



CITY OF ATASCADERO CITY COUNCIL

MINUTES

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:

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

1. **CLOSED SESSION — PUBLIC COMMENT – None**
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

Mayor Moreno recessed the Closed Session at 5:55 p.m.

5. COUNCIL RETURNS

6. CLOSED SESSION — REPORT, if any:

City Attorney Pierik reported that there was no reportable action from Closed Session on Item a (above).

Mayor Moreno noted that more time would be needed to discuss Closed Session Items b, c, and d, and that Council had recessed Closed Session until after the close of Regular Session.

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

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

ROLL CALL:

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

Absent: None

Others Present: None

Staff Present: City Manager Jim Lewis, 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 Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, 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 – 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]
- 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]

Mayor Moreno removed Item A-4 for separate discussion and vote.

MOTION: By Council Member Bourbeau and seconded by Council Member Newsom to approve Consent Calendar Items A-1, A-2, A-3, and A-5. (#A-3 Contract No. 2023-032)
Motion passed 5:0 by a roll-call vote.

- 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 deferral 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]

City Manager Lewis and Community Development Director Dunsmore updated the Council on changes made to the policy as requested at the September 12 Council Meeting. The Council asked questions of staff and discussed the interest rate calculation.

MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Funk to:

1. **Adopt Resolution No. 2023-068 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 with the following change in interest rate calculation to Section 3 of the Resolution and the Fee Deferral Terms in Exhibit A:

The simple interest rate shall be calculated as of the date of the request for deferral to the City, and shall be the higher of the City's investment return or the City's 2-Year Treasury Weighted Portfolio Yield as presented in the most recently Council adopted quarterly Treasurer's Report, plus 1%.

2. Adopt on second reading, by title only, Ordinance No. 666 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.

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

UPDATES FROM THE CITY MANAGER:

City Manager Jim Lewis gave an update on events, projects and issues within the City.

COMMUNITY FORUM:

The following citizens spoke by telephone or through the webinar on this item: Austin Solheim and Geoff Auslen.

Mayor Moreno closed the COMMUNITY FORUM period.

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]

Interim Police Chief Allen gave the report and answered questions from the Council. City Manager Lewis and City Attorney Pierik also answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke on this item: Brenda Mack, Geoff Auslen, and Austin Solheim

Mayor Moreno closed the Public Comment period.

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

1. Adopt Draft Urgency Ordinance No. 667 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 fixing the clerical errors in:
 - 5-15.106(B)(4) to reflect 100 square feet not ten square feet
 - 5-5.107(A)(c) changing that to than

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

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.

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

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

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 fixing the clerical errors in:
 - 5-15.106(B)(4) to reflect 100 square feet not ten square feet
 - 5-5.107(A)(c) changing that to than

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

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.

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

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

Mayor Moreno

1. County Mayors Round Table
2. SLO Council of Governments (SLOCOG)

Mayor Pro Tem Funk

1. Design Review Committee
2. Homeless Services Oversight Council

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Dariz

3. Community Action Partnership of San Luis Obispo (CAPSLO)

Council Member Newsom

1. League of California Cities – Council Liaison

While individual Council Members discussed the League Conference during their reports, City Clerk Christensen noted, for clarification of the record, that Council Members Dariz and Newsom and Mayor Moreno attended the League of California Cities annual conference in Sacramento from September 20-22, 2023.

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None.

F. ADJOURN

Mayor