



CITY OF ATASCADERO CITY COUNCIL

MINUTES

Tuesday, June 27, 2023

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

City Council Regular Session:

6:00 P.M.

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

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

ROLL CALL:

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

Absent: None

Others Present: None

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Interim Police Chief Joe Allen, Public Works Director Nick DeBar, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Deputy City Manager – IT Luke Knight, and Deputy Economic and Community Development Director Loreli Cappel.

APPROVAL OF AGENDA:

Deputy City Manager/City Clerk Christensen noted that an updated Exhibit A to the Draft Resolution for Item #B-1 had been provided to the City Council at the dais, was posted to the Agenda page on the website and added to the Public Review book in the Council Chambers.

MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Funk 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 5:0 by a roll-call vote.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – June 13, 2023

- Recommendation: Council approve the June 13, 2023 Draft City Council Regular Meeting Minutes. [City Clerk]

2. May 2023 Accounts Payable and Payroll

- Fiscal Impact: \$2,260,980.41.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for May 2023. [Administrative Services]

3. Cooperation Agreement with the County of San Luis Obispo for Department of Housing and Urban Development Community Development Programs for Fiscal Years 2024 through 2026

- Fiscal Impact: Continued availability of CDBG funding for CDBG eligible programs over the next three years, including approximately \$122,000 in funding for Fiscal Year 2024.
- Recommendation: Council approve the Cooperation Agreement with the County of San Luis Obispo for joint participation in the Community Development Block Grant Program, the Home Investment Partnerships Program, and the Emergency Solutions Grant Program for Fiscal Years 2024 through 2026. [Public Works]

Consent Calendar Item #A-4 was removed by Mayor Moreno for separate discussion and vote.

MOTION: By Council Member Bourbeau and seconded by Council Member Newsom to approve Consent Calendar Items #A-1 through #A-3 (#A-3: Contract No. 2023-016)

Motion passed 5:0 by a roll-call vote.

4. Reject Construction Bid and Re-evaluate Design Options for Downtown District Pavement Rehabilitation Project

- Fiscal Impact: Approximately \$20,000 of budgeted Local Transportation Funds for engineering consultant fees and staff time for plan revisions, phasing, and re-advertising the project.
- Recommendation: Council:
 1. Reject the bid received from Papich Construction Company, Inc. for \$3,371,786 for the Downtown District Pavement Rehabilitation Project (Project No. C2021R02); and
 2. Direct the City Engineer to evaluate and implement measures to reduce project costs and resolicit construction bids for the Downtown District Pavement Rehabilitation Project. [Public Works]

Mayor Moreno noted that due to campaign contribution rules for donations of more than \$250, she would need to excuse herself from voting on this item. Mayor Moreno then stepped down from the dais and left the room.

PUBLIC COMMENT:

The following persons spoke on this item: None
Mayor Pro Tem Funk closed the Public Comment period.

MOTION: By Council Member Bourbeau and seconded by Council Member Newsom to:

1. Reject the bid received from Papich Construction Company, Inc. for \$3,371,786 for the Downtown District Pavement Rehabilitation Project (Project No. C2021R02); and
2. Direct the City Engineer to evaluate and implement measures to reduce project costs and resolicit construction bids for the Downtown District Pavement Rehabilitation Project.

Motion passed 4:0 by a roll-call vote. Mayor Moreno recused.

Mayor Moreno returned to the dais.

UPDATES FROM THE CITY MANAGER:

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

Public Works Director DeBar gave a brief update on upcoming construction in the Downtown.

COMMUNITY FORUM:

The following persons spoke in-person by telephone or through the webinar: Heather Branton.

B. PUBLIC HEARINGS:

1. Adopting Sewer Service Charges to be Added to the 2023-2024 Property Tax Rolls

- Fiscal Impact: Approximately \$4,702,570 in sewer service charges for Fiscal Year 2023-2024.
- Recommendation: Council:
 1. Conduct a public hearing to receive verbal testimony regarding the proposed sewer service charges to be levied onto property tax rolls; and
 2. Adopt Draft Resolution, approving sewer service charges to be added to the 2023-2024 property tax rolls. [Public Works]

Ex Parte: None

Public Works Director DeBar gave the report and answered questions from the Council. Director DeBar noted that Exhibit A to the Draft Resolution had been updated to include several missing APNs.

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 Funk to adopt Resolution No. 2023-062, with the updated Exhibit A, approving sewer service charges to be added to the 2023-2024 property tax rolls.

Motion passed 5:0 by a roll-call vote.

