



CITY OF ATASCADERO CITY COUNCIL AGENDA

HYBRID MEETING INFORMATION:

The City Council meeting will be available via teleconference for those who wish to participate remotely. The City Council meeting will also be held in the City Council Chambers and in-person attendance will be available at that location.

HOW TO OBSERVE THE MEETING REMOTELY:

To participate remotely, residents can livestream the meeting on [Zoom](#), SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and listen live 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 and on the City's YouTube Channel. To participate remotely using the Zoom platform please visit https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA.

HOW TO SUBMIT PUBLIC COMMENT:

Individuals who wish to provide public comment in-person may attend the meeting in the City Council Chambers. Individuals who wish to participate remotely may call **(669) 900-6833** (Meeting ID: 889 2347 9018) to listen and provide public comment via phone or via the [Zoom](#) platform using the link above.

If you wish to comment but not via a live platform, please email public comments to cityclerk@atascadero.org. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the City Council and made a part of the administrative record. ***To ensure distribution to the City Council prior to consideration of the agenda, the public is encouraged to submit comments no later than 12:00 p.m. the day of the meeting.*** Those comments, as well as any comments received after that time, but before the close of the item, will be distributed to the City Council, posted on the City's website, and will be made part of the official public record of the meeting. ***Please note, email comments 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/agendas.

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 made a part of 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, September 26, 2023

City Hall Council Chambers, Fourth 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.

CITY COUNCIL CLOSED SESSION:

1. CLOSED SESSION — PUBLIC COMMENT
2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION
3. CLOSED SESSION — CALL TO ORDER
 - a. **Public Employee Performance Evaluation**
Government Code Sec. 54957
Title: City Manager
 - b. **Conference with Real Property Negotiators**
Government Code Sec. 54956.8
Real Property: 6005 Lewis Avenue (APN 029-332-005 – City Property),
6105 Olmeda Avenue (APN 029-091-001 – State of California Property),
Atascadero, California 93422
Agency Negotiator: James R. Lewis, City Manager
Negotiating Parties: State of California
Subject of Negotiations: Purchase price and/or terms of payment
 - c. **Conference with Legal Counsel – Existing Litigation**
Government Code Sec. 54956.9(d)(1)
Name of Case: Sunderland v. City of Atascadero
San Luis Obispo Superior Court Case No. 21CVP-0074
 - d. **Conference with Legal Counsel – Anticipated Litigation**
Significant exposure to litigation pursuant to Government Code
Sec. 54956.9(d)(2): 1 potential case – California Voting Rights Act
4. CLOSED SESSION — ADJOURNMENT
5. COUNCIL RETURNS

6. CLOSED SESSION — REPORT, if any

Announcement(s) of any reportable action(s) taken in Closed Session that occur(s) after the recess 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: Council Member Dariz

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

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 Minutes – September 12, 2023

- Recommendation: Council approve the September 12, 2023 Draft City Council Regular Meeting Minutes. [City Clerk]

2. August 2023 Accounts Payable and Payroll

- Fiscal Impact: \$4,184,743.25.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for August 2023. [Administrative Services]

3. Downtown District Pavement Rehabilitation Project Phase 2 Construction Contract Award

- Fiscal Impact: \$1,254,513 in Local Transportation Funds for the Base Bid plus Bid Alternate 1.
- Recommendation: Council
 1. Award a construction contract for \$1,254,513 (Base Bid plus Alternate 1) to Souza Construction for Phase 2 of the Downtown District Pavement Rehabilitation Project (Project No. C2021R02[2]); and
 2. Authorize the Director of Administrative Services to allocate an additional \$407,660 in Local Transportation Funds to the Downtown District Pavement Rehabilitation Project budget; and
 3. Authorize staff to include the Traffic Way (Bid Alternate 2) and Olmeda Avenue (Bid Alternate 3) portions of the Downtown District Pavement

Rehabilitation Project with the Traffic Way Pavement Rehabilitation (South) Project scheduled for fiscal year 2025-2026 construction. [Public Works]

4. Affordable Housing Development Impact Fee Deferral Policy Resolution Adoption and Second Reading of Ordinance

- Fiscal Impact: Approximately \$15,000 to \$19,000 in combined deferment of impact and wastewater fees for each residential unit.
- Recommendation: Council:
 1. Adopt Draft Resolution approving a policy to allow deferral of development impact fees and wastewater capacity charges for affordable housing projects in accordance with the City Housing Element Policy; and
 2. Adopt on second reading, by title only, Draft Ordinance to amend the Municipal Code, Title 3-14.070, to include the deferral of impact fees for affordable housing projects as an option for payment for impact fees. [Community Development]

5. Sediment and Erosion Control Work for 2023 Pine Mountain Slide

- Fiscal Impact: \$55,000.
- Recommendation: Council authorize the Director of Administrative Services to allocate \$55,000 in General Fund Reserves toward Sediment and Erosion Control Work for the 2023 Pine Mountain Slide. [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. Comments will be allowed for the entire 30-minute period so if the final speaker has finished before the 30 minute period has ended and a member of the public wishes to make a comment after the Council has commenced another item, the member should alert the Clerk within the 30 minute period of their desire to make a comment and the Council will take up that comment upon completion of the item which was commenced. 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: None

C. MANAGEMENT REPORTS:

1. Ordinance Regulating Camping in Areas of the City

- Fiscal Impact: None.
- Recommendation: Council:
 1. Adopt Draft Urgency Ordinance A repealing and replacing, in its entirety, Title 5, Chapter 15 (Prohibited Camping) of the Atascadero Municipal Code, to better define prohibited camping on public and private property; regulate storage of personal property on public property; and establish time, manner, and place regulations for camping by necessity; and

2. Introduce for first reading, by title only, Draft Ordinance B repealing and replacing, in its entirety, Title 5, Chapter 15 (Prohibited Camping) of the Atascadero Municipal Code, to better define prohibited camping on public and private property; regulate storage of personal property on public property; and establish time, manner, and place regulations for camping by necessity. [Police Department]

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 Funk

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

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

Council Member Newsom

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. League of California Cities – Council Liaison

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

ADJOURNMENT



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, September 12, 2023

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

<u>City Council Regular Session:</u>	6:00 P.M.
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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: Council Members Bourbeau, Dariz, Newsom, Mayor Pro Tem Funk, and Mayor Moreno

Absent: None

Others Present: Treasurer Sibbach

Staff Present: Deputy City Manager/City Clerk Lara Christensen, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Interim Police Chief Joe Allen, Public Works Director Nick DeBar, City Attorney Karl Berger, and Deputy City Manager – IT Luke Knight.

APPROVAL OF AGENDA:

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 Minutes – August 8, 2023 Regular Meeting and August 30, 2023 Special Meeting and General Plan Update Workshop**

- Recommendation: Council approve the August 8, 2023 Draft City Council Regular Meeting Minutes and the August 30, 2023 Draft City Council Special Meeting and General Plan Workshop Update Minutes. [City Clerk]
- 2. **July 2023 Accounts Payable and Payroll**
 - Fiscal Impact: \$5,826,606.69.
 - Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for July 2023. [Administrative Services]
- 3. **June 2023 Investment Report**
 - Fiscal Impact: None.
 - Recommendation: Council receive and file the City Treasurer's report for quarter ending June 30, 2023. [City Treasurer]
- 4. **Equipment Procurement for Sewer Lift Station No. 7**
 - Fiscal Impact: \$108,300 in budgeted wastewater funds.
 - Recommendation: Council approve the purchase of a Motor Control Center for Sewer Lift Station No. 7 from Tesco Controls, Inc. for \$108,300. [Public Works]

MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to approve the Consent Calendar (#A-4: Contract No. 2023-030)
Motion passed 5:0 by a roll-call vote.

UPDATES FROM THE CITY MANAGER:

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

Mayor Moreno requested a moment of silence for Paso Robles Mayor Steve Martin who passed away on August 15, 2023.

COMMUNITY FORUM:

The following persons spoke in-person by telephone or through the webinar: Richard Mullen, Ted Mort, Gary Taylor, Gary Kirkland, and Geoff Auslen.

B. PUBLIC HEARINGS:

1. **Affordable Housing Development Impact Fee Deferral Policy**
 - Fiscal Impact: Defers \$3,000,000 in impact fees and wastewater capacity charges for duration of deferment.
 - Recommendation: Council:
 1. Adopt a resolution approving a policy to allow deferral of development impact fees and wastewater capacity charges for affordable housing projects in accordance with City Housing Element Policy; and
 2. Introduce an ordinance to amend the Municipal Code, Title 3-14.070, to include the deferral of impact fees for affordable housing projects as an option for payment for impact fees. [Community Development]

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

PUBLIC COMMENT:

The following persons spoke on this item: Geoff Auslen, Gary Kirkland, and Treasurer Sibbach.

Mayor Moreno closed the Public Comment period.

MOTION: By Mayor Moreno and seconded by Mayor Pro Tem Funk to introduce an ordinance to amend the Municipal Code, Title 3-14.070, to include the deferral of impact fees for affordable housing projects as an option for payment for impact fees and bring back at the next meeting, on consent, a resolution approving a policy to allow deferral of development impact fees and wastewater capacity charges for affordable housing projects in accordance with City Housing Element Policy with the following additions:

1. Eligibility only on residentially zoned property unless the City Council makes an exemption
2. Due on sale provision, so long as this would not discount any benefit to developers from receiving the deferral
3. Ensuring reference throughout the policy is to affordable housing units

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

C. MANAGEMENT REPORTS: None

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

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

Mayor Moreno

1. County Mayors Round Table
2. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Funk

1. Homeless Services Oversight Council

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Dariz

1. Design Review Committee

Council Member Dariz noted that he will be missing the CAPSLO meeting as he will be attending the League of California Cities Annual Conference September 20-22.

Council Member Newsom

1. League of California Cities – Council Liaison

Council Member Newsom reported that she will be attending the League of California Cities Annual Conference September 20-22 with Council Member Dariz and Mayor Moreno.

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURNMENT

Mayor Moreno adjourned the meeting at 7:38 p.m.

MINUTES PREPARED BY:

Lara K. Christensen
City Clerk

APPROVED:



Atascadero City Council
Staff Report - Administrative Services Department

August 2023 Accounts Payable and Payroll

RECOMMENDATION:

Council approve certified City accounts payable, payroll and payroll vendor checks for August 2023.

DISCUSSION:

Attached for City Council review and approval are the following:

Payroll

Dated	8/3/23	Checks # 35845-35854	\$	9,662.75
		Direct Deposits		415,700.73
Dated	8/17/23	Checks # 35855-35871		11,062.59
		Direct Deposits		386,674.85
Dated	8/31/23	Checks # 35872-35882		10,025.01
		Direct Deposits		431,345.08

Accounts Payable

Dated 7/1/23-7/31/23	Checks # 175377 - 175687 & EFTs 4845-4877		2,920,272.24
	TOTAL AMOUNT	\$	4,184,743.25

FISCAL IMPACT:

Total expenditures for all funds is \$ 4,184,743.25

CERTIFICATION:

The undersigned certifies that the attached demands have been released for payment and that funds are available for these demands.


