the room with her.

There was Council consensus to proceed with Council Member Newsom's remote participation.

ROLL CALL:

Present: Council Members Bourbeau, Dariz, Newsom (by teleconference), Mayor Pro Tem Funk, and Mayor Moreno

Absent: None

Others Present: None

Staff Present: City Manager James R. Lewis, Deputy City Manager/City Clerk Lara Christensen, City Attorney Dave Fleishman, and HR Manager Rachel Hunter.

CITY COUNCIL CLOSED SESSION:

Mayor Moreno called the Closed Session Meeting to order at 5:32 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** (Gov. Code Sec. 54957.6)
Agency designated representatives: James R. Lewis, City Manager
Employee organizations: 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

6. CLOSED SESSION — REPORT, if any

City Attorney Fleishman reported that there was no reportable action from Closed Session.

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

Mayor Moreno called the meeting to order at 6:02 P.M. and Council Member Bourbeau led the Pledge of Allegiance.

ROLL CALL:

Present: Council Members Bourbeau, Dariz, Newsom (by teleconference), Mayor Pro Tem Funk, and Mayor Moreno

Absent: None

Others Present: Treasurer Sibbach (by teleconference)

Staff Present: City Manager James R. Lewis, Deputy City Manager/City Clerk Lara Christensen, Deputy Administrative Services Director Cindy Chavez, Fire Chief Casey Bryson, Police Chief Dan Suttles, Public Works Director Nick DeBar, Community Development Director Phil Dunsmore, Community Services & Promotions Director Terrie Banish, City Attorney Dave Fleishman, Deputy City Manager – IT Luke Knight, Deputy Director of Economic & Community Development Loreli Cappel, and Planning Manager Kelly Gleason.

A. CONSENT CALENDAR:

1. City Council Draft Minutes – May 28, 2024, Regular Meeting

- Recommendation: Council approve the May 28, 2024, Draft City Council Regular Meeting Minutes. [City Clerk]

2. Fiscal Year 2024-2025 Appropriations Limit (Gann)

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution, establishing the annual spending limit for fiscal year 2024-2025. [Administrative Services]

3. Public Safety Labor Agreements

- Fiscal Impact: For fiscal year 2024-2025, it is estimated that salary adjustments will cost approximately \$315,000. Fiscal years 2025-2026 and 2026-2027 are expected to cost an additional \$1,500,000.

- Recommendation: Council:
 1. Approve the Memorandum of Understanding for the Atascadero Police Association.
 2. Approve the Memorandum of Understanding for the Atascadero Professional Firefighters Local 3600.
 3. Authorize the Director of Administrative Services to appropriate \$315,000 in General Fund reserves for the salary adjustments for fiscal year 2024-2025. [City Manager]
- 4. **Adopting List of Projects for Fiscal Year 2024-2025 Funded by SB 1: The Road Repair and Accountability Act of 2017**
 - Fiscal Impact: Approval of the Draft Resolution adopting the list of projects for SB 1 funding will allow the City to receive an estimated \$797,214 in 2024-2025 SB 1 funding.
 - Recommendation: Council adopt Draft Resolution, adopting a list of projects to be funded with Road Maintenance and Rehabilitation Account revenues from SB 1 (The Road Repair and Accountability Act of 2017) for Fiscal Year 2024-2025. [Public Works]
- 5. **Authorizing Temporary Road Closures for 2024 Hot El Camino Cruise Nite and Colony Days Parade Routes**
 - Fiscal Impact: None.
 - Recommendation: Council:
 1. Adopt Draft Resolution A, authorizing temporary road closures and restrictions on August 16, 2024, for the Hot El Camino Cruise Nite.
 2. Adopt Draft Resolution B, authorizing temporary road closures and restrictions on October 5, 2024, for the Colony Days Parade. [Public Works]

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION BY: Bourbeau

SECOND BY: Funk

1. **Approve Consent Calendar (#A-2: Resolution No. 2024-030) (#A-3: Contract Nos. 2024-007 and 2024-008) (#A-4: Resolution No. 2024-031) (#A-5: Resolution Nos. 2024-032 and 2024-033).**

AYES (5): Bourbeau, Dariz, Newsom, Funk, and Moreno

Passed 5-0

UPDATES FROM THE CITY MANAGER:

City Manager Lewis gave an update on projects and events within the City.

