



# **CITY OF ATASCADERO CITY COUNCIL**

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## **MINUTES**

**Tuesday, March 28, 2023**

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

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

### **CITY COUNCIL CLOSED SESSION: 5:00 P.M.**

Mayor Moreno called Closed Session to order at 5:00 p.m.

#### **1. ROLL CALL**

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

Absent: None

Others Present: None

Staff Present: City Manager Rachelle Rickard, Attorney Karl Berger, Deputy City Manager/City Clerk Lara Christensen, and Deputy City Manager – IT Luke Knight

#### **2. CLOSED SESSION -- PUBLIC COMMENT – None**

#### **3. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**

Deputy City Manager/City Clerk Christensen and Deputy City Manager – IT Knight did not attend this portion of the meeting.

#### **4. CLOSED SESSION -- CALL TO ORDER**

##### **a. Conference regarding Public Employment (Govt. Code Sec. 54957)**

Title: City Manager

- b. Conference with Labor Negotiators** (Govt. Code Sec. 54957.6)  
Agency designated representatives: Rachelle 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

**5. CLOSED SESSION – ADJOURNMENT**

**6. COUNCIL RETURNS TO CHAMBERS**

**7. CLOSED SESSION – REPORT**

City Attorney Berger 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 6:01 p.m. and Council Member Bourbeau led the Pledge of Allegiance.

**ROLL CALL:**

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

Absent: Council Member Newsom

Others Present: None

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Acting Police Chief Bob Molle, Public Works Director Nick DeBar, City Attorney Karl Berger, Deputy City Manager/City Clerk Lara Christensen, Deputy City Manager – IT Luke Knight, and Senior Planner Kelly Gleason.

**APPROVAL OF AGENDA:**

- MOTION:** By Council Member Dariz and seconded by Council Member Bourbeau to:
- 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.**

*Motion passed 4:0 by a roll-call vote. Newsom absent.*

**PRESENTATIONS:**

- 1. Fire Department Commendation for Members of the Atascadero Pickleball Club**

Fire Chief Casey Bryson and staff from the Fire Department recognized Frank and Barbara Clyburn, Gail Davidson, Janice Graham, Darla Hunt, Donna Martin, and Dave Mulvey for their lifesaving efforts on September 19, 2022.

**A. CONSENT CALENDAR:**

**1. City Council Draft Action Minutes – March 14, 2023 Emergency and Regular Meetings**

- Recommendation: Council approve the March 14, 2023 Draft City Council Emergency and Regular Meeting Minutes. [City Clerk]

**2. February 2023 Accounts Payable and Payroll**

- Fiscal Impact: \$2,063,480.54.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for February 2023. [Administrative Services]

**3. Via Avenue Over Atascadero Creek Bridge Replacement Project Construction Phase Award**

- Fiscal Impact: \$3,310,568 in Highway Bridge Replacement and Rehabilitation Program grant funds and \$428,919 in Local Transportation Funds.
- Recommendation: Council:
  1. Award a construction contract for \$3,146,629 to Souza Construction for the Via Avenue Bridge Replacement Project (City Project No. C2015B01, Federal Project No. BRLS-5423[032]);
  2. Approve a professional services contract for \$517,858 with Filippin Engineering, Inc. to provide construction engineering and inspection services for the Via Avenue Bridge Replacement Project; and
  3. Approve a professional services contract amendment for \$75,000 with Consor Engineers (previously Quincy Engineering) to provide construction design support services for the Via Avenue Bridge Replacement Project; and
  4. Authorize the Director of Administrative Services to appropriate an additional \$186,960 of Local Transportation Funds for the Via Avenue Bridge Replacement Project. [Public Works]

**MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Funk to approve the Consent Calendar Items. (#A-3: Ordinance Nos. 661 and 662)**

***Motion passed 4:0 by a roll-call vote. Newsom absent.***

**UPDATES FROM THE CITY MANAGER:**

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

**COMMUNITY FORUM:**

The following persons spoke in-person by telephone or through the webinar: Geoff Auslen, Josh Cross, and Max Zappas.