 Jeri Rangel
 Director of Administrative Services

ATTACHMENT:

August 2023 Eden Warrant Register in the amount of \$ 2,920,272.24

City of Atascadero
Disbursement Listing

For the Month of August 2023

ITEM NUMBER:
DATE:
ATTACHMENT:

A-2
09/26/23
1

Check Number	Check Date	Vendor	Description	Amount
175377	08/01/2023	ANTHEM BLUE CROSS HEALTH	Payroll Vendor Payment	215,734.57
175378	08/01/2023	BENEFIT COORDINATORS CORP	Payroll Vendor Payment	9,278.40
175379	08/01/2023	FIDELITY SECURITY LIFE INS CO	Payroll Vendor Payment	1,807.42
175380	08/01/2023	LINCOLN NATIONAL LIFE INS CO	Payroll Vendor Payment	1,959.19
175381	08/02/2023	WEX BANK - 76 UNIVERSL	Accounts Payable Check	579.39
175382	08/02/2023	WEX BANK - WEX FLEET UNIVERSAL	Accounts Payable Check	467.25
175383	08/02/2023	WEX BANK - 76 UNIVERSL	Accounts Payable Check	13,184.52
175384	08/02/2023	WEX BANK - WEX FLEET UNIVERSAL	Accounts Payable Check	11,167.96
4845	08/03/2023	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	8,947.43
175385	08/03/2023	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	40.00
175386	08/03/2023	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	2,249.75
175387	08/03/2023	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,151.80
175388	08/03/2023	EMPLOYMENT DEV. DEPARTMENT	Accounts Payable Check	3,211.00
175389	08/03/2023	EMPOWER ANNUITY INS CO	Payroll Vendor Payment	8,538.19
175390	08/03/2023	IAFF MERP	Payroll Vendor Payment	1,800.00
175391	08/03/2023	MISSIONSQUARE	Payroll Vendor Payment	8,759.23
175392	08/03/2023	MISSIONSQUARE RETIREMENT	Accounts Payable Check	125.00
175393	08/03/2023	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	1,495.39
175394	08/03/2023	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,338.86
4846	08/04/2023	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	283.84
4847	08/04/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Payroll Vendor Payment	23,619.40
4848	08/04/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	38,177.47
4849	08/04/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	2,805.62
4850	08/04/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	2,726.10
4851	08/04/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	5,866.70
4852	08/04/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	11,463.89
4853	08/04/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	16,663.87
4854	08/04/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEI	Accounts Payable Check	23,593.84
4855	08/07/2023	SEIU LOCAL 620	Payroll Vendor Payment	864.30
4856	08/08/2023	RABOBANK, N.A.	Payroll Vendor Payment	79,695.33
4857	08/08/2023	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	24,648.66
4858	08/08/2023	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,604.46
175395	08/11/2023	13 STARS MEDIA	Accounts Payable Check	1,225.00
175396	08/11/2023	ADAMSKI,MOROSKI,MADDEN,	Accounts Payable Check	111.00
175397	08/11/2023	ADAMSON POLICE PRODUCTS	Accounts Payable Check	691.76
175398	08/11/2023	AT&T	Accounts Payable Check	130.50
175399	08/11/2023	ATASCADERO GLASS, INC.	Accounts Payable Check	5,000.00
175400	08/11/2023	BLUEPRINTER	Accounts Payable Check	44.37
175401	08/11/2023	COOPER BONECK	Accounts Payable Check	275.00
175402	08/11/2023	COLOR CRAFT PRINTING	Accounts Payable Check	378.94
175403	08/11/2023	DEPARTMENT OF TRANSPORTATION	Accounts Payable Check	6,885.12
175404	08/11/2023	ESCUELA DEL RIO	Accounts Payable Check	900.00
175405	08/11/2023	FASTRAK VIOLATION PROCESSING D	Accounts Payable Check	13.40

City of Atascadero
Disbursement Listing

For the Month of August 2023

ITEM NUMBER: A-2
DATE: 09/26/23
ATTACHMENT: 1

Check Number	Check Date	Vendor	Description	Amount
175406	08/11/2023	FIGUEROA'S TIRES	Accounts Payable Check	184.88
175407	08/11/2023	FLUID RESOURCE MANAGEMENT, INC.	Accounts Payable Check	12,000.00
175408	08/11/2023	GENERAL CODE, LLC	Accounts Payable Check	3,061.45
175409	08/11/2023	BENJAMIN P. GOLDMAN	Accounts Payable Check	456.88
175410	08/11/2023	GRAINGER	Accounts Payable Check	151.02
175411	08/11/2023	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	17,758.84
175412	08/11/2023	INFORMATION TECHNOLOGY	Accounts Payable Check	1,224.89
175413	08/11/2023	JIFFY LUBE	Accounts Payable Check	291.04
175414	08/11/2023	LANTERN PRESS	Accounts Payable Check	328.62
175415	08/11/2023	LAUGHLIN DEV CO, LLC	Accounts Payable Check	560.00
175416	08/11/2023	LEE WILSON ELECTRIC CO. INC	Accounts Payable Check	1,428.00
175417	08/11/2023	MARBORG INDUSTRIES	Accounts Payable Check	73.05
175418	08/11/2023	MICHAEL K. NUNLEY & ASSC, INC.	Accounts Payable Check	148.50
175419	08/11/2023	MIG	Accounts Payable Check	18,432.50
175420	08/11/2023	MINER'S ACE HARDWARE	Accounts Payable Check	224.83
175421	08/11/2023	PACIFIC CNTRL COAST HLTH CTRS	Accounts Payable Check	230.00
175422	08/11/2023	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	64.15
175423	08/11/2023	PENGUIN RANDOM HOUSE, LLC	Accounts Payable Check	194.61
175424	08/11/2023	PERRY'S PARCEL & GIFT	Accounts Payable Check	25.27
175425	08/11/2023	PETTY CASH-FINANCE DEPARTMENT	Accounts Payable Check	251.43
175426	08/11/2023	RICK ENGINEERING COMPANY	Accounts Payable Check	3,600.00
175427	08/11/2023	SLO CO AUDITOR CONTROLLER	Accounts Payable Check	150.00
175428	08/11/2023	U.S. BANK	Accounts Payable Check	3,346.00
175429	08/11/2023	VERIZON WIRELESS	Accounts Payable Check	3,769.24
175430	08/11/2023	VILLAGE ORIGINALS, INC.	Accounts Payable Check	626.65
175431	08/11/2023	WEBB MUNICIPAL FINANCE, LLC	Accounts Payable Check	4,500.00
175432	08/11/2023	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	265.00
175433	08/11/2023	YEH AND ASSOCIATES, INC.	Accounts Payable Check	45,750.52
175434	08/11/2023	13 STARS MEDIA	Accounts Payable Check	39.88
175435	08/11/2023	2 MEXICANS, LLC	Accounts Payable Check	4,050.00
175436	08/11/2023	A & T ARBORISTS & VEGETATION	Accounts Payable Check	1,780.00
175437	08/11/2023	A.P.S. AUTOMOTIVE	Accounts Payable Check	380.10
175438	08/11/2023	AGP VIDEO, INC.	Accounts Payable Check	1,522.50
175439	08/11/2023	AKA ENGINEERING COMPANY	Accounts Payable Check	1,530.00
175440	08/11/2023	ALL ABOUT EVENTS, INC.	Accounts Payable Check	738.95
175441	08/11/2023	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	335.00
175442	08/11/2023	ALLTECH SERVICES, INC.	Accounts Payable Check	1,903.52
175443	08/11/2023	ALPHA ELECTRIC SERVICE	Accounts Payable Check	790.00
175444	08/11/2023	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	220.37
175445	08/11/2023	KELLY AREBALO	Accounts Payable Check	502.20
175446	08/11/2023	AT&T	Accounts Payable Check	805.11
175447	08/11/2023	ATASCADERO GLASS, INC.	Accounts Payable Check	1,655.00
175448	08/11/2023	ATASCADERO HAY & FEED	Accounts Payable Check	1,396.07

City of Atascadero
Disbursement Listing

For the Month of August 2023

ITEM NUMBER: A-2
DATE: 09/26/23
ATTACHMENT: 1

Check Number	Check Date	Vendor	Description	Amount
175450	08/11/2023	ATASCADERO MUTUAL WATER CO.	Accounts Payable Check	31,958.68
175451	08/11/2023	BASSETT'S CRICKET RANCH,INC.	Accounts Payable Check	213.71
175452	08/11/2023	BAY AREA DRIVING SCHOOL, INC.	Accounts Payable Check	69.99
175453	08/11/2023	BELL'S PLUMBING REPAIR, INC.	Accounts Payable Check	1,187.00
175454	08/11/2023	BERRY MAN, INC.	Accounts Payable Check	1,185.25
175455	08/11/2023	TERRI RECCHIA BLEDSOE	Accounts Payable Check	420.00
175456	08/11/2023	BRANCH SMITH PROPERTIES	Accounts Payable Check	772.00
175457	08/11/2023	BRENDLER JANITORIAL SERVICE	Accounts Payable Check	970.00
175458	08/11/2023	BREZDEN PEST CONTROL, INC.	Accounts Payable Check	276.00
175459	08/11/2023	CALIBRE PRESS	Accounts Payable Check	359.00
175460	08/11/2023	BRETT CALLOWAY	Accounts Payable Check	219.00
175461	08/11/2023	CALPORTLAND COMPANY	Accounts Payable Check	546.41
175462	08/11/2023	CHARTER COMMUNICATIONS	Accounts Payable Check	1,960.91
175463	08/11/2023	CLEVER CONCEPTS, INC.	Accounts Payable Check	84.95
175464	08/11/2023	COASTAL COPY, INC.	Accounts Payable Check	339.94
175465	08/11/2023	THE COUNSELING TEAM INTERNATIONAL	Accounts Payable Check	30,625.00
175466	08/11/2023	CRISP IMAGING	Accounts Payable Check	51.20
175467	08/11/2023	CRYSTAL SPRINGS WATER	Accounts Payable Check	20.00
175468	08/11/2023	DESTINY CUELLAR	Accounts Payable Check	108.00
175469	08/11/2023	CULLIGAN SANTA MARIA	Accounts Payable Check	460.74
175470	08/11/2023	CULLIGAN/CENTRAL COAST WTR TRT	Accounts Payable Check	70.00
175471	08/11/2023	NICHOLAS DEBAR	Accounts Payable Check	300.00
175472	08/11/2023	DEEP BLUE INTEGRATION, INC.	Accounts Payable Check	1,018.75
175473	08/11/2023	DELTA LIQUID ENERGY	Accounts Payable Check	702.72
175474	08/11/2023	DOOMSDAY SKATE, LLC	Accounts Payable Check	792.60
175475	08/11/2023	PHILIP DUNSMORE	Accounts Payable Check	300.00
175476	08/11/2023	ESCUELA DEL RIO	Accounts Payable Check	780.00
175477	08/11/2023	FERGUSON ENTERPRISES, LLC	Accounts Payable Check	3,716.54
175478	08/11/2023	GARRY BRILL PRODUCTIONS	Accounts Payable Check	150.00
175479	08/11/2023	GAS COMPANY	Accounts Payable Check	313.82
175480	08/11/2023	GENERAL CODE, LLC	Accounts Payable Check	4,047.00
175481	08/11/2023	JOSE R. GUADARRAMA	Accounts Payable Check	750.00
175482	08/11/2023	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	3,717.56
175483	08/11/2023	KELLIE K. HART	Accounts Payable Check	341.60
175484	08/11/2023	SETH W HUGHES	Accounts Payable Check	219.00
175485	08/11/2023	JIFFY LUBE	Accounts Payable Check	71.58
175486	08/11/2023	JK'S UNLIMITED, INC.	Accounts Payable Check	4,169.09
175487	08/11/2023	JOE A. GONSALVES & SON	Accounts Payable Check	3,000.00
175488	08/11/2023	JOEL SWITZER DIESEL REPAIR,INC	Accounts Payable Check	472.50
175489	08/11/2023	JAMES R. LEWIS	Accounts Payable Check	300.00
175490	08/11/2023	LIFE ASSIST, INC.	Accounts Payable Check	844.40
175491	08/11/2023	LINDE GAS & EQUIPMENT INC.	Accounts Payable Check	65.64
175492	08/11/2023	MADRONE LANDSCAPES, INC.	Accounts Payable Check	385.00