COMMUNITY FORUM:

The following persons spoke by telephone or through the webinar: Barbara Combs, Nadia Levine, Josh Cross, Thom Waldman, Geoff Auslen, Sadie Joy, Taylor-Anne Vaughan, Samuel Weissman, Michael Massey, and Will Ampschaed.

Mayor recessed the meeting at 6:48 P.M. while the virtual/teleconference functionality was disconnected, requiring Council Member Newsom to leave the meeting, pursuant to the requirements of AB 2449.

Council Member Newsom rejoined the meeting at 6:53 P.M. after the virtual/teleconference functionality was reconnected.

B. PUBLIC HEARINGS:

1. Objective Design Standards

- Fiscal Impact: None.
- Recommendation: Planning Commission recommends Council introduce, for first reading, by title only, Draft Ordinance to establish objective design standards for multifamily and mixed-use developments and update existing development standards in Title 9 for consistency. [Community Development]

Ex-Parte: None.

Community Development Director Dunsmore and Senior Planner Gleason gave the report and answered questions from Council. Genevieve Sharrow with MIG also answered questions from Council.

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: Geoff Auslen, David Ledger, and Michael Massey.

Mayor Moreno closed the Public Comment period.

Mayor Moreno recessed the meeting at 8:14 P.M.

Council Member Newsom left the meeting at 8:14 P.M.

Mayor Moreno reconvened the meeting at 8:26 P.M. with all other Council Members present

MOTION BY: Funk

SECOND BY: Dariz

1. Introduce, on first reading, by title only, Draft Ordinance to establish objective design standards for multifamily and mixed-use developments and update existing development standards in Title 9 of the Atascadero Municipal Code for consistency, with the following changes:

- Amend Section 9-3.262(c)(4)(i)(c) – Property Development Standards - RMF as follows:

~~Public art or interactive art~~, Art installation, such as sculpture, murals, or water features. A mural must measure at least one-hundred twenty (120) square feet; sculptures (including any decorative base) and water features must have a

minimum cumulative footprint of twenty-five (25) square-feet and must be part of a communal amenity space.

• **Amend Section 9-4.106(b)(1)(i-ii) – Street Setbacks as follows:**

~~(b) RMF Zones and Residential Uses in Commercial and Industrial Zones (excluding DC and DO Zones).~~

~~(1) All residential units must have a minimum setback of fifteen (15) feet.~~

~~(2) All garages or covered parking areas oriented toward the street must have a minimum setback of twenty (20) feet from the street to which it is oriented.~~

~~(3) All other accessory structures associated with the residential use must comply with 9-4.106(b)(1).~~

(1) Primary Street Setbacks.

(i) El Camino Real and Morro Road. For properties with street frontage on El Camino Real, all residential units must have a setback of fifteen (15) feet.

Section 9-4.106(g) does not apply for any street frontage on El Camino Real or Morro Road.

(ii) All Other Primary Street Frontages. For properties with street frontage on all other streets besides El Camino Real or Morro Road, all residential units must have a minimum primary setback of twelve (12) feet.

• **Amend Section 9-4.125(a)(5) – Landscape Standards as follows:**

(5) Street Trees. Minimum fifteen (15)-gallon street trees shall be provided along all public and private street frontages. Number of trees shall be determined based on property frontage and required spacing. Rounding of non-whole numbers shall be per Section 9-1.109(b)(4).

c. Accent Trees. Accent Trees shall be planted within an unpaved planting area and in compliance with Section 9-4.126 as follows:

1. Within a maximum spacing of twenty-five (25) feet on center between trees;
2. With a three (3)-foot minimum distance from back of sidewalk; and
3. With a five (5)-foot minimum distance to buildings on all sides.
4. Encroachment with flatwork for outdoor amenity spaces may occur provided that a minimum ~~6 feet by 6 feet~~ 4-foot by 4-foot open planter area is maintained.

