



# CITY OF ATASCADERO CITY COUNCIL

## Minutes

Tuesday, December 10, 2024

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

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

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

Mayor Moreno called the meeting to order at 6:00 p.m. and Council Member Bourbeau led the Pledge of Allegiance.

### ROLL CALL:

Present: Mayor Moreno, Mayor Pro Tem Funk, Council Members Bourbeau, Dariz and Newsom

Absent: None

Others Present: City Treasurer Gere Sibbach

Staff Present: City Manager James R. Lewis, Deputy City Manager/City Clerk Lara Christensen, Administrative Services Director Jeri Rangel, 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

### A. CONSENT 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]
  8. **2<sup>nd</sup> 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. **2<sup>nd</sup> 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]

**PUBLIC COMMENT:**

***Mayor Moreno opened the Public Comment period.***

The following persons spoke on this item: Scott Newton, Robert Piatti

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

**MOTION BY:** Bourbeau  
**SECOND BY:** Funk

1. **Approve Consent Calendar Items #A1-6 and 8-10 (#A3: Resolution No. 065, #A8: Ordinance No. 677, #A9: Ordinance No.678 & 679, #A10: Resolution No. 066 & 067)**

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

***Passed 5-0***

***Mayor Moreno removed Consent Item #A-7 for separate discussion and vote.***

**7. 2<sup>nd</sup> Reading - Newton Development Agreement (DEV24-0075) Ordinance**

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- 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

**MOTION BY:** Bourbeau  
**SECOND BY:** Funk

**1. Approve Consent Calendar Items A3 (#A3: Ordinance 680)**

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

***Passed 5-0***

**B. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:**

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

Mayor Moreno

1. SLO Council of Governments (SLOCOG)

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. Coats For Kids

Council Member Dariz

1. Community Action Partnership of San Luis Obispo (CAPSLO)
2. Design Review Committee
3. Visit SLO CAL Advisory Committee

**PRESENTATIONS:**

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

Mayor Moreno, on behalf of the City Council, read a history on Treasurer Gere Sibbach. Administrative Services Director Jeri Rangel and Council Member Bourbeau also spoke. Mayor Moreno thanked him for his service to Atascadero by presenting him with an obelisk listing his years of service.

Council Member Bourbeau, on behalf of the City Council, read a history on Mayor Heather Moreno and thanked her for her service to Atascadero by presenting her with an obelisk listing her years of service.

**OATHS OF OFFICE:**

**1. Administration of Oaths of Office**

- Swearing in of Mayor Charles Bourbeau and Council Members Mark Dariz and Seth Peek

Deputy City Manager/City Clerk Christensen conducted the Oath of Office for the newly elected officials and distributed their Certificates of Election.

**ROLL CALL:**

Present: Mayor Bourbeau, Council Members Funk, Dariz, Newsom and Peek

Absent: None

Others Present: None

Staff Present: City Manager James R. Lewis, Deputy City Manager/City Clerk Lara Christensen, Administrative Services Director Jeri Rangel, 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

**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.

**MOTION BY:** Funk

**SECOND BY:** Newsom

**1. Nominate Mark Dariz for the position of Mayor Pro Tem.**

**AYES (5):** Funk, Newsom, Dariz, Peek and Bourbeau

***Passed 5-0***

**Mayor Bourbeau recessed the Meeting at 6:40 p.m.**

**Mayor Bourbeau reconvened the Meeting at 6:58 p.m. with all present.**

**UPDATES FROM THE CITY MANAGER:**

City Manager James R. Lewis gave an update on projects and issues within the City.

**COMMUNITY FORUM:**

The following citizens spoke during Community Forum: Susan Warren, Wendy Blackard, Babette Decou, Jay Decou, Maggie Payne

**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]

Ex Parte Communications: None

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

**PUBLIC COMMENT:**

***Mayor Bourbeau opened the Public Comment period.***

The following citizens spoke on this item: Angela Cisneros, Josh Cross

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

Deputy City Manager/City Clerk Christensen reported that she had tabulated the results and that no protests were received.

**MOTION BY:** Funk  
**SECOND BY:** Newsom

1. **Based on no majority protest, to adopt on second reading, by title only, 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% for the remainder of FY 2024-2025**

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

***Passed 5-0***

**D. MANAGEMENT REPORTS:**

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**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]

**PUBLIC COMMENT:**

***Mayor Bourbeau opened the Public Comment period.***

The following citizens spoke on this item: Gere Sibbach

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

**MOTION BY:** Funk  
**SECOND BY:** Newsom

**1. Appoint Jeri Rangel to fill the vacant City Treasurer position.**

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

***Passed 5-0***

*Deputy City Manager/City Clerk Christensen conducted the Oath of Office for Jeri Rangel.*

**E. COMMITTEE REPORTS:**

Mayor Bourbeau announced his appointments to the various standing committees:

**City Council Standing Committees**

<b>COMMITTEE / AGENCY</b>	<b>APPOINTEE</b>	<b>ALTERNATE</b>
<b>Air Pollution Control District</b>	Dariz	Bourbeau
<b>Atascadero Basin Groundwater Sustainability Agency</b>	Funk	Bourbeau
<b>California Joint Powers Insurance Authority (CJPIA) Board</b>	Dariz	Staff: Lewis, Christensen
<b>Community Action Partnership of San Luis Obispo (CAPSLO)</b>	Dariz	Funk
<b>City / Schools Committee</b>	Newsom, Peek	none

<b>City Selection Committee</b>	Bourbeau	Dariz
<b>County Mayors Round Table</b>	Bourbeau	Dariz
<b>Design Review Committee</b>	Funk (Chair), Peek	none
<b>REACH SLO Advisory Commission (formerly EVC Board of Directors)</b>	Funk	Newsom
<b>Finance Committee</b>	Newsom (Chair), Peek	none
<b>Homeless Services Oversight Council</b>	Funk	Bourbeau
<b>Integrated Waste Management Authority</b>	Bourbeau	Funk
<b>League of California Cities- Council Liaison</b>	Newsom	Funk
<b>SLO Council of Governments (SLOCOG)</b>	Newsom	Bourbeau
<b>SLO Regional Transit Authority (RTA)</b>	Newsom	Bourbeau
<b>Water Resources Advisory Committee (WRAC)</b>	Peek	Staff: DeBar
<b>Visit SLO CAL Advisory Committee</b>	Dariz	Bourbeau

**F. INDIVIDUAL DETERMINATION AND / OR ACTION:**

*Deputy City Manager/City Clerk Christensen gave an update on the Commission and Committee appointments.*

**ADJOURN TO CITY COUNCIL CLOSED SESSION**

Mayor Bourbeau recessed the Regular Meeting at 7:44 p.m. and called the Closed Session Meeting to order at 7:45 p.m.

**CITY COUNCIL CLOSED SESSION:**

**1. CLOSED SESSION — PUBLIC COMMENT**

*Mayor Bourbeau opened the Public Comment period.*

The following persons spoke on this item: None.

*Mayor Bourbeau closed the Public Comment period.*

**2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**

**3. CLOSED SESSION — CALL TO ORDER**



**a. Conference with Legal Counsel – Anticipated Litigation**

Significant exposure to litigation pursuant to Government Code §54956.9(d)(4) – one potential case

**4. CLOSED SESSION — ADJOURNMENT**

Following Closed Session, the meeting was adjourned at 8:55 p.m.; no reportable action.

**MINUTES PREPARED BY:**

*Alyssa Slater*

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Alyssa Slater  
Deputy City Clerk

**APPROVED:** 1/14/25