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175493	08/11/2023	MARGARITA ADVENTURES, LLC	Accounts Payable Check	840.00
175494	08/11/2023	MCCLATCHY SHARED SERVICES, LLC	Accounts Payable Check	1,223.40
175495	08/11/2023	MICHAEL K. NUNLEY & ASSC, INC.	Accounts Payable Check	811.64
175496	08/11/2023	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	296.58
175497	08/11/2023	MINER'S ACE HARDWARE	Accounts Payable Check	400.87
175498	08/11/2023	MATTHEW J. MIRANDA	Accounts Payable Check	121.00
175499	08/11/2023	MISSION UNIFORM SERVICE	Accounts Payable Check	604.12
175500	08/11/2023	MV TRANSPORTATION, INC.	Accounts Payable Check	6,453.56
175501	08/11/2023	KELLYE R. NETZ	Accounts Payable Check	89.50
175502	08/11/2023	NORTH COAST ENGINEERING INC.	Accounts Payable Check	1,222.50
175503	08/11/2023	ODP BUSINESS SOLUTIONS, LLC	Accounts Payable Check	378.83
175504	08/11/2023	PACIFIC CNTRL COAST HLTH CTRS	Accounts Payable Check	115.00
175507	08/11/2023	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	91,566.69
175508	08/11/2023	PC MECHANICAL, INC.	Accounts Payable Check	770.00
175509	08/11/2023	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	1,128.40
175510	08/11/2023	JESSICA QIN	Accounts Payable Check	75.00
175511	08/11/2023	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	7,242.00
175512	08/11/2023	JERI RANGEL	Accounts Payable Check	300.00
175513	08/11/2023	READYREFRESH BY NESTLE	Accounts Payable Check	102.23
175514	08/11/2023	ROLSON MUSIC & SOUND	Accounts Payable Check	600.00
175515	08/11/2023	SCHAAF & WHEELER	Accounts Payable Check	94,549.03
175516	08/11/2023	SCHINDLER ELEVATOR CORP	Accounts Payable Check	490.11
175517	08/11/2023	SERVICE SYSTEMS ASSC, INC.	Accounts Payable Check	2,500.00
175518	08/11/2023	THE SHERWIN-WILLIAMS COMPANY	Accounts Payable Check	190.53
175519	08/11/2023	SPECIALIZED EQUIPMENT REPAIR	Accounts Payable Check	8,791.84
175520	08/11/2023	MADELINE M. TAYLOR	Accounts Payable Check	354.60
175521	08/11/2023	TEMPLETON UNIFORMS, LLC	Accounts Payable Check	62.00
175522	08/11/2023	THOMSON REUTERS - WEST	Accounts Payable Check	201.99
175523	08/11/2023	TRAINING INNOVATIONS, INC.	Accounts Payable Check	800.00
175524	08/11/2023	U.S. POSTAL SERVICE	Accounts Payable Check	3,000.00
175525	08/11/2023	U.S. POSTMASTER	Accounts Payable Check	2,200.00
175526	08/11/2023	ULTREX BUSINESS PRODUCTS	Accounts Payable Check	47.88
175527	08/11/2023	VINO VICE, INC.	Accounts Payable Check	172.00
175528	08/11/2023	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	45.00
175529	08/11/2023	KAREN B. WYKE	Accounts Payable Check	899.40
175530	08/11/2023	YOUTH TECH, INC.	Accounts Payable Check	1,398.00
175531	08/11/2023	ZOOM IMAGING SOLUTIONS, INC.	Accounts Payable Check	986.91
175532	08/15/2023	CASH	Accounts Payable Check	800.00
4859	08/17/2023	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	8,947.43
4861	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	23,689.93
4862	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	38,156.10
4863	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	2,756.82
4864	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	2,732.56

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4865	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	5,866.70
4866	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	11,312.35
4867	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	16,883.55
4868	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	22,879.35
4873	08/17/2023	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Accounts Payable Check	2,800.00
175533	08/17/2023	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	40.00
175534	08/17/2023	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	2,249.75
175535	08/17/2023	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,151.80
175536	08/17/2023	EMPOWER ANNUITY INS CO	Payroll Vendor Payment	8,564.15
175537	08/17/2023	IAFF MERP	Payroll Vendor Payment	1,800.00
175538	08/17/2023	MISSIONSQUARE	Payroll Vendor Payment	8,677.59
175539	08/17/2023	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	1,434.96
175540	08/17/2023	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,338.86
4860	08/18/2023	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	283.84
4869	08/18/2023	SEIU LOCAL 620	Payroll Vendor Payment	830.29
4870	08/22/2023	RABOBANK, N.A.	Payroll Vendor Payment	70,130.88
4871	08/22/2023	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	21,168.24
4872	08/22/2023	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,575.51
4876	08/24/2023	BANK OF NEW YORK MELLON	Accounts Payable Check	528,266.55
175541	08/25/2023	2 MEXICANS, LLC	Accounts Payable Check	1,931.75
175542	08/25/2023	A & F SOUVENIR	Accounts Payable Check	790.08
175543	08/25/2023	APPLIED TECHNOLOGY GROUP, INC.	Accounts Payable Check	6,651.04
175544	08/25/2023	ATASCADERO HAY & FEED	Accounts Payable Check	45.39
175545	08/25/2023	BASSETT'S CRICKET RANCH, INC.	Accounts Payable Check	209.36
175546	08/25/2023	BUREAU VERITAS NORTH AMERICA	Accounts Payable Check	5,531.25
175547	08/25/2023	BURKE, WILLIAMS, & SORENSON LLP	Accounts Payable Check	21,391.36
175548	08/25/2023	CARBON HEALTH MED GROUP OF CA	Accounts Payable Check	160.00
175549	08/25/2023	DEEP BLUE INTEGRATION, INC.	Accounts Payable Check	2,480.00
175550	08/25/2023	DEPARTMENT OF JUSTICE	Accounts Payable Check	343.00
175551	08/25/2023	STEVEN J. ERNST	Accounts Payable Check	247.00
175552	08/25/2023	FGL ENVIRONMENTAL	Accounts Payable Check	93.00
175553	08/25/2023	RYAN GOUDY	Accounts Payable Check	20.00
175554	08/25/2023	CHRISTOPHER HALL	Accounts Payable Check	679.00
175555	08/25/2023	ROBERT S HAMMER	Accounts Payable Check	160.00
175556	08/25/2023	HART IMPRESSIONS PRINTING	Accounts Payable Check	734.63
175557	08/25/2023	HAVEN BLUE SALON	Accounts Payable Check	4,250.00
175558	08/25/2023	JACQUELYN N. HAYES	Accounts Payable Check	39.00
175559	08/25/2023	RYAN HOFSTETTER	Accounts Payable Check	36.72
175561	08/25/2023	HOME DEPOT CREDIT SERVICES	Accounts Payable Check	3,101.00
175562	08/25/2023	INTERWEST CONSULTING GROUP INC	Accounts Payable Check	1,910.35
175563	08/25/2023	JEFF & TONY'S DSD, LLC	Accounts Payable Check	766.32
175564	08/25/2023	KEY TERMITE & PEST CONTROL, INC	Accounts Payable Check	555.00
175565	08/25/2023	SHANDI LOCKE	Accounts Payable Check	124.38

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175566	08/25/2023	MAINLINE UTILITY CO.	Accounts Payable Check	1,000.00
175567	08/25/2023	NIELSEN,MERKSAMER,PARRINELLO,	Accounts Payable Check	710.00
175568	08/25/2023	PERRY'S PARCEL & GIFT	Accounts Payable Check	293.00
175569	08/25/2023	WARREN PITTENGER	Accounts Payable Check	55.00
175570	08/25/2023	JULIA POSMOGA	Accounts Payable Check	55.00
175571	08/25/2023	SAMUEL RODRIGUEZ	Accounts Payable Check	422.00
175572	08/25/2023	SOUTH COAST EMERGENCY VEH SVC	Accounts Payable Check	3,618.56
175574	08/25/2023	U.S. BANK	Accounts Payable Check	15,263.16
175575	08/25/2023	YEH AND ASSOCIATES, INC.	Accounts Payable Check	1,355.08
175576	08/25/2023	13 STARS MEDIA	Accounts Payable Check	398.40
175577	08/25/2023	2 MEXICANS, LLC	Accounts Payable Check	1,785.00
175578	08/25/2023	A & T ARBORISTS & VEGETATION	Accounts Payable Check	2,400.00
175579	08/25/2023	A SUPERIOR CRANE, LLC	Accounts Payable Check	1,300.00
175580	08/25/2023	ADAMSKI,MOROSKI,MADDEN,	Accounts Payable Check	296.00
175581	08/25/2023	AGM CALIFORNIA, INC.	Accounts Payable Check	1,664.00
175582	08/25/2023	ALL SIGNS AND GRAPHICS, INC.	Accounts Payable Check	195.75
175583	08/25/2023	ALLIANT INSURANCE SERVICES INC	Accounts Payable Check	185.00
175584	08/25/2023	ALPHA ELECTRIC SERVICE	Accounts Payable Check	202.50
175585	08/25/2023	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	1,938.61
175586	08/25/2023	ANTECH DIAGNOSTICS	Accounts Payable Check	153.42
175587	08/25/2023	KELLY AREBALO	Accounts Payable Check	248.04
175589	08/25/2023	AT&T	Accounts Payable Check	1,077.09
175590	08/25/2023	AT&T	Accounts Payable Check	726.78
175591	08/25/2023	ATASCADERO HAY & FEED	Accounts Payable Check	1,815.73
175592	08/25/2023	AURORA WORLD, INC.	Accounts Payable Check	927.43
175593	08/25/2023	AVILA TRAFFIC SAFETY	Accounts Payable Check	393.71
175594	08/25/2023	BASSETT'S CRICKET RANCH,INC.	Accounts Payable Check	213.76
175595	08/25/2023	BATTERY SYSTEMS, INC.	Accounts Payable Check	127.77
175596	08/25/2023	KEITH R. BERGHER	Accounts Payable Check	1,997.50
175597	08/25/2023	BERRY MAN, INC.	Accounts Payable Check	854.15
175598	08/25/2023	BILL GAINES AUDIO, INC.	Accounts Payable Check	3,043.30
175599	08/25/2023	BOUND TREE MEDICAL, LLC	Accounts Payable Check	129.69
175600	08/25/2023	C & N TRACTORS	Accounts Payable Check	37.58
175601	08/25/2023	CALIFORNIA JPIA	Accounts Payable Check	7,142.00
175602	08/25/2023	CALLYO 2009 CORP.	Accounts Payable Check	2,515.92
175603	08/25/2023	CHARTER COMMUNICATIONS	Accounts Payable Check	4,326.10
175604	08/25/2023	KAREN A. CLANIN	Accounts Payable Check	399.00
175605	08/25/2023	CO OF SAN LUIS OBISPO SART PRG	Accounts Payable Check	1,991.00
175606	08/25/2023	COLOR CRAFT PRINTING	Accounts Payable Check	1,850.59
175607	08/25/2023	CONSOR NORTH AMERICA, INC.	Accounts Payable Check	15,686.67
175608	08/25/2023	CRISP IMAGING	Accounts Payable Check	137.24
175609	08/25/2023	DAN BIDDLE PEST CONTROL SERVIC	Accounts Payable Check	135.00
175610	08/25/2023	JOE DEBRUIN, PH.D.	Accounts Payable Check	360.00

