



CITY OF ATASCADERO CITY COUNCIL AGENDA

*** COVID-19 NOTICE ***

Based on the threat of COVID-19 as reflected in Emergency Proclamations issued by the State of California, County of San Luis Obispo and City of Atascadero and consistent with Executive Order N-29-20 the City Council Meeting will not be physically open to the public and City Council Members will be teleconferencing into the meeting.

HOW TO OBSERVE THE MEETING:

To maximize public safety while still maintaining transparency and public access, the meeting will be live-streamed on SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and 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 or by visiting https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA.

HOW TO SUBMIT PUBLIC COMMENT:

Members of the public are highly encouraged to call **805-538-2888** to listen and provide public comment via phone, or submit written public comments to cityclerk@atascadero.org by 5:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be read into the record, with a maximum allowance of 3 minutes per individual comment, subject to the Mayor's discretion. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. If a comment is received after the agenda item is heard but before the close of the meeting, the comment will still be included as a part of the record of the meeting but will not be read into the record.

AMERICAN DISABILITY 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.

City Council agendas and minutes may be viewed on the City's website: www.atascadero.org.

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 either read into 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

AGENDA

Tuesday, May 25, 2021

**City Hall Council Chambers, 4th floor
6500 Palma Avenue, Atascadero, California**

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

COUNCIL CLOSED SESSION: 5:00 P.M.

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
 - a. Public Employee Performance Evaluation (Govt. Code 54957)**
Title: City Manager
 - b. Public Employee Performance Evaluation (Govt. Code 54957)**
Title: City Attorney
 - c. Conference with Labor Negotiators (Govt. Code Sec. 54957.6)**
Agency designated representatives: Rachele Rickard, City Manager
Employee Organizations: Atascadero Professional Firefighters, Local 3600;
Atascadero Police Association; 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**

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

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

PLEDGE OF ALLEGIANCE: Mayor Moreno

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

APPROVAL OF AGENDA: Roll Call

Recommendation: Council:

1. Approve this agenda; and
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

PRESENTATIONS: None.

A. CONSENT CALENDAR: (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.)

1. City Council Draft Action Minutes – May 11, 2021

- Recommendation: Council approve the May 11, 2021 Draft City Council Regular Meeting Minutes. [City Clerk]

2. April 2021 Accounts Payable and Payroll

- Fiscal Impact: \$2,405,702.17
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for April 2021. [Administrative Services]

3. March 2021 Investment Report

- Fiscal Impact: None.
- Recommendation: Council receive and file the City Treasurer's report for quarter ending March 31, 2021. [City Treasurer]

4. Traffic Way Sewer Main Replacement Construction Award

- Fiscal Impact: Award of the contracts to Specialty Construction and Filippin Engineering will result in the expenditure of \$3,038,610 of wastewater funds.
- Recommendations: Council:
 1. Award a construction contract for \$2,740,040 to Specialty Construction, Inc. for the Traffic Way Sewer Main Replacement Project (Project No. C2019W01).

2. Authorize the City Manager to execute a construction contract with Specialty Construction, Inc. for \$2,740,040 for the Traffic Way Sewer Main Replacement Project.
 3. Authorize the City Manager to execute a contract with Filippin Engineering for \$298,570 for construction management and materials testing services for the Traffic Way Sewer Main Replacement Project.
 4. Authorize the Director of Administrative Services to allocate an additional \$1,236,900 in Wastewater Enterprise Fund balance to the Traffic Way Sewer Main Replacement Project.
 5. Authorize the Director of Public Works to file a Notice of Completion with the County Recorder upon satisfactory completion of the Project. [Public Works]
- 5. Appointment of Board Members to the Atascadero Tourism Business Improvement District (ATBID) Board**
- Fiscal Impact: None.
 - Recommendation: Council appoint Corina Ketchum and Tom O'Malley to the ATBID Advisory Board for the term expiring June 30, 2023. [City Manager]
- 6. Atascadero Tourism Business Improvement District (ATBID) Annual Assessment**
- Fiscal Impact: None.
 - Recommendations: Council:
 1. Approve the ATBID Annual Report.
 2. Adopt Draft Resolution declaring intent to levy an annual Business Improvement District assessment on lodging businesses within the Atascadero Tourism Business Improvement District, and set a public hearing for June 8, 2021. [City Manager]
- 7. Downtown Parking & Business Improvement Area (DPBIA) Assessment**
- Fiscal Impact: None.
 - Recommendation: Council adopt Draft Resolution, declaring intent to levy the annual Downtown Parking and Business Improvement Area assessment, and set a public hearing for June 8, 2021. [City Manager]

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.)

B. PUBLIC HEARINGS:

1. Proposition 218 Majority Protest Process Relative to Proposed Increase to Wastewater (Sewer) Rates

- Fiscal Impact: Approving staff recommendations will generate an estimated \$530,000 in additional revenue from sewer service charges collected in FY21/22.
- Recommendations: Council:
 1. Conduct a public hearing to receive all written and verbal testimony regarding the proposed wastewater (sewer) rates and consider the results of protest proceedings in accordance with Proposition 218.
 2. Adopt one of the following resolutions certifying the protest results:
 - A. For a non-majority protest – Draft Resolution A certifying that the number of valid written protests were not received from property owners representing a majority of the parcels subject to the proposed rate increase.

OR

- B. For a majority protest – Draft Resolution B certifying that the number of valid written protests were received from property owners representing a majority of the parcels subject to the proposed rate increase.
3. If no majority protest exists, adopt Draft Resolution C approving proposed wastewater rates effective July 1, 2021. [Public Works]

2. Title 9 Chapter 17 (Cannabis Activities & Regulations) Municipal Code Amendments to Add Non-Storefront Cannabis Delivery Services and Security Provisions (CPP20-0011)

- Fiscal Impact: Staff expects minimal fiscal impact from the adoption of the proposed Title 9 Chapter 17 Cannabis text amendments and full cost recovery for review of commercial Cannabis businesses projects. Additionally, the allowance of the additional use has the potential to increase tax revenue generation for the City.
- Recommendations: Council:
 1. Introduce for first reading, by title only, Draft Ordinance A amending Atascadero Municipal Code Title 9 Chapter 17 (Cannabis Activities & Regulations) and determining this Ordinance is exempt from review under the California Environmental Quality Act, based on findings.

OR

2. Introduce for first reading, by title only, Draft Ordinance B, amending Atascadero Municipal Code Title 9 Chapter 17 (Cannabis Activities & Regulations) and determining this Ordinance is exempt from review under the California Environmental Quality Act, which includes amendment suggestions discussed by the Planning Commission. [Community Development]

3. Title 9 Planning and Zoning Text Amendments - Annual Code Update (ZCH21-0004)

- Fiscal Impact: None.
- Recommendation: Council introduce for first reading, by title only, a Draft Ordinance, amending the Atascadero Municipal Code, Title 9 Zoning Ordinance, Section 9-2.112 Permit Time Limits, Section 9-3.230 Agriculture and residential district allowable land uses, Section 9-3.262 Property development standards – RMF, Section 9-3.330 Nonresidential district allowable land uses, Section 9-3.331 Mixed Use residential density, Section 9-3.430 Public districts allowable land uses, Section 9-3.500 Definitions, Section 9-4.107 Side setbacks, Section 9-4.112 Measurement of height, Section 9-4.113 Height limitations, Section 9-4.128 Fencing and screening, Section 9-6.103 Accessory storage, Section 9-6.105 Home Occupations, Section 9-6.106 Residential accessory uses, Section 9-6.112 Farm animal raising, Section 9-6.113 Interim agricultural uses, Section 9-2.102 General Definitions, based on findings. [Community Development]

C. MANAGEMENT REPORTS: None.

D. 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 Newsom

1. City / Schools Committee
2. Design Review Committee
3. League of California Cities – Council Liaison
4. Visit SLO CAL Advisory Committee

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. City of Atascadero Finance Committee

Council Member Funk

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

E. 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

Please note: Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.