**B. PUBLIC HEARINGS:**

**1. Appeal Vesting Tentative Tract Map for 10850 El Camino Real**

- Fiscal Impact: None.
- Recommendation: Council:
  1. Adopt Draft Resolution A, affirming the Planning Commission’s approval of a Vesting Tentative Tract Map (TR 3187) for a 32-lot subdivision with 43 airspace condominiums on Lot 31, located at APN 054-351-008, subject to findings and conditions of approval.

**OR**

2. Adopt Draft Resolution B, reversing the Planning Commission’s action and denying a Vesting Tentative Tract Map (TR 3187) for a 32-lot subdivision with 43 airspace condominiums on Lot 31, located at APN 054-351-008, subject to findings. [Community Development]

Ex Parte:

All Council Members reported receiving public comment emails on the project. Mayor Pro Tem Funk reported making a site visit and speaking with a neighbor. Council Member Bourbeau also reported making a site visit. Mayor Moreno reported being a part of the original map approval on the project in 2017.

Community Development Director Dunsmore gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: John Belsher, Paula Ramsum, Robert Montoya (Exhibit A), Ann Gordon, John Carnesale, and Max Zappas

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

**MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to adopt Resolution No. 2023-010, affirming the Planning Commission’s approval of a Vesting Tentative Tract Map (TR 3187) for a 32-lot subdivision with 43 airspace condominiums on Lot 31, located at APN 054-351-008, subject to findings and conditions of approval.  
*Motion passed 4:0 by a roll-call vote. Newsom absent.***

***Mayor Moreno recessed the meeting at 7:30 p.m.  
Mayor Moreno reconvened the meeting at 7:40 p.m. with all present.***

**2. Barrel Creek**

- Fiscal Impact: None.
- Recommendation: The Planning Commission recommends Council:
  1. Adopt Draft Resolution A, certifying the Mitigated Negative Declaration prepared for the Barrel Creek Project; and
  2. Adopt Draft Resolution B, approving a General Plan Amendment modifying the General Plan Designation of the Barrel Creek Project site from

- Suburban Estates (SE) to Medium Density Residential (MDR) and Commercial Park (CPK), and moving the Urban Services Line to accommodate the project boundary; and
3. Introduce, for first reading, by title only, Draft Ordinance A, approving of a Zone Map Change modifying the zoning map designation of the Barrel Creek Project from Residential Suburban (RS) to Residential Multi-Family 10 (RMF-10) and Commercial Park (CPK); and
  4. Introduce, for first reading, by title only, Draft Ordinance B, approving a Zoning Text Amendment to establish Planned Development Overlay Zone No. 38 (PD38) over the Barrel Creek Project site; and
  5. Adopt Draft Resolution C, approving a Conditional Use Permit, establishing a Master Plan of Development, and Vesting Tentative Tract Map for Tract 3177, approving a commercial and residential subdivision for the Barrel Creek site with associated tree removal, master sign program, and height exceptions. [Community Development]

Ex Parte:

All Council Members reported receiving public comment emails on the project. Council Member Bourbeau reported speaking with Geoff Auslen.

Community Development Director Dunsmore and Senior Planner Gleason gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: Geoff Auslen, Rick Franco, Don Hubert, Pedro Ramirez, Janice Petko, Matthew Garcia, Garrett Kruse, Zack, Marshawn Porter, Gunther Bashira, Josh Cross, Mary Ann Tardiff, Jennifer Chance, Heidi Grand, Max Zappas, Mike Dickey, JuLee Rocha, Paul Martinez, C. Lee, and Mark Rawlinson.