• **Amend Section 9-4.159(b) as follows:**

(b) Where Required. Within the urban services line, concrete curb, gutter, and sidewalk is required with any project in the following areas:

- (1)** In all commercial zones, except in commercial areas oriented to highway travel unless pedestrian, vehicular and use characteristics of the project and surrounding area indicate a need for the improvements.
- (2)** In the RMF Zones, except where the right-of-way is not of sufficient width to accommodate sidewalks on both sides, the City Engineer may allow alternative improvements to accommodate pedestrian walking surface on one side of the street and parking on the other side of the street.
- (3)** In all industrial zones, except that sidewalks may not be required unless pedestrian, vehicular and use characteristics of the project and surrounding area indicate a need for the improvements.
- (4)** In areas designated by any Curb, Gutter and Sidewalk Plan adopted by the City Council.
- (5)** In Planned Developments except where an alternative pedestrian path system is proposed and accepted by the City Engineer.

(6) Along El Camino Real.

(7) Along Morro Road (Capistrano Avenue to San Gabriel Road).

• **Amend Section 9-9.102 to add the following definitions:**

Abutting/Adjoining. Contiguous to; having district boundaries or lot lines in common (i.e., not separated by an alley, public or private right-of-way, or street).

Adjacent. The condition of being near to or close to but not necessarily having a common dividing line. Two properties that are separated by an alley, public or private right-of-way, street, public access easement, or creek, river, stream, or other natural or artificial waterway shall be considered as adjoining one another. See also "Abutting/Adjoining."

Open Space, Common. Open space that is accessible to all dwelling units on the site in the form of courtyards, landscaping, pedestrian paths, and recreational facilities.

Open Space, Private. Open space that is accessible directly from the living area of a dwelling unit in the form of a fenced yard or patio, a deck, or balcony.

Open Space, Usable. Areas designed and intended to support residents' passive or active use and located on the same parcel as the dwelling units for which it is required, or development where shared access and use is provided. Usable open space shall not include any portion of parking areas, streets, driveways, sidewalks, or turnaround areas. Usable open space shall be measured horizontally (vertical landscape elements shall not be considered usable open space).

AYES (4): Bourbeau, Dariz, Funk, and Moreno

ABSENT (1): Newsom

Passed 4-0

2. **Economic Development Subsidy – Restaurant Incentive Loan Program**

- **Fiscal Impact:** This program will use \$1,000,000 in General Funds for the loans and third-party loan administration; all interest income will be put back into the program.
- **Recommendation:** Council:
 1. Conduct a public hearing to receive public testimony on the Economic Development Subsidy for the City's Restaurant Incentive Loan Program.
 2. Receive and file the information on the Subsidy required pursuant to Government Code Section 53083. [Community Development]

Ex-Parte: None.

Deputy Director of Economic & Community Development Cappel gave the report and answered questions from Council.

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: Geoff Auslen.

Mayor Moreno closed the Public Comment period.

The Economic Development Subsidy information was received and filed.

3. Downtown Parking and Business Improvement Area (DPBIA) Confirmation of Annual Assessment for Fiscal Year 2024-2025

- Fiscal Impact: Adopting the staff recommendation will result in the collection of approximately \$14,500 and expenditure of \$14,500 in budgeted DPBIA funds.
- Recommendation: Council adopt Draft Resolution, confirming the annual assessment for the Downtown Parking Business Improvement Area (DPBIA) for Fiscal Year 2024-2025. [Community Services & Promotions]

Ex-Parte: None.

Community Services & Promotions Director Banish gave the report and answered questions from Council.

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: Josh Cross.

Mayor Moreno closed the Public Comment period.

MOTION BY: Funk
SECOND BY: Bourbeau

1. Adopt Draft Resolution, confirming the annual assessment for the Downtown Parking Business Improvement Area (DPBIA) for Fiscal Year 2024-2025.