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175611	08/25/2023	DEEP BLUE INTEGRATION, INC.	Accounts Payable Check	325.00
175612	08/25/2023	DISTINCTIVE GLASSWARE BRANDING	Accounts Payable Check	597.04
175613	08/25/2023	DRIVE CUSTOMS	Accounts Payable Check	87.00
175614	08/25/2023	EMI SPORTWEAR	Accounts Payable Check	384.70
175615	08/25/2023	ESCROW CLEANING SERVICE	Accounts Payable Check	350.00
175616	08/25/2023	LLOYD R. EVANS JR.	Accounts Payable Check	2,500.00
175617	08/25/2023	FENCE FACTORY ATASCADERO	Accounts Payable Check	2,550.00
175618	08/25/2023	FERRELL'S AUTO REPAIR	Accounts Payable Check	1,555.13
175619	08/25/2023	FILIPPIN ENGINEERING, INC.	Accounts Payable Check	94,769.14
175620	08/25/2023	RYAN FOSS	Accounts Payable Check	380.46
175621	08/25/2023	RYAN GABBARD	Accounts Payable Check	128.00
175622	08/25/2023	GAS COMPANY	Accounts Payable Check	639.15
175623	08/25/2023	HART IMPRESSIONS PRINTING	Accounts Payable Check	1,009.83
175624	08/25/2023	HOME DEPOT CREDIT SERVICES	Accounts Payable Check	908.13
175625	08/25/2023	IMPLAN GROUP LLC	Accounts Payable Check	2,500.00
175626	08/25/2023	INTEGRATED TACTICAL CONCEPTS	Accounts Payable Check	1,700.00
175627	08/25/2023	JULIA IRWIN	Accounts Payable Check	67.00
175628	08/25/2023	JOANN HEAD LAND SURVEYING	Accounts Payable Check	19,545.14
175629	08/25/2023	KCS DEVELOPMENT, LLC	Accounts Payable Check	1,581.46
175630	08/25/2023	BRENDAN P. KELSO	Accounts Payable Check	1,671.60
175631	08/25/2023	KNIGHT'S CARPETS & INTERIORS	Accounts Payable Check	2,692.00
175632	08/25/2023	KPRL 1230 AM	Accounts Payable Check	920.00
175633	08/25/2023	LANTERN PRESS	Accounts Payable Check	126.72
175634	08/25/2023	GABRIELLE LINDMEIER	Accounts Payable Check	22.27
175635	08/25/2023	SHANDI LOCKE	Accounts Payable Check	67.00
175636	08/25/2023	EBONY LUCIEN	Accounts Payable Check	240.00
175637	08/25/2023	MARBORG INDUSTRIES	Accounts Payable Check	419.63
175638	08/25/2023	MARGARITA ADVENTURES, LLC	Accounts Payable Check	945.00
175639	08/25/2023	MARTIN MARIETTA MATERIALS, INC	Accounts Payable Check	3,014.61
175640	08/25/2023	WADE MCKINNEY	Accounts Payable Check	486.51
175641	08/25/2023	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	1,031.60
175642	08/25/2023	MIG	Accounts Payable Check	22,708.00
175643	08/25/2023	MILLER EVENT MANAGEMENT, INC.	Accounts Payable Check	1,000.00
175644	08/25/2023	MINER'S ACE HARDWARE	Accounts Payable Check	115.61
175645	08/25/2023	MISSION UNIFORM SERVICE	Accounts Payable Check	216.91
175646	08/25/2023	NATURE PLANET, INC.	Accounts Payable Check	129.60
175647	08/25/2023	KELLYE R. NETZ	Accounts Payable Check	149.00
175648	08/25/2023	NIELSEN,MERKSAMER,PARRINELLO,	Accounts Payable Check	923.00
175649	08/25/2023	MARC NOBRIGA	Accounts Payable Check	128.00
175650	08/25/2023	OAKWOOD ENRICHMENT ACADEMY LLC	Accounts Payable Check	5.00
175651	08/25/2023	PASO ROBLES ICE COMPANY	Accounts Payable Check	885.00
175652	08/25/2023	PEAKWIFI, LLC	Accounts Payable Check	650.00
175653	08/25/2023	PERRY'S ELECTRIC MOTORS & CTRL	Accounts Payable Check	7,253.85

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175654	08/25/2023	PERRY'S PARCEL & GIFT	Accounts Payable Check	19.32
175655	08/25/2023	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	1,415.91
175656	08/25/2023	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	880.00
175657	08/25/2023	RECOGNITION WORKS	Accounts Payable Check	6.53
175658	08/25/2023	DEBI RED	Accounts Payable Check	750.00
175659	08/25/2023	ROLSON MUSIC & SOUND	Accounts Payable Check	1,725.00
175660	08/25/2023	SAM'S TREE 805, INC.	Accounts Payable Check	6,900.00
175661	08/25/2023	THE SHERWIN-WILLIAMS COMPANY	Accounts Payable Check	190.12
175662	08/25/2023	SHI INTERNATIONAL CORP.	Accounts Payable Check	68.96
175663	08/25/2023	JOHN C. SIEMENS	Accounts Payable Check	1,344.00
175664	08/25/2023	SLO CO AIR POLLUTION CTRL DIST	Accounts Payable Check	291.33
175665	08/25/2023	SLOCOG	Accounts Payable Check	5,429.00
175666	08/25/2023	SOUTH COAST EMERGENCY VEH SVC	Accounts Payable Check	1,215.24
175667	08/25/2023	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	714,842.67
175668	08/25/2023	SPEAKWRITE, LLC.	Accounts Payable Check	23.99
175669	08/25/2023	SWANK MOTION PICTURES, INC.	Accounts Payable Check	2,670.00
175670	08/25/2023	SWCA, INC.	Accounts Payable Check	3,452.25
175671	08/25/2023	RODOLFO B. TORRES	Accounts Payable Check	750.00
175676	08/25/2023	U.S. BANK	Accounts Payable Check	28,144.93
175677	08/25/2023	VERDIN	Accounts Payable Check	10,566.20
175678	08/25/2023	VINO VICE, INC.	Accounts Payable Check	172.00
175679	08/25/2023	VISIT SLO CAL	Accounts Payable Check	5,000.00
175680	08/25/2023	TED E. WATERHOUSE	Accounts Payable Check	400.00
175681	08/25/2023	WHITLOCK & WEINBERGER TRANS.	Accounts Payable Check	150.00
175682	08/25/2023	YOUTH EVOLUTION SOCCER	Accounts Payable Check	2,772.00
4877	08/31/2023	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	8,947.43
175683	08/31/2023	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,151.80
175684	08/31/2023	EMPOWER ANNUITY INS CO	Payroll Vendor Payment	7,896.40
175685	08/31/2023	IAFF MERP	Payroll Vendor Payment	1,800.00
175686	08/31/2023	MISSIONSQUARE	Payroll Vendor Payment	8,571.34
175687	08/31/2023	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	1,698.18
				<u><u>\$2,920,272.24</u></u>



Atascadero City Council

Staff Report – Public Works Department

Downtown District Pavement Rehabilitation Project Phase 2 Construction Contract Award

RECOMMENDATIONS:

Council:

1. Award a construction contract for \$1,254,513 (Base Bid plus Bid Alternate 1) to Souza Construction for Phase 2 of the Downtown District Pavement Rehabilitation Project (Project No. C2021R02[2]); and
2. Authorize the Director of Administrative Services to allocate an additional \$407,660 in Local Transportation Funds to the Downtown District Pavement Rehabilitation Project budget; and
3. Authorize staff to include the Traffic Way (Bid Alternate 2) and Olmeda Avenue (Bid Alternate 3) portions of the Downtown District Pavement Rehabilitation Project with the Traffic Way Pavement Rehabilitation (South) Project scheduled for fiscal year 2025-2026 construction.

DISCUSSION:

Background

The Downtown District Pavement Rehabilitation Project groups a total of 1.7 miles of roadways within Atascadero's downtown core into a single comprehensive pavement resurfacing and rehabilitation project. Project work includes asphalt pavement repairs and rehabilitation, as well as concrete repairs to curbs and gutters, and reconstruction of fifteen sidewalk ramps to bring to current ADA standards.

The project was publicly bid in May 2023 but only one bid was received at the June 8, 2023 bid opening from Papich Construction Company for \$3,371,786; which far exceeded the engineer's estimate of \$1,368,000. Staff recommended that Council reject Papich's bid and allow staff to evaluate and implement measures to reduce project costs and resolicit construction bids. Council approved staff's recommendation on June 27, 2023 and the project was split into two projects that include concrete improvements (Phase 1) and asphalt pavement rehabilitation (Phase 2). This approach was expected to lower project bid prices and allowed for additional value engineering.

The following table includes the roads as part of this project, and a map is also attached to this report.

Road Segments in Downtown District Pavement Rehabilitation Project

Road Segment	From	To	Length (ft)	Area (sf)	2019 PCI*
City Alley #1	Palma Ave	305' South of Palma Ave	305	9,485	35
City Alley #2	Palma Ave	Entrada Ave	390	16,630	35**
City Alley #3	Palma Ave	130' North of Palma Ave	130	5,200	35**
East Mall	El Camino Real	Lewis Ave	810	29,930	45/72
Entrada Ave	El Camino Real	Lewis Ave	740	33,300	50
Lewis Ave	Traffic Way	Capistrano Ave	1,100	44,870	38/50/78
Olmeda Ave	Traffic Way	West Mall	615	20,295	49
Palma Ave	Traffic Way	East Mall	860	36,700	47/53
Traffic Way	El Camino Real	Tunitas Ave	1,780	80,250	48/69
West Mall	El Camino Real	Capistrano Ave	2,140	81,910	69/52
Total			8,870	358,570	
			1.68	miles	

* For roadways with multiple segments in Pavement Management Plan, all PCIs shown.

** Estimated. Not included in 2019 Pavement Assessment.

Analysis

Phase 1 was rebid first and the Council awarded a construction contract to G. Sosa Construction of Santa Maria for \$530,475 on August 30, 2023. This bid price was approximately \$215,000 lower than the corresponding concrete bid prices submitted with Papich Construction’s bid proposal that Council rejected.

The Phase 2 bid form was broken into a Base Bid and three Additive Bid Alternates due to concerns with current bid prices and budgetary constraints. The Base Bid included all streets in the downtown core, with the periphery roadways of Traffic Way, Olmeda Avenue, and Palma Avenue (West) included as Additive Bid Alternates. The Bid Alternates were identified as likely candidates to be included either on other projects (Traffic Way and Palma Avenue West) or as part of frontage improvements for future projects (Olmeda Avenue). The bid package was written so that the award of the project would be based upon the lowest Base Bid but also allow the City to award none, any, or all bid alternates at the sole discretion of Council.

The Phase 2 project was publicly bid starting August 11, 2023 for a minimum of 30 days in accordance with State Contracting Laws and Atascadero Purchasing Policy. A public bid opening occurred on September 14, 2023 and three bids were received ranging from \$1,190,998 to \$1,641,346 for the Base Bid schedule. The bids were reviewed for accuracy and compliance with project bidding requirements, and the City Engineer has determined that Souza Construction of San Luis Obispo is the lowest responsive bidder with a Base Bid price of \$1,190,998. Souza’s Base Bid and Additive Bid Alternate prices are summarized as follows:

<u>Bid Schedule</u>	<u>Bid Price</u>	<u>Road Segments Included</u>
Base Bid:	\$1,190,998	Entrada Ave, West Mall, Lewis Ave, Palma Ave, East Mall, City Alleys #1-3
Bid Alternate 1:	\$ 63,515	Palma Avenue (West) at Traffic Way
Bid Alternate 2:	\$ 235,817	Traffic Way (ECR to Tunitas Ave.)
Bid Alternate 3:	\$ 86,153	Olmeda Avenue (Traffic Way to W. Mall)
Total:	\$1,576,483	

Staff has reviewed bid proposals and believe that pricing is competitive and Souza Construction’s bid is considered reasonable for this project. Bid prices for asphalt pavement work remain high given the rapid recent escalation of construction costs starting over the last several years, particularly due to an abundance of work resulting from 2023 winter storm repairs. It appears that splitting the project into two phases has resulted in significant savings to the City. Phase 1 and 2 bids total \$2,106,958 (all bid schedules combined), which is \$1,264,828 less than Papich Construction’s original bid of \$3,371,786 that was rejected by Council.

Awarding the Base Bid and all three Bid Alternates for Phase 2 work with a 10% contingency would total \$1,735,000, which would require \$762,660 in additional budget allocations to the combined Phase 1 and 2 project costs. Awarding only the Base Bid work with a 10% contingency would total \$1,310,000 and requires \$337,660 in additional budget allocations. A discussion of each Bid Alternate follows below:

Bid Alternate 1: Palma Ave (West) at Traffic Way (\$70,000 with 10% contingency)

This bid alternate involves widening Palma Avenue at the west intersection with Traffic Way to accommodate parking along the Artery and Haircut Shop businesses. This section of Palma Avenue between Traffic Way and Rosario Avenue is included with the 2023 F-14 Project that is currently under construction. This work requires a temporary construction easement from Starna Cells to complete the work, which staff has already obtained, and there have been steady complaints from a nearby business since adjacent parking was removed in 2019.