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

***Mayor Moreno recessed the meeting at 10:10 p.m.***

***Mayor Moreno reconvened the meeting at 10:21 p.m. with all present.***

- MOTION:** By Council Member Bourbeau and seconded by Mayor Pro Tem Funk to:
1. Adopt Resolution No. 2023-011, certifying the Mitigated Negative Declaration prepared for the Barrel Creek Project.
  2. Adopt Resolution No. 2023-012 approving a General Plan Amendment modifying the General Plan Designation of the Barrel Creek Project site from Suburban Estates (SE) to Medium Density Residential (MDR) and Commercial Park (CPK), and moving the Urban Services Line to accommodate the project boundary.
  3. Introduce, for first reading, by title only, Draft Ordinance A, approving of a Zone Map Change modifying the zoning map designation of the Barrel Creek Project from Residential

Suburban (RS) to Residential Multi-Family 10 (RMF-10) and Commercial Park (CPK).

4. Introduce, for first reading, by title only, Draft Ordinance B, approving a Zoning Text Amendment to establish Planned Development Overlay Zone No. 38 (PD38) over the Barrel Creek Project site with the following changes to Exhibit A (Establishment of Planned Development Overlay No. 38):

- Amend Section (c)(3) under Commercial Development to add – ***Commercial signs facing west toward the parking lot between the commercial area and the apartments shall be dimmable and shall be dimmed between the hours of 10PM and 7AM.***
- Amend Section (c)(7) under Commercial Development to add – ***No hotel signage shall be permitted facing residential uses Lighting facing the freeway shall be externally illuminated with downward lighting. All lighting shall be set on a timer to turn off or dim between the hours of 10pm and 7am.***
- Delete Section (e) under Commercial Development and reletter all remaining sections.
- Amend new Section (e) to remove subsection 2 and renumber all remaining subsections.
- Amend new Section (e)(2) to add – ***xvi. Personal Services – Restricted.***
- Add new Section (d) under Single-Family Parcels to read – ***Short term rentals shall be permitted on owner occupied sites only.***
- Reletter all remaining Sections under Single-Family Parcels.
- Amend new Section (g) under Single-Family Parcels to change wording for Rear yard at second story setbacks to read –

Rear Yard at second story <b><i>on Lots 1 through 8 only</i></b>	<b>15-foot</b>
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5. Adopt Resolution No. 2023-013, approving a Conditional Use Permit, establishing a Master Plan of Development, and Vesting Tentative Tract Map for Tract 3177, approving a commercial and residential subdivision for the Barrel Creek site with associated tree removal, master sign program, and height exceptions with the following changes to Exhibit A (Conditions of Approval):

- Amend Condition No. 16 to read – ***Affordable Housing: The applicant shall submit a payment of 5% of the building valuation for each residential unit to be placed into the City’s inclusionary housing fund. Payment shall be required prior to building permit issuance.***
- Amend Condition No. 38 to read – ***Rear yard fencing of lots adjacent to the Del Rio Road Frontage shall be setback***

***a minimum of 3-feet from any retaining wall in excess of 3-feet.***

- Add Condition No. 47 under Planning Department Conditions to read – ***A deed covenant shall be recorded on each single-family parcel requiring owner occupancy of any parcel used for short-term rental.***
- Renumber all remaining Conditions to reflect correct numbering.

Deputy City Manager/City Clerk Christensen read the titles of the Ordinances:

**Draft Ordinance A**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, MODIFYING THE OFFICIAL ZONING MAP CONVERTING APPROXIMATELY 15.2 ACRES FROM RESIDENTIAL SUBURBAN TO RESIDENTIAL MULTI-FAMILY – 10 AND COMMERCIAL PARK FOR THE BARREL CREEK PROJECT**

**Draft Ordinance B**

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 9 (PLANNING AND ZONING), CHAPTER 3 (ZONING DISTRICTS), ARTICLE 28 (PLANNED DEVELOPMENT OVERLAY ZONE) OF THE ATASCADERO MUNICIPAL CODE TO ESTABLISH PLANNED DEVELOPMENT NO. 38 (PD38) FOR THE BARREL CREEK PROJECT**