AYES (4): Bourbeau, Dariz, Funk, and Moreno
ABSENT (1): Newsom

Passed 4-0

4. Atascadero Tourism Business Improvement District (ATBID) Confirmation of Annual Assessment for Fiscal Year 2024-2025

- Fiscal Impact: Annual assessments are expected to be approximately \$422,400, and expenditures are budgeted at \$432,470 for fiscal year 2024-2025.
- Recommendation: Council adopt Draft Resolution, confirming the annual assessment for the Atascadero Tourism Business Improvement District (ATBID) for Fiscal Year 2024-2025. [Community Services & Promotions]

Ex-Parte: None.

Community Services & Promotions Director Banish gave the report and answered questions from Council.

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION BY: Bourbeau

SECOND BY: Funk

1. Adopt Draft Resolution, confirming the annual assessment for the Atascadero Tourism Business Improvement District (ATBID) for Fiscal Year 2024-2025.

AYES (4): Bourbeau, Dariz, Funk, and Moreno

ABSENT (1): Newsom

Passed 4-0

C. MANAGEMENT REPORTS:

1. General Municipal Election – November 5, 2024

- Fiscal Impact: \$74,130 in General Funds.
- Recommendation: Council:
 1. Introduce, for first reading, by title only, Draft Ordinance A amending Title 3, Chapter 17 of the Atascadero Municipal Code, extending a transactions and use tax to be administered by the California Department of Tax and Administration.
 2. Introduce, for first reading, by title only, Draft Ordinance B amending Title 2, Chapters 4, 7, 14, and 20 of the Atascadero Municipal Code, stating that the City Treasurer is appointive and authorizing the City Manager to appoint the City Treasurer, subject to adoption by the electorate.
 3. Adopt the following Draft Resolutions for the purpose of electing a Mayor, two members to the City Council, and to submit ballot measures to the voters:
 - a) Draft Resolution A, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 5, 2024, for the election of certain officers, approving ballot measure text related to the extension of Measure F-14, and submission to the voters a question relating to the City Treasurer position; and
 - b) Draft Resolution B, requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 5, 2024; and
 - c) Draft Resolution C, setting priorities for filing written arguments regarding the City measures and directing the City Attorney to prepare an impartial analysis; and
 - d) Draft Resolution D, providing for the filing of rebuttal arguments for City measures submitted at Municipal Elections.
 4. Authorize the Director of Administrative Services to appropriate \$31,000 of General Fund reserves in fiscal year 2024-2025 to the City Clerk budget for the November 5, 2024, General Municipal Election. [City Clerk]

Deputy City Manager/City Clerk Christensen gave the report and answered questions from Council.

PUBLIC COMMENT:

Mayor Moreno opened the Public Comment period.

The following persons spoke on this item: Geoff Auslen and Josh Cross.

Mayor Moreno closed the Public Comment period.

MOTION BY: Bourbeau
SECOND BY: Dariz

1. Introduce, on first reading, by title only, Draft Ordinance A amending Title 3, Chapter 17 of the Atascadero Municipal Code, extending a transactions and use tax to be administered by the California Department of Tax and Administration.
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4. Authorize the Director of Administrative Services to appropriate \$31,000 of General Fund reserves in fiscal year 2024-2025 to the City Clerk budget for the November 5, 2024, General Municipal Election.

AYES (4): Bourbeau, Dariz, Funk, and Moreno
ABSENT (1): Newsom

Passed 4-0

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

The following Council Members gave brief update reports on their committees since their last Council meeting:

Mayor Moreno

4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Funk

3. Homeless Services Oversight Council

Council Member Bourbeau

3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee

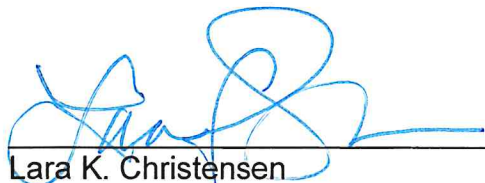
Council Member Dariz

1. Air Pollution Control District
5. Visit SLO CAL Advisory Committee

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None.

ADJOURNMENT

MINUTES PREPARED BY:

A handwritten signature in blue ink, appearing to read 'Lara K. Christensen', is written over a horizontal line.

Lara K. Christensen
City Clerk

APPROVED: June 25, 2024