Bid Alternate 2: Traffic Way from ECR to Tunitas Ave (\$260,000 with 10% contingency)

This bid alternate involves microsurfacing Traffic Way from El Camino Real to Palma Avenue and a mill and overlay from Palma Avenue to Tunitas Avenue (CPCC entrance). This bid alternate work could more efficiently be included with the Traffic Way Pavement Rehabilitation (South) project that is scheduled for construction in fiscal year 2025-2026, which involves the section of Traffic Way between Tunitas Avenue and San Jacinto Avenue).

Bid Alternate 3: Olmeda Ave from Traffic Way to West Mall (\$95,000 with 10% contingency)

This bid alternate involves a mill and overlay of Olmeda Avenue. This is the same pavement rehabilitation treatment as Traffic Way at Olmeda and could also be included with the Traffic Way Pavement Rehabilitation (South) project mentioned above.

Recommendation

Staff recommends that Council award the Base Bid and Bid Alternate 1 to Souza Construction for Phase 2 of the Downtown Paving Project. Since this bid alternate involves work on the same section of Palma Avenue that is under current contract with

Souza Construction, it is reasonable and logical to perform this work cooperatively. This will require an additional funding allocation of \$70,000 to the project budget.

Staff further recommends that bid alternate work on Traffic Way (ECR to Tunitas) and Olmeda Avenue (Traffic Way to West Mall) be delayed and incorporated into the Traffic Way Pavement Rehabilitation (South) project. This future project begins at the north extents of the section of Traffic Way included in Bid Alternate 2. In addition, Olmeda Avenue connects to the section of Traffic Way that is featured in Bid Alternate 2 and has the same mill and overlay pavement treatment.

During construction, some inconvenience is expected to vehicular and pedestrian traffic along the roadway segments. Staff has been working closely with downtown business owners and residents and will continue with a robust public information effort throughout the duration of this project. Several measures were taken during the design to minimize impacts, including language in the project specifications that requires specific roadway segments be completed first, prior to November 15. Additionally, working hours will be restricted on portions of East Mall, West Mall, Lewis Avenue, and Traffic Way during school drop off and pickup, and City staff is working closely with Atascadero Unified School District personnel to keep parents and teachers notified of construction status. Souza Construction will be required to prepare a traffic control plan, and City staff and the contracted construction manager will work with the contractor to minimize travel delays and impediments to property access on all roadway segments. Souza Construction is also currently contracted and working on the 2023 F-14 Pavement Rehabilitation Project with the same Construction Manager (Cannon) for both projects, which provides excellent efficiency for project coordination and communication.

ENVIRONMENTAL REVIEW:

The proposed project is Categorically Exempt (Class 1) from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) pursuant to CEQA Guidelines Section 15301, because it is limited to repair and maintenance of existing facilities. A finding of exemption is on file in the project records.

FISCAL IMPACT:

Award of a construction contract to Souza for the Base Bid plus Bid Alternate 1 would result in the expenditure of approximately \$1,254,513 in Local Transportation Funds. Projected expenditures and sources are found in the following table.

ESTIMATED EXPENDITURES	
Design and Bid Phase	\$ 225,000
Construction Contract – Phase 1	530,475
Construction Contingency – Phase 1 @ 10% *	53,050
Survey Monument Perpetuation	10,500
Construction Contract – Phase 2 (Base Bid + Bid Alt. 1)	1,254,513
Construction Contingency – Phase 2 @ 10% *	125,487
Construction Inspection / Testing / Administration @ 15%	210,975
Total:	\$ 2,410,000

PROPOSED FUNDING	
Local Transportation Funds (Budgeted)	\$ 2,002,340
Local Transportation Funds (Additional Allocation) *	407,660
Total:	\$ 2,410,000

**Additional allocation needed without construction contingencies is \$229,123.*

ALTERNATIVES:

1. Council has the option of awarding only the Base Bid or may include one or more bid alternates to the project award. If additional bid alternates are awarded, this would require additional funding allocation to the project budget.
2. Council may cancel the project or direct staff to rebid the project. Staff does not recommend this alternative, as the bid prices received for both the Base Bid and Bid Alternates are considered very reasonable, and staff does not expect that rebidding the project would result in lower costs at this time.

ATTACHMENTS:

1. Project Location Map
2. Bid Summary

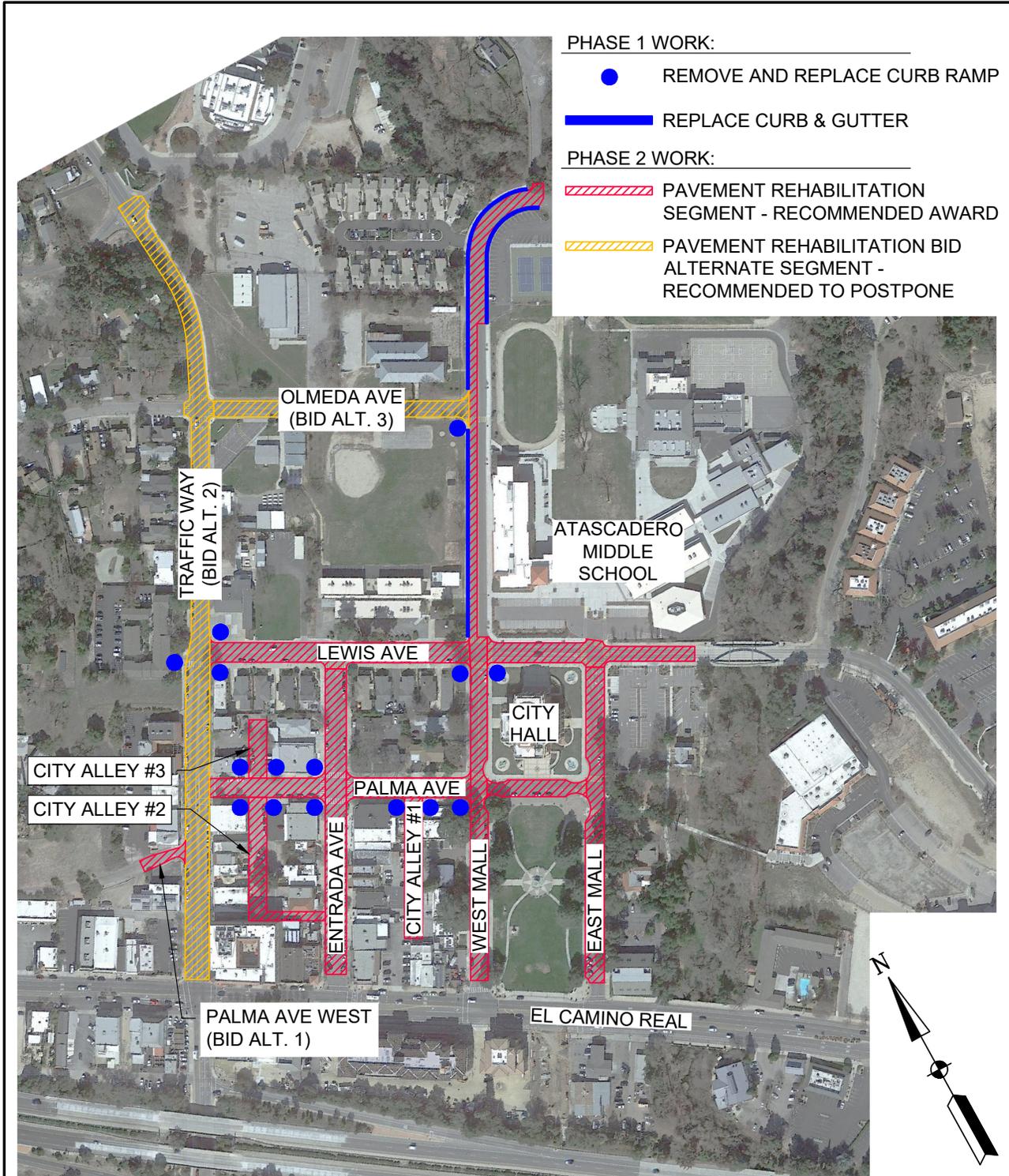


EXHIBIT
**DOWNTOWN DISTRICT PAVEMENT
 PAVEMENT REHABILITATION
 WORK LOCATIONS**

SCALE: 1"=300'
 PAGE NO: 1 OF 1

City of Atascadero
Office of the City Clerk
Bid Summary

TO: Public Works
 FROM: Dillon Dean James, Deputy City Clerk 
 BID NO.: 2023-009
 OPENED: 9/14/2023
 PROJECT: Downtown District Pavement Rehabilitation Phase 2 Project No. C2021R02(2)

3

Bids were received and opened today, as follows:

<u>Name of Bidder</u>	<u>Base Bid Total</u>	<u>Add Alternate</u>
Souza Construction	\$1,190,998.00	
CalPortland	\$1,497,652.00	
Papich Construction	\$1,641,346.00	



Atascadero City Council

Staff Report – Community Development Department

Affordable Housing Development Impact Fee Deferral Policy Resolution Adoption and Second Reading of Ordinance

RECOMMENDATIONS:

Council:

1. Adopt Draft Resolution approving a policy to allow deferral of development impact fees and wastewater capacity charges for affordable housing projects in accordance with the City Housing Element Policy; and
2. Adopt on second reading, by title only, Draft Ordinance to amend the Municipal Code, Title 3-14.070, to include the deferral of impact fees for affordable housing projects as an option for payment for impact fees.

DISCUSSION:

On September 12, 2023, the City Council authorized a policy and Municipal Code amendments that would allow for the deferral of development impact fees for affordable housing projects consistent with General Plan Housing Element Program 2.E. Council also introduced an ordinance amending Title 3 of the Municipal Code to address the deferment potential.

Analysis:

The program allows the deferment of development impact fees, including wastewater capacity charges, for residential units that are in the low, very low, and extremely low-income categories. The deferment shall only apply to residential development projects that include five or more rental residential units that are deed restricted as affordable for 55 years or more in accordance with State Density Bonus affordability requirements.

Residential dwelling units shall be eligible for a deferment of development impact fees in accordance with the following:

1. Project shall consist of five (5) or more affordable residential units (low, very low, or extremely low).
2. Only residential units that are rental units and are deed restricted as affordable to residents that qualify as low, very low, or extremely low-income categories shall

be eligible for impact fee deferment. Deed restriction shall be for a term of 55 years or greater.

3. Deferments shall only apply to new residential development constructed with City approved construction permits within zoning that allows for residential uses in accordance with the City's General Plan and Zoning, unless otherwise approved by City Council.
4. The deferment shall be requested prior to issuance of construction permits and may only be granted following recordation of affordability covenants.
5. Project must record a deed restriction for affordability, subject to City terms, in conjunction with or prior to recordation of deferral agreement.
6. Development Impact Fees, including wastewater capacity charges, shall be eligible for deferment.
7. All development impact fees and all accrued interest shall be payable in full at the earlier of 1) upon completion of year 17, or 2) the sale of the property or conversion to condominium units.
8. Deferment agreements shall be approved by City Council.
9. The simple interest rate shall be calculated as of the date of the request for deferral to the City, and shall be the City's investment return as presented in the most recently Council adopted quarterly Treasurer's Report, plus 1%.

Municipal Code Amendment:

Amendments to Title 3-14.070 are as follows:

3-14.070 Issuance of regulations and setting of fees.

*The City Council shall from time to time by resolution, issue regulations and set fees for the administration of this chapter. Any regulations adopted pursuant to this code shall require the payment of any impact fees due ~~shall~~ to be paid upon final inspection of the property and before occupancy **unless an agreement to defer impact fees has been approved by the City for residential units that are affordable to low, very low, and/or extremely low households.***

CONCLUSION:

Adoption of the policy would implement General Plan Housing Element policy and allow for the City to defer development impact fees for affordable housing in concurrence with Council approval.

FISCAL IMPACT:

The deferral of impact fees will delay the necessary contributions to the City's impact fees, thereby reducing the amount of available funding for projects. This could result in projects being delayed over time and costing more when they are actually initiated. Additionally, implementation of the program will result in the need for additional staff time. Combined deferred impact and wastewater fees range from about \$15,000 to \$19,000 per unit, depending on the type of the residential unit.