***Motion passed 4:0 by a roll-call vote. Newsom absent.***

**C. MANAGEMENT REPORTS:**

**1. Proposed Sewer Service Rate Increase**

- Fiscal Impact: \$5,000 in Proposition 218 expenses; \$750,000 in revenue from additional sewer service charges if approved.
- Recommendation: Council:
  1. Direct staff to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all property owners connected to the municipal sanitary sewer system; and
  2. Set a Public Hearing on May 23, 2023 for Council's consideration of the proposed wastewater rate increases. [Public Works]

Public Works Director DeBar gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: None

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

**MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to:**

1. Direct staff to administer the Proposition 218 majority protest process and send out notice of the proposed increases to all property owners connected to the municipal sanitary sewer system.
2. Set a Public Hearing on May 23, 2023 for Council's consideration of the proposed wastewater rate increases.  
*Motion passed 4:0 by a roll-call vote. Newsom absent.*

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

Given the late hour, Council Members will report out at the next City Council Meeting.

Council Member Funk did note that the DRC has a meeting at 2:00 p.m. on Thursday, March 30, 2023.

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

Council Member Bourbeau reported that the SLO County Board of Supervisors sent a letter on March 21, 2023, to the SLO County Integrated Waste Management Authority (IWMA) requesting to rejoin the IWMA and their request is scheduled to go before the IWMA Board on April 12, 2023. He noted that he would like to receive collective feedback from the City Council on the County's request to rejoin the IWMA.

There was Council consensus to place Council Member Bourbeau's item on the April 11, 2023 City Council Agenda under Individual Determination.

**F. ADJOURN**

Mayor Moreno adjourned the meeting at 10:48 p.m.

**MINUTES PREPARED BY:**

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Lara K. Christensen  
Deputy City Manager / City Clerk

The following exhibit is available for review in the City Clerk's office:

- Exhibit A – Emailed Public Comment from Robert Montoya

**APPROVED:** April 11, 2023

Date: 03/28/23

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**From:** Rob Montoya <rob@civildesign-solutions.com>  
**Sent:** Tuesday, March 28, 2023 4:42 PM  
**To:** john.jbdevco.com  
**Cc:** Paula Ramsum  
**Subject:** Re: Atascadero appeal

Honorable Mayor and City Council:

Provide approved signed plans by the city engineer and Wallace engineer for the offsite portion of the project. Plans to be approved by the City of Atascadero Public Works Department signed by the City engineer and the developers engineer form Construction documents of and specify all products and materials to be installed on the off-site property, concrete details, compaction requirements, removal limits, full construction plan and details. Provide and separate engineered plan for all offsite improvements. Provide easement documents indicating right to drain to these facilities and show easement and offsite property lines on the plan and profile. Provide shared maintenance agreement for maintaining facilities and runoff from neighboring property. This protects both parties.

The 2-100 year flow is increased because its a point discharge in a pipe vs natural flow to the same pipe. verify hydraulics in existing pipe. Provide full topographic survey of easement and pipe. show outlet of 18" pipe... where does it go??? VERIFY location of existing 18" pipe (horizontal and vertical) where is it?? Provide FL elevations of neighboring properties in relation to flowline elevation of 18" pipe (survey). Provide spot elevations and or pipe profiles extending offsite show 18" existing pipe in profile view with hydraulic grade line to the end of the 18" pipe flowline elevation of existing concrete channel and proposed 18" pipe connection. Required modifications to the underlying approved project and lack of offsite improvement plans would need to be addressed prior to any modifications to said approved project. Upon receipt of these plans and documents we will provide a review of them and confirm if the information presented is acceptable to the property owner. Until such a time as this occurs the project motion and Planning Commission approval should be nullified and the project should be required to provide this information.

Thank You

Civil design solutions  
Robert J Montoya PE