



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, August 13, 2019

**City Hall Council Chambers, 4th floor
6500 Palma Avenue, Atascadero, California
(Entrance on Lewis Ave.)**

City Council Regular Session:

6:00 P.M.

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

PLEDGE OF ALLEGIANCE: Council Member Newsom

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

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:

1. **Presentation of donations to Friends of the Zoo and Parents for Joy by the Kiwanis Club of Atascadero**

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 – July 9, 2019, July 11, 2019 and July 26, 2019

- Recommendation: Council approve the July 9, 2019, July 11, 2019 and July 26, 2019 Draft City Council Meeting Minutes. [City Clerk]

2. June 2019 Accounts Payable and Payroll

- Fiscal Impact: \$1,441,492.67
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for June 2019. [Administrative Services]

3. June 2019 Investment Report

- Fiscal Impact: None
- Recommendation: Council receive and file the City Treasurer's report for quarter ending June 2019. [Administrative Services]

4. Designation of Voting Delegate - League of California Cities' Annual Conference

- Fiscal Impact: None.
- Recommendation: Council designate Council Member Funk as the voting delegate for the Annual Business Meeting of the League of California Cities' Annual Conference in October 2019, and direct the City Clerk to inform the League of the designation. [City Clerk]

5. Ordinance to Repeal and Replace Title 6 Chapter 6 "No-Smoking Areas Established in Certain Public Places" and Repeal Title 10, Chapter 1, Section 10-1.34 "Smoking and Tobacco Products"

- Fiscal Impact: None.
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance repealing and replacing Title 6, Chapter 6 "No-Smoking areas established in certain public places" of the Atascadero Municipal Code and deleting in its entirety Title 10, Chapter 1, Section 10-1.34 "Smoking and tobacco products". [Police Department]

6. Establishment of Improvement Area No. 1 of Community Facilities District 2005-1 Second Reading

- Fiscal Impact: The project will consist of 42 new residential units, each with an annual levy of \$441.90 per unit, resulting in new annual revenue of approximately \$18,600. The levy is subject to annual adjustment based on the Rate and Method of Apportionment.
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance, authorizing the levy of special taxes in Improvement Area No. 1 of CFD 2005-1. [Community Development]

7. Traffic Way Zone Change (ZCH19-0029) - Atascadero Temple Association

- Fiscal Impact: None.
- Recommendations: Council:
 1. Adopt on second reading, by title only, Draft Ordinance A approving a Zone Map Amendment to 2605, 2607, 3055, and 3255 Traffic Way (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030), based on findings.

2. Adopt on second reading, by title only, Draft Ordinance B, approving Planned Development Overlay Zone No. 35 for 2605, 2607, 3055, and 3255 Traffic Way (APN's 049-063-003, 049-063-004, 049-071-029, 049-071-030), based on findings. [Community Development]

8. Resolution of the City Council to Authorize Application for SB 2 Planning Grants Program Funds

- Fiscal Impact: If awarded, this grant will have a positive fiscal impact, as it will reduce the fiscal burden on the General Fund for housing-related expenses.
- Recommendation: Council approve Draft Resolution authorizing an application for Senate Bill 2 Planning Grants Program Funds to the California Department of Housing and Community Development. [Community Development]

9. 2019 Measure F-14 Pavement Rehabilitation Construction Award

- Fiscal Impact: Up to \$2,800,000
- Recommendations: Council:
 1. Award a construction contract for \$2,072,826 to Souza Construction, Inc. for the 2019 Measure F-14 Pavement Rehabilitation Project (Project No. C2018R01).
 2. Authorize the City Manager to execute a construction contract with Souza Construction, Inc. for \$2,072,826 for the 2019 Measure F-14 Pavement Rehabilitation Project.
 3. Authorize the City Manager to execute a contract for Construction Management and Materials Testing Services for a total not to exceed \$150,000.
 4. Authorize the Director of Administrative Services to allocate an additional \$274,700 in Measure F-14 Fund balance to the 2019 Measure F-14 Pavement Rehabilitation 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]

10. 2019 Storm Drain Culvert Replacements Construction Award

- Fiscal Impact: Up to \$385,000.00.
- Recommendations: Council:
 1. Reject the bid protest and waive bid variances, if any, in the bid by AAAA Engineering Contracting, Inc. as inconsequential.
 2. Award a construction contract for \$288,838 to AAAA Engineering Contracting, Inc. for the 2019 Storm Drain Culvert Replacements Project (Project No. C2017E01).
 3. Authorize the City Manager to execute a contract for \$288,838 with AAAA Engineering Contracting, Inc. for construction of the 2019 Storm Drain Culvert Replacements Project.
 4. Authorize the Director of Administrative Services to reallocate up to \$37,000 in Drainage Facilities Fees from the Storm Drain and Culvert Improvement Program in the event that total project costs exceed \$348,000 for the 2019 Storm Drain Culvert Replacements 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]

11. Delegating Authority to City Engineer

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution delegating authority to City Engineer to take the actions set forth in California Civil Code Section 9204, California Government Code Section 830.6 and California Public Contract Code Section 22039. [Public Works]