ATTACHMENT:

1. Resolution Adopting an Impact Fee Deferment Policy for Affordable Housing
2. Ordinance amending Title 3

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING A POLICY TO ALLOW FOR THE DEFERMENT OF DEVELOPMENT IMPACT FEES FOR RESIDENTIAL UNITS THAT ARE DEED RESTRICTED FOR AFFORDABILITY

WHEREAS, the City’s Housing Element Policies require that the City incentivize the development of housing that is affordable to all income levels; and

WHEREAS, developers of affordable housing projects within our region need a fee deferral in order to support grant scoring and opportunities for affordable housing; and

WHEREAS, a deferment program is a proven method to incentivize the development of affordable housing and will aid in meeting state Regional Housing Allocation numbers; and

WHEREAS, on April 25, 2023, the City Council reviewed a draft program to allow for the deferment of development impact fees for qualifying residential projects and advised staff to return with a policy and municipal code amendments to allow the City to defer impact fees based on specific guidelines; and

WHEREAS, the City Council reviewed policy and municipal code amendments at a regular hearing on September 12, 2023 and suggested minor changes to the policy; and

WHEREAS, the City Council reviewed a revised deferment policy at a regular hearing on September 26, 2023.

NOW, THEREFORE BE IT RESOLVED, BY THE CITY COUNCIL OF THE CITY OF ATASCADERO:

SECTION 1. The above recitals are true and correct.

SECTION 2. A fee deferral program detailed in Exhibit A, attached hereto and incorporated herein, allowing for a long-term loan for 17 years based upon simple interest and repayable at the conclusion of 17 years or upon sale of the property, is hereby approved to allow for a deferment in exchange for the development of low, very low, and extremely low income affordable dwelling units that are deed restricted as affordable for a term of 55 years or greater.

SECTION 3. The simple interest rate shall be calculated as of the date of the request for deferral to the City, and shall be the City’s investment return as presented in the most recently Council adopted quarterly Treasurer’s Report, plus 1%.

PASSED AND ADOPTED at a regular meeting of the City Council held on the __th day of September, 2023.

On motion by _____ and seconded by _____, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

Fee Deferment Policy for Affordable Housing Units

Residential dwelling units may be eligible for a deferment of Development Impact fees, subject to City Council approval, in accordance with the following:

1. Project shall include a minimum off five (5) or more residential units that are affordable to residents within the low, very low, or extremely low-income categories and deed restricted as such.
2. Only rental residential units that are deed restricted as affordable to residents that qualify as low, very low, or extremely low-income categories in accordance with the Affordable Housing Standards published by the County of San Luis Obispo shall be eligible for impact fee deferment. Deed restriction shall be for a term of 55 years or greater.
3. Deferments shall only apply to rental residential development constructed with City approved construction permits within zoning that allows for residential uses in accordance with the City's General Plan and Zoning, unless otherwise approved by City Council.
4. The deferment shall be requested prior to issuance of construction permits and may only be granted following recordation of affordability covenants.
5. Project must record a deed restriction for affordability, subject to City terms, in conjunction with or prior to recordation of deferral agreement.
6. Development Impact Fees, including wastewater capacity charges, shall be eligible for deferment.
7. Construction plan check fees and associated permit fees shall not be eligible for deferment.
8. Units that are converted to "for sale" units or that are sold prior to the completion of the deferment term shall no longer be eligible for deferment and all applicable development impact fees and wastewater capacity charges shall be due prior to close of escrow.
9. Deferment agreements shall be approved by City Council.

Fee Deferment Terms

The deferral shall be for a term of 17 years. The simple interest rate shall be calculated as of the date of the request for deferral to the City, and shall be the City's investment return as presented in the most recently Council adopted quarterly Treasurer's Report, plus 1%. The deferred fees plus all accrued interest shall be payable in full at the earlier of 1) the completion of year 17, or 2) the sale of the property or conversion to condominium units. All fee deferments shall be subject to a City Loan Agreement and recordation of applicable covenants.

DRAFT ORDINANCE

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 3-14.070 TO ALLOW FOR DEVELOPMENT IMPACT FEE DEFERMENTS FOR AFFORDABLE HOUSING

WHEREAS, it is the desire and intent of the State of California to incentivize the production of housing that is affordable to multiple income levels; and

WHEREAS, the City’s Housing Element provides policies that ask the City to adopt incentives to facilitate the production of housing; and

WHEREAS, the City’s Housing Element Program 2.E asks the City to adopt a development impact fee deferral program that can be applied to housing units that are affordable to lower-income households; and

WHEREAS, the deferral of development impact fees should be identified in the City’s Municipal Code as an option to the payment of fees for deed-restricted affordable housing units; and

WHEREAS, the City Council of the City of Atascadero studied and considered the proposed Municipal Code text amendments at a duly noticed Public Hearing held on September 12, 2023, at which hearing evidence, oral and documentary, was admitted on behalf of said amendments; and

WHEREAS, the City Council of the City of Atascadero held a second reading on the draft ordinance on September 26, 2023.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Recitals. The above recitals are true and correct.

SECTION 2. Public Hearing. The City Council of the City of Atascadero, in a regular session assembled on September 26, 2023, resolved to introduce for second reading by title only, an Ordinance that amends Title 3, Chapter 14.070, of the City of Atascadero Municipal Code as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 3. CEQA. This Ordinance is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because the adoption of an ordinance regarding second units in a single-family or multifamily residential zone by a city or county to implement the provisions of Sections 65852.1 and 65852.2 of the Government Code as set forth in Section 21080.17 of the Public Resources Code is a statutorily exempt activity.

SECTION 4. Approval. Title 3 (Finance), Chapter 14.070 (Development Impact Fee Ordinance, Issuance of Regulations and Setting of Fees) of the Atascadero Municipal Code is amended as detailed in Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 5. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 6. Preservation. Repealing of any provision of the Atascadero Municipal Code or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 7. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the Atascadero Municipal Code or other City Ordinance by this Ordinance will be rendered void and cause such previous Atascadero Municipal Code provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 8. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 9. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance, cause it to be entered into the City of Atascadero’s book of original ordinances, make a note of the passage and adoption in the records of this meeting and within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 10. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on _____, and **PASSED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____.

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

ITEM NUMBER: A-4
DATE: 09/26/23
ATTACHMENT: 2A

Exhibit A

3-14.070 Issuance of regulations and setting of fees.

The City Council shall from time to time by resolution, issue regulations and set fees for the administration of this chapter. Any regulations adopted pursuant to this code shall require the payment of any impact fees due to be paid upon final inspection of the property and before occupancy unless an agreement to defer impact fees has been approved by the City for residential units that are affordable to low, very low, and/or extremely low households.



Atascadero City Council

Staff Report - Public Works Department

Sediment and Erosion Control Work for 2023 Pine Mountain Slide

RECOMMENDATION:

Council authorize the Director of Administrative Services to allocate \$55,000 in General Fund Reserves toward Sediment and Erosion Control Work for the 2023 Pine Mountain Slide.

DISCUSSION:

Background:

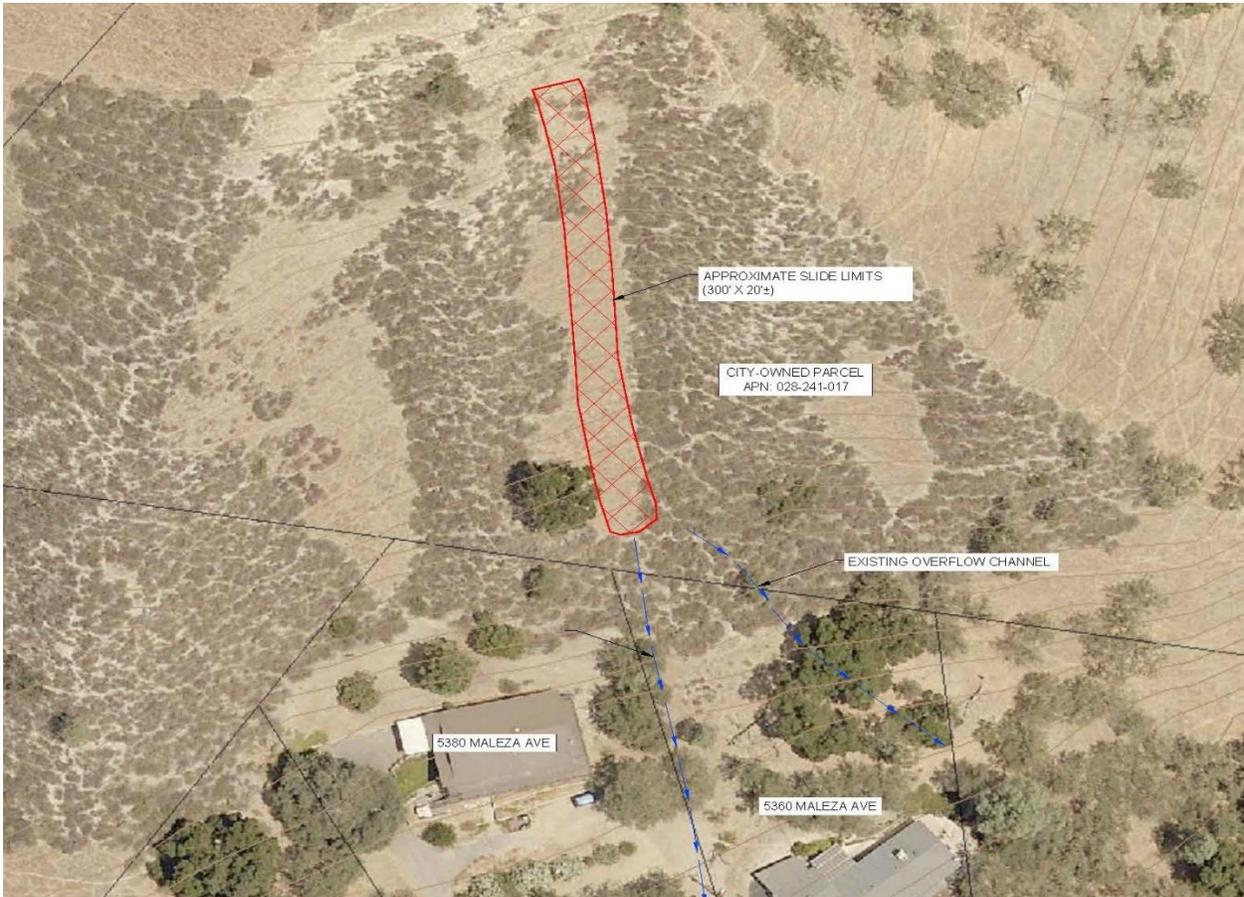
As result of the January 2023 storms, heavy rains and soil saturation led to a landslide on a City-owned parcel on the south facing slope of Pine Mountain, directly above the property at 5360 Maleza Avenue. A debris flow of water, soil, and rock was created from the slide that moved down gradient and deposited material onto the 5360 Maleza Avenue property. The property owners were proactive with the debris flow and were able to route runoff from the slide around their home, resulting in limited damage impacts to their property. There has been some revegetation that has been observed on the slide, however, most of the slide remains exposed and is vulnerable to additional erosion and sediment movement with future heavy rainfalls.

Staff has prepared an erosion and sediment control plan that includes seeding and jute net (natural woven fiber erosion control blanket) installation on the exposed landslide scar, grading and placement of a rock dissipator basin at the toe of the slope, and light grading of the existing runoff diversion trenches that divert runoff around the principal structure at 5360 Maleza Avenue.

A photo of the slide and over-view of the sediment and erosion control plan is shown below.



Slide viewed from Pinal Ave



Slide Location

Analysis

Pursuant to Section VI (Public Projects) of the City Purchasing Policy, for projects between \$30,000 and \$60,000, no public bid is required and the project may be awarded to a contractor by the City Manager or Director of Administrative Services at the recommendation of the Department Head. Due to excellent and timely work completed by Porter Construction, Inc. on recent emergency projects, City staff met with the contractor onsite and requested a scope and fee proposal. Staff reviewed the cost estimate and found it to be reasonable given the difficulty of delivering materials and equipment to the site, labor required for installation on a steep hillside, and tight site constraints.