2. Community Facilities District 2005-1 Annexation No. 25

- **Fiscal Impact:** Assessments for the Marketplace annexation are estimated to be between \$0-\$71,680 annually beginning in fiscal year 2023-2024, and adjusted each year for inflation.
- **Recommendation:** Council:
 1. Conduct the public hearing for the proposed annexation; and
 2. Adopt Draft Resolution A, authorizing the territory identified in City Council Resolution 2023-035 to be annexed into Community Facilities District No. 2005-1, authorizing the levy of a special tax and submitting the levy of a special tax to qualified electors; and
 3. Direct the City Clerk to conduct a landowner vote of annexations and collect and count the ballots.

Council to recess until ballots are counted.

4. Adopt Draft Resolution B, declaring the results of a special annexation landowner election for Annexation No. 25, determining the validity of prior proceedings and directing the recording of an amendment to the notice of special tax lien; and
5. Introduce, for first reading, by title only, Draft Ordinance, authorizing the levy of special taxes in Community Facilities District 2005-1 for certain annexation territory identified as Annexation No. 25.
[Community Development]

Ex Parte: None

Community Development Director Dunsmore 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 Mayor Pro Tem Funk to:

1. Adopt Resolution No. 2023-063, authorizing the territory identified in City Council Resolution 2023-035 to be annexed into Community Facilities District No. 2005-1, authorizing the levy of a special tax and submitting the levy of a special tax to qualified electors; and
2. Direct the City Clerk to conduct a landowner vote of annexation and collect and count the ballots.

Motion passed 5:0 by a roll-call vote.

Deputy City Manager/City Clerk Christensen announced that thirteen votes (one ballot) were received and were all in favor.

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

1. **Adopt Resolution No. 2023-064, declaring the results of a special annexation landowner election for Annexation No. 25, determining the validity of prior proceedings and directing the recording of an amendment to the notice of special tax lien; and**
2. **Introduce for first reading, by title only, Draft Ordinance, authorizing the levy of special taxes in Community Facilities District 2005-1 for certain annexation territory identified as Annexation No. 25.**

Deputy City Manager/City Clerk Christensen read the title of the Ordinance:

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING THE LEVY OF
SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC
SERVICES), INCLUDING CERTAIN ANNEXATION TERRITORY**

Motion passed 5:0 by a roll-call vote.

C. MANAGEMENT REPORTS:

1. Irrevocable Right to Use Agreement for Broadband Infrastructure

- Fiscal Impact: \$1,300,000 of one-time budgeted General Fund and SB 1090 monies, plus \$5,000 annual expenditure toward broadband service.
- Recommendation: Council authorize the City Manager to execute an agreement with Astound Broadband for the Irrevocable Right to Use (IRU) a fiber network for broadband infrastructure with 10 Gb/s internet access connection maintained by Astound. [Community Development]

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

PUBLIC COMMENT:

The following persons spoke on this item: Michael Thomas, Maria Kelly, Jeff Buckingham, Ryan Erbstoesser, and Tim Williams.

Mayor Moreno closed the Public Comment period.

MOTION: By Mayor Moreno and seconded by Mayor Pro Tem Funk to authorize the City Manager to execute an agreement, substantially in the form accompanying the Staff Report as Attachment 1, with Astound Broadband for the Irrevocable Right to Use (IRU) a fiber network for broadband infrastructure with 10 Gb/s internet access connection maintained by Astound. (Contract No. 2023-017).

Motion passed 5:0 by a roll-call vote.

2. Atascadero Transit System Modification

- Fiscal Impact: Filing for transit funding under Article 8 will eliminate future Local Transportation Fund penalties due to farebox ratio noncompliance.
- Recommendation: Council approve Atascadero Transit service modifications, providing service to populations requiring special transportation assistance, and to file claims for funding through Local Transportation Funds under Article 8. [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 Newsom to approve Atascadero Transit service modifications, providing service to populations requiring special transportation assistance, and to file claims for funding through Local Transportation Funds under Article 8.

Motion passed 5:0 by a roll-call vote.

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

Mayor Moreno

1. County Mayors Round Table

Mayor Pro Tem Funk

1. Homeless Services Oversight Council

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Dariz

3. Community Action Partnership of San Luis Obispo (CAPSLO)
4. Visit SLO CAL Advisory Committee

Council Member Newsom

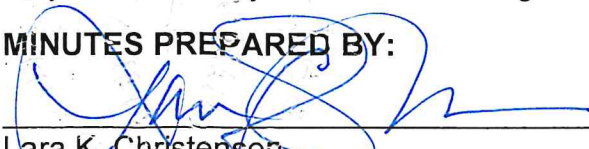
1. League of California Cities – Council Liaison

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURN

Mayor Moreno adjourned the meeting at 7:19 p.m.

MINUTES PREPARED BY:



Lara K. Christensen
City Clerk

APPROVED: July 11, 2023