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. Confirming the Cost of Vegetative Growth and/or Refuse Abatement

- Ex-Parte Communications:
- Fiscal Impact: The City will receive \$42,624.78 from the 2019/2020 property tax rolls in weed abatement / refuse abatement assessments.
- Recommendation: Council adopt Draft Resolution, confirming the cost of vegetative growth (weeds) and/or refuse (rubbish) abatement. [Fire Department]

2. Emergency Shelter Overlay Zone Update ZCH19-0060 (El Camino Homeless Organization)

- Ex-Parte Communications:
- Fiscal Impact: None.
- Recommendations: Council:
 1. Introduce for first reading, by title only, Draft Ordinance A approving amendments to Atascadero Municipal Code Title 9 Chapter 3 Article 23 ES (Emergency Shelter) Overlay Zone text, based on findings, and
 2. Adopt Draft Resolution A approving a Conditional Use Permit for daytime programming at the existing shelter.
 3. Adopt Draft Resolution B approving the revised El Camino Homeless Organization (ECHO) Operations and Management Plan. [Community Development]

C. MANAGEMENT REPORTS:

1. Balboa Road Repairs for Emergency Access

- Fiscal Impact: Up to \$10,000 in Local Transportation Funds. In addition, a City work crew of three is expected to spend two days performing driving surface maintenance with City equipment.
- Recommendations: Council:
 1. Authorize culvert repairs and driving surface maintenance work on Balboa Road between Otero Road and Llano Road for emergency access.
 2. Authorize the Director of Administrative Services to appropriate \$10,000 in Local Transportation Funds for the culvert repairs and driving surface maintenance work on Balboa Road between Otero Road and Llano Road for emergency access
 3. Direct the Director of Public Works to install traffic signage to notify motorists that Balboa Road between Otero Road and Llano Road is an emergency access only and to deter its use during non-emergency evacuation conditions.
 4. Direct the Director of Public Works to evaluate the feasibility of accepting Balboa Road, between Otero Road and Llano Road into the City's Roadway System as an emergency evacuation route and bring back potential actions necessary for the acceptance of the road. [Public Works]

2. Contract for Animal Care and Control Services Fiscal Years 2019-2022

- Fiscal Impact: \$297,281 in budgeted General Funds for the first year.
- Recommendations: Council authorize the City Manager to execute a three-year contract with the County of San Luis Obispo for the continued provision of Animal Control Services from July 1, 2019 to June 30, 2022, in the amount of \$297,281 for the first year, with annual adjustments based on the service levels provided to the City for each year thereafter. [City Manager]

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. Economic Vitality Corporation, Board of Directors (EVC)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Bourbeau

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

Council Member Fonzi

1. Air Pollution Control District
2. Atascadero Basin Ground Water Sustainability Agency (GSA)

3. City of Atascadero Design Review Committee
4. SLO Local Agency Formation Commission (LAFCo)

Council Member Funk

1. City of Atascadero Finance Committee
2. Homeless Services Oversight Council
3. League of California Cities – Council Liaison

Council Member Newsom

1. California Joint Powers Insurance Authority (CJPIA) Board
2. City / Schools Committee
3. City of Atascadero Design Review Committee
4. Visit SLO CAL Advisory Committee

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

F. 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.

City of Atascadero

WELCOME TO THE ATASCADERO CITY COUNCIL MEETING

The City Council meets in regular session on the second and fourth Tuesday of each month at 6:00 p.m. Council meetings will be held at the City Hall Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Council in the order of the printed Agenda. Regular Council meetings are televised live, audio recorded and videotaped for future playback. Charter Communication customers may view the meetings on Charter Cable Channel 20 or via the City's website at www.atascadero.org. Meetings are also broadcast on radio station KPRL AM 1230. Contact the City Clerk for more information at cityclerk@atascadero.org or (805) 470-3400.

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 during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and 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 in the City Clerk's office.

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA

Under Agenda item, "COMMUNITY FORUM", the Mayor will call for anyone from the audience having business with the Council to approach the lectern and be recognized.

1. Give your name for the record (not required)
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Mayor and Council.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present

This is the time items not on the Agenda may be brought to the Council's attention. A maximum of 30 minutes will be allowed for Community Forum (unless changed by the Council). If you wish to use a computer presentation to support your comments, you must notify the City Clerk's office at least 24 hours prior to the meeting. Digital presentations must be brought to the meeting on a USB drive or CD. You are required to submit to the City Clerk a printed copy of your presentation for the record. Please check in with the City Clerk before the meeting begins to announce your presence and turn in the printed copy.

TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)

Members of the audience may speak on any item on the agenda. The Mayor will identify the subject, staff will give their report, and the Council will ask questions of staff. The Mayor will announce when the public comment period is open and will request anyone interested to address the Council regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Mayor
2. Give your name (not required)
3. Make your statement
4. All comments should be made to the Mayor and Council
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present
6. All comments limited to 3 minutes

The Mayor will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Council.