ENVIRONMENTAL REVIEW:

The proposed project is Exempt from the provisions of the California Environmental Quality Act (California Public Resources Code §§ 21000, et seq., “CEQA”) and CEQA Guidelines (Title 14 California Code of Regulations §§ 15000, et seq.) pursuant to CEQA Guidelines Section 21080(b)(4) and 21080(b)(5), because it is a project undertaken by a public agency to maintain, repair, restore, demolish or replace property or facilities damaged or destroyed as a result of a disaster in a disaster-stricken area in which a state of emergency has been proclaimed by the Governor pursuant to Chapter 7 of Division 1 of Title 2 of the Government Code, and is a specific action necessary to prevent or mitigate an emergency.

FISCAL IMPACT:

The fiscal impact of this action is the expenditure of up to \$55,000 in unbudgeted general funds.

ESTIMATED EXPENDITURES	
Construction Contract	39,710
Construction Contingency @ 20%	7,940
Construction Inspection / Administration @ 18%	7,350
Total Estimated City Expenditures:	\$ 55,000

BUDGETED FUNDING SOURCES	
Unbudgeted General Funds	\$55,000
Total Budgeted Funding Sources:	\$55,000

ALTERNATIVES:

Council may cancel this work or direct staff to seek additional quotes. Staff does not recommend any alternatives, as timely completion of the work is necessary and it is not expected that a lower bid would be received.



Atascadero City Council

Staff Report – Police Department

Ordinance Regulating Camping in Areas of the City (AMC Title 5, Chapter 15)

RECOMMENDATIONS:

Council:

1. Adopt Draft Urgency Ordinance A repealing and replacing, in its entirety, Title 5, Chapter 15 (Prohibited Camping) of the Atascadero Municipal Code, to better define prohibited camping on public and private property; regulate storage of personal property on public property; and establish time, manner, and place regulations for camping by necessity; and
2. Introduce for first reading, by title only, Draft Ordinance B repealing and replacing, in its entirety, Title 5, Chapter 15 (Prohibited Camping) of the Atascadero Municipal Code, to better define prohibited camping on public and private property; regulate storage of personal property on public property; and establish time, manner, and place regulations for camping by necessity.

DISCUSSION:

Homelessness as a result of housing affordability and other issues continues to be a significant challenge not only in the City of Atascadero but throughout the entire county and state. The City has undertaken extensive efforts to support established shelter spaces in the City, partner with agencies to provide and offer services to unhoused residents, and engage in encampment cleanups to address both the needs of homeless individuals along with overall community health and safety. In spite of legislation and court decisions over the past several years, the City recognizes the importance of addressing this challenge, and continues to look for ways to balance the needs of connecting the unhoused population to services while attending to the expectations of the community at large.

Council originally adopted a “Prohibited Camping Ordinance” in 2013 to address camping on public property. The United States Ninth Circuit Court of Appeals decisions in *Martin v. Boise* and *Johnson v. City of Grants Pass*, combined with voter-approved ballot measures and state legislation, have severely limited the City’s ability to take

enforcement action for violation of the City's Prohibited Camping Ordinance. While legislative and court decisions have legally shifted the City's opportunity to respond, City staff remains committed to using the tools available to ensure we are helping get services for those who are willing to receive them, while taking swift enforcement action as appropriate towards those who are demonstrating criminal behavior. In response to the *Boise* and *Grants Pass* decisions, staff researched many communities' recently adopted ordinances prohibiting camping to assist in developing an updated ordinance that meets the health and safety needs of all residents in the community (housed and unhoused), as well as complies with these Ninth Circuit Court of Appeals decisions.

The proposed draft ordinance was developed to:

1. Regulate the time, place, and manner of camping on public and private property given enforcement limitations where there is insufficient shelter space for homeless individuals in the community; and
2. Regulate vehicle habitation on public property and rights-of-way, vehicle camping on private property, and camping on public property.

The proposed Ordinance is the product of a lengthy collaboration of many different City departments including the City Manager's Office, City Attorney, Police, Public Works, and Community Development Departments. Additionally, the City has received numerous complaints from, and appeals to address camping throughout the City by, residents impacted by campers in their residential neighborhoods, local businesses and places of worship expressing health and safety concerns due to encampments encroaching near and or on their properties, and the Atascadero Unified School District to address camping in and around school properties. The Atascadero Mutual Water Company, concerned with pollution of the City's water source caused by human waste contamination as a result of camping in and around waterways, recently appealed to the City to prohibit camping near Atascadero Creek, Graves Creek, and the Salinas River.

Overall, the draft ordinance sets forth standards for camping and sheltering on City rights-of-way and public and private property. These standards seek to address public peace, health, and safety issues such as fire risk, unsanitary conditions, and trash; public safety hazards to people camping, businesses, visitors, and community members; and environmental degradation, which have occurred with long-term camping in the City. The ordinance clearly defines camping and when and where camping by necessity is not permitted, as well as defines unlawful storage of personal property on public property and the process for notification for abatement of stored property. Further, the ordinance provides distinctive parameters that can be easily explained to those who are currently unhoused.

It is the City's intention to continue to respond compassionately with a multi-disciplinary team to address the needs of the homeless population with the goal being to connect the unhoused to services and housing. The updated Ordinance will provide City staff with additional tools necessary to address these public peace, health, and safety issues more readily while keeping within the law. Staff recommends the City Council adopt the proposed ordinance, repealing and replacing AMC Title 5, Chapter 15 (Prohibited

Camping) to immediately preserve the public peace, health, and safety, and to provide clear direction and standards for enforcing prohibited camping activities.

FISCAL IMPACT:

None.

ALTERNATIVES:

1. Council may decide not to adopt the proposed ordinance;
2. Council may request staff to revise the proposed ordinance; or
3. Council may request staff to conduct further analysis of the proposed ordinance prior to adoption.

ATTACHMENT:

1. Draft Urgency Ordinance A
2. Draft Ordinance B

DRAFT URGENCY ORDINANCE A

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, REPEALING AND REPLACING, IN ITS ENTIRETY, TITLE 5, CHAPTER 15 (PROHIBITED CAMPING), OF THE ATASCADERO MUNICIPAL CODE TO ADDRESS PROHIBITED CAMPING ON PUBLIC AND PRIVATE PROPERTY; REGULATE STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY; AND ESTABLISH TIME, MANNER, AND PLACE REGULATIONS FOR CAMPING BY NECESSITY

WHEREAS, homelessness continues to be a significant challenge not only in the City of Atascadero but throughout the entire county and state; and

WHEREAS, the City Council originally adopted a Prohibited Camping Ordinance in 2013 to address camping on public property; and

WHEREAS, the United States Ninth Circuit Court of Appeals decisions in *Martin v. Boise* and *Johnson v. City of Grants Pass*, combined with voter-approved ballot measures and state legislation, have severely limited the City's ability to take enforcement action for violation of the City's Prohibited Camping Ordinance; and

WHEREAS, the City has received numerous complaints from, and appeals to address camping throughout the City by, residents impacted by campers in their residential neighborhoods, local businesses, and places of worship expressing health and safety concerns due to encampments encroaching near and or on their properties, and the Atascadero Unified School District to address camping in and around school properties; and

WHEREAS, the Atascadero Mutual Water Company, concerned with pollution of the City's water source caused by human waste contamination as a result of camping in and around waterways, recently appealed to the City to prohibit camping near Atascadero Creek, Graves Creek, and the Salinas River; and

WHEREAS, in response to these requests and the *Boise* and *Grants Pass* decisions, staff researched many communities' recently adopted prohibited camping ordinances to assist in developing an updated ordinance that meets the health and safety needs of all residents in the community (housed and unhoused) as well as complies with these United States Ninth Circuit Court of Appeals decisions; and

WHEREAS, the proposed draft ordinance was developed to regulate the time, place, and manner of camping on public and private property given enforcement limitations, regulate vehicle habitation on public property and rights-of-way, vehicle camping on private property, and camping on public property; and

WHEREAS, it is staff's intention to continue to respond compassionately, with a multi-disciplinary team to address the needs of the homeless population.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Recitals: The above recitals are true and correct.

SECTION 2. Determination. The City Council has determined that based on the recitals above and all other facts presented to the City Council, the proposed Ordinance is adopted for the immediate preservation of the public peace, health, and safety and is passed by no less than a four-fifths vote of the City Council and Title 5, Chapter 15 is repealed and replaced in its entirety, as set forth in Exhibit “A” of this Ordinance, attached hereto and incorporated herein by reference.

SECTION 3. CEQA. The proposed Title 5 amendment is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3).

SECTION 4. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5. Preservation. Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 7. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9. Effective Date. This Ordinance will take effect immediately as an urgency ordinance necessary for the immediate preservation of the public peace, health, and safety pursuant to California Government Code Section 36937(b).

INTRODUCED at a regular meeting of the City Council held on _____, 2023, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2023.

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney

CHAPTER 15. - CAMPING AND STORAGE OF PERSONAL PROPERTY

5-15.101. - PURPOSE.

This Chapter is intended to protect the public health, welfare, and safety by reserving open spaces and facilities within the City limits for their intended purposes. Public property within the City should be readily accessible and available to residents and the general public at large. Unregulated use of public property for camping or storage of personal property interferes with the rights of others to make use of such shared public spaces for their intended purposes and frequently contributes to blight or pollution, and causes damage to public property. This Chapter is intended to avoid unsafe and potentially disorderly conditions, unsanitary and unhealthful conditions, and the degradation or destruction of open spaces and facilities within the City, and preserve such open spaces and natural resources.

5-15-102. - DEFINITIONS.

The following words and phrases, when used in this Chapter, shall have the below meanings unless it is readily apparent from the context that another meaning is intended.

- (a) "Camp" or "Camping" means—the conduct of more than one of the following activities on public property, when it reasonably appears, in light of all circumstances, that a person is using such public or private property for living accommodation purposes:
- i. sleeping or preparing to sleep (including the laying down of bedding for the purpose of sleeping), including undertaking such activities in a vehicle (including any motorhome, camp trailer, camper, coach, fifth wheel travel trailer, house car, recreational vehicle, mobile home), or obscuring some or all of the vehicle's windows;
 - ii. erecting or using any tent, camp facilities, or building any other form of shelter;
 - iii. unattended storage of personal belongings (including but not limited to clothing, sleeping bags, bedrolls, blankets, sheets, luggage, backpacks, kitchen utensils, cookware) or camp paraphernalia;
 - iv. possessing inside or on a vehicle items that are not associated with ordinary vehicle use, such as a sleeping bag, bedroll, blanket, sheet, pillow, kitchen utensils, cookware, or cooking equipment;
 - v. making or using any fire, for purpose of heating or cooking, or using any flame, grill, portable stove, or similar flame producing device for cooking of meals on public property, except for in City parks with designated barbeque and cooking areas while using City-provided cooking facilities designed for such purposes; or

- vi. doing any digging or earth breaking activities for purpose of creating or improving a shelter.

Camping shall be deemed to occur regardless of whether a full night is actually spend occupying any specific location on public property.

- (b) "Camp facilities" include, but are not limited to, tents, huts, or similar temporary shelters consisting of any material with a top or roof or any other upper covering or that is otherwise enclosed by sides that is of sufficient size for a person to fit underneath or inside while sitting or lying down and includes the use of a tarp or other material tied or affixed to a structure or bush to create an enclosed area.
- (c) "Camp paraphernalia" includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks, or non-City designated cooking or heating equipment.
- (d) "Public property" means any publicly owned property in the City, whether improved or unimproved, including, but not limited to, any of the following: public alleyways; public parking lots; public passageways; public streets; public rights-of-way; park playgrounds; freeway on-ramps and off-ramps; publicly owned, maintained, or operated parks; publicly owned, maintained, or operated landscaped areas or greenbelts; publicly owned fences, trees, light poles, or equipment boxes; publicly owned, maintained, or operated open spaces including, but not limited to, public facilities or buildings of any kind; public sidewalks, curbs, and gutters; public educational institutions; or other government owned, maintained, or operated properties located within the City.
- (e) "Public utilities" means any outdoor water, sewer, or electrical outlets or fixtures on government owned, maintained, or operated properties located within the City.
- (f) "Vehicle" means a vehicle as defined in California Vehicle Code section 670.
- (g) "Very High Fire Severity Zones" means such areas as are designated by the City pursuant to Government Code Section 51179.

5-15.103. UNLAWFUL CAMPING.

It shall be unlawful for any person to camp on any public property within the City, except as otherwise provided herein.

5-15.104. STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY.

It shall be unlawful for any person to store any personal property, including camp facilities and camp paraphernalia, on any public property within the City, except as otherwise provided in this chapter.

Prior to removing any personal property, any enforcing employee shall attempt to provide any apparent owners with notice of intent to remove the personal property at least 24 hours in advance of any action to remove any personal property. Notice shall be in writing and shall be served personally on the owners of such property if readily apparent, or otherwise shall be left on or with the property. In addition, the enforcing employee shall post the notice on or near the personal property so as to reasonably communicate the notice to persons living at the camp facility but not present during the attempt to serve notice. The notice shall contain the following information:

- A. The location of the personal property
- B. The date and time notice was served or posted;
- C. A statement that the storage of personal property violates this Chapter;
- D. An advisement that the City will remove the personal property 24 hours after the date and time of the notice;
- E. Information about any housing or shelter and homeless services available for the owners of the personal property, the phone number and address to contact in order to obtain the housing or shelter or other health and human services;
- F. An advisement that any personal property remaining at the site when the enforcing employee returns to remove the personal property and it will be impounded for no fewer than 90 days and will be discarded thereafter if not claimed; and
- G. The address, phone number, and operating hours of the location where the personal property will be stored and may be retrieved, and that the City will charge no fee for storage or retrieval.

A person occupying a camp facility who is present at the time the enforcing employee is removing the personal property can retain his or her personal property except items that constitute an immediate threat to the health or safety of the public or items that constitute evidence of a crime or contraband that may be seized, as permitted by law.

5-15-105. OFFER OF HOUSING, SHELTER AND SERVICES.

Prior to directing a person to remove camp facilities or prior to removing the camp facilities, the enforcing employee shall offer information to the occupant(s) regarding any available housing or shelter and other health and human services that said employee reasonably believes are relevant to the occupant(s) and their individual circumstances.

5-15-106. EXEMPTION FOR NECESSITY – TIME, PLACE, AND MANNER REGULATIONS.

The provisions of this Chapter shall not apply, except as stated below, to any individual camping by necessity, including, for example, those instances in which every shelter in the local area is at capacity. The City Manager may establish local guidelines to determine whether an individual is camping by necessity.

If an individual is camping by necessity, the following time, manner and place requirements shall apply and strict compliance with them shall be required in order to avoid the prohibitions otherwise specified in this Chapter, and the imposition of penalties as otherwise specified in this code:

- A. Time. No person shall erect, configure, or construct any camp facilities from 7:00 a.m. to 8:00 p.m. (except during stormy weather). A person must take down, fold, and completely remove or put away any camp facilities erected, configured, or constructed on any public property between the hours of 7:00 a.m. and 8:00 p.m. (except during stormy weather).
- B. Manner. At no time shall any person obstruct access to a street, sidewalk, park playground, public utility, public property, or other public right-of-way open for pedestrian travel or governmental use:
 - 1. By sitting, lying or sleeping, or by storing, using, maintaining or placing personal property in a manner that does not allow for passage as required by the Americans with Disabilities Act of 1990, as amended from time to time; or
 - 2. By sitting, lying or sleeping, or by storing, using, maintaining or placing personal property within ten feet of any operational or utilizable entrance, exit, driveway, or loading dock; or
 - 3. By creating any barrier with string, wire, rope, or chain, or other attachments or appurtenances upon City owned trees, light poles, fences, equipment or other public facilities.
 - 4. A camp or camping, including outside stored personal property, must be limited to a spatial footprint of no more than ten square feet, or ten-foot by ten-foot area. The intent of this provision is to allow a person to sleep protected from the elements and maintain the essentials for living, while still allowing others to use public spaces as designed and intended.
 - 5. Individuals may not:
 - a. Accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in a public right-of-way, on city property, or on any adjacent public or private property.
 - b. Start or maintain any fire for the purposes of burning any combustible material or use a gas heater in or around a campsite.

- c. Erect, install, place, leave, or set up any type of permanent or temporary fixture or structure of any material(s) in or upon public property or a public right-of-way. Items such as tents and similar items used for shelter that are readily portable are not structures for purposes of this section.
 - d. Dig, excavate, terrace soil, alter the ground or infrastructure, cause environmental damage, or damage vegetation or trees in and around a campsite.
 - e. Accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, sewage, drug paraphernalia, improperly disposed of syringes, other evidence of conspicuous drug use in the public right-of-way, on city property, or any adjacent public or private property.
- C. Place. Camping is prohibited on the following public property, which shall be deemed to include the entire parcel, unless signage is posted designating permissible camping locations on the parcel as part of an overnight sleeping program established by the City:
- 1. Atascadero City Hall
 - 2. Centennial Plaza
 - 3. Atascadero Public Library
 - 4. Atascadero Transit Center
 - 5. Colony Park Community Center
 - 6. Atascadero Lake Park Pavilion
 - 7. Atascadero Zoo
 - 8. Faces of Freedom Veterans Memorial
 - 9. The Plaza on El Camino
 - 10. Within 500 feet of any school
 - 11. Within 500 feet of the banks of the Salinas River, Atascadero Creek, or Graves Creek
 - 12. On the entirety of the Juan Bautista de Anza trail and Historic Trail corridor
 - 13. Areas of City parks: athletic fields and sports courts, irrigated or landscaped areas, park playgrounds, synthetic turf areas, and park picnic areas including tables, bleachers, benches, and pavilions
 - 14. Within 500 feet of any bridge, highway underpasses or highway overpasses, or any freeway onramps and off-ramps
 - 15. In all Very High Fire Severity Zones
 - 16. Within 500 feet of all Atascadero government buildings
- D. Camping shall be prohibited within 100 feet of any public property where signs are posted stating that camping is prohibited at that location. The City Manager or their designee is authorized under this subsection to post signage on public property prohibiting camping for periods of 30 days upon determining that

camping or storage of personal property at such location has created nuisance conditions that affects the health and safety of the public or occupants.

5-15-107. OVERNIGHT CAMPING ON PRIVATE PROPERTY

Notwithstanding any other provision of this code, a total of three vehicles per parcel, may be used by people who lack access to permanent or safe shelter and who cannot obtain other housing for overnight camping in a parking lot or paved or gravel surface of a parcel of any size owned or leased by a faith based institution, non-profit, or a business, with permission of the property owner and lessee, and only after the owner is issued a City permit by the Community Development Department.

- A. A property owner or lessee who allows overnight camping on a property, pursuant to this section shall:
 - a. Provide persons camping overnight with access to sanitary facilities, including, but not limited to toilet, hand washing and trash disposal facilities at all times when people are authorized to be present for overnight camping.
 - b. Not require payment of any fee, rent or other monetary charge for overnight camping authorized by this section.
 - c. Restrict the use of the owner's or lessee's property for no longer than 72 hours for each vehicle.
 - d. Not allow the dumping of wastewater or trash on the property unless sufficient city approved receptacles are available.
 - e. Not allow for the storage of personal property outside of or adjacent to the vehicle.
 - f. Not allow on-site storage of personal property when the personal property owner or lessee is no longer staying on the property being used for camping.
- B. A property owner or lessee who permits overnight camping pursuant to this section may revoke that permission at any time and for any reason. Any person who has permission to sleep on that property as provided in this section shall leave the property immediately after permission has been revoked.
- C. The provisions of this section are not intended to limit or otherwise change any permitted land use on a property.
- D. This section shall not apply when the camping by tent or other removable structure is by minor children, under the direct care and supervision of a parent or guardian who is related to or visiting the owner of such property, or the lessee of such property, or the person in lawful possession of the property. This exception is only intended to cover short term and temporary camping in no event longer than three days.

5-15-108. OTHER EXEMPTIONS.

The provisions of this Chapter shall not apply in the event of a declared state of emergency, nor to any persons participating in organized and supervised recreational activities in parks within the City, if approved by the City's Recreation Supervisor or City Manager, nor to camping in public accommodations that are properly zoned, legally established and designated for camping purposes.

DRAFT ORDINANCE B

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, REPEALING AND REPLACING, IN ITS ENTIRETY, TITLE 5, CHAPTER 15 (PROHIBITED CAMPING), OF THE ATASCADERO MUNICIPAL CODE TO ADDRESS PROHIBITED CAMPING ON PUBLIC AND PRIVATE PROPERTY, REGULATE STORAGE OF PERSONAL PROPERTY ON PUBLIC PROPERTY, AND ESTABLISH TIME, MANNER AND PLACE REGULATIONS FOR CAMPING BY NECESSITY

WHEREAS, homelessness continues to be a significant challenge not only in the City of Atascadero but throughout the entire county and state; and

WHEREAS, the City Council originally adopted a Prohibited Camping Ordinance in 2013 to address camping on public property; and

WHEREAS, The United States Ninth Circuit Court of Appeals decisions in *Martin v. Boise* and *Johnson v. City of Grants Pass*, combined with voter-approved ballot measures and state legislation, have severely limited the City's ability to take enforcement action for violation of the City's Prohibited Camping Ordinance; and

WHEREAS, the City has received numerous complaints from, and appeals to address camping throughout the City by, residents impacted by campers in their residential neighborhoods, local businesses and places of worship expressing health and safety concerns due to encampments encroaching near and or on their properties, and the Atascadero Unified School District to address camping in and around school properties; and

WHEREAS, the Atascadero Mutual Water Company, concerned with pollution of the City's water source caused by human waste contamination as a result of camping in and around waterways, recently appealed to the City to prohibit camping near Atascadero Creek, Graves Creek, and the Salinas River; and

WHEREAS, in response to these requests and the *Boise* and *Grants Pass* decisions, staff researched many communities' recently adopted prohibited camping ordinances to assist in developing an updated ordinance that meets the health and safety needs of all residents in the community (housed and unhoused) as well as complies with these United States Ninth Circuit Court of Appeals decisions; and

WHEREAS, the proposed draft ordinance was developed to regulate the time, place, and manner of camping on public and private property given enforcement limitations, regulate vehicle habitation on public property and rights-of-way, vehicle camping on private property, and camping on public property; and

WHEREAS, it is staff's intention to continue to respond compassionately, with a multi-disciplinary team to address the needs of the homeless population.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO
HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. Recitals: The above recitals are true and correct.

SECTION 2. Determination. The City Council has determined that Title 5, Chapter 15 is repealed and replaced in its entirety, as set forth in Exhibit “A” of this Ordinance, attached hereto and incorporated herein by reference.

SECTION 3. CEQA. The proposed Title 5, Chapter 15 is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the enactment of this Ordinance would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)).

SECTION 4. Interpretation. This Ordinance must be broadly construed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 5. Preservation. Repeal of any provision of the AMC or of any previous Code Sections, does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 6. Effect of Invalidation. If this entire Ordinance or its application is deemed invalid by a court of competent jurisdiction, any repeal or amendment of the AMC or other City Ordinance by this Ordinance will be rendered void and cause such previous AMC provision or other City Ordinance to remain in full force and effect for all purposes.

SECTION 7. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 8. Notice. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of Atascadero’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15) days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

SECTION 9. Effective Date. This Ordinance will take effect on the 30th day following its final passage and adoption.

INTRODUCED at a regular meeting of the City Council held on _____, 2023, and **PASSED, APPROVED** and **ADOPTED** by the City Council of the City of Atascadero, State of California, on _____, 2023.

CITY OF ATASCADERO:

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

Brian A. Pierik, City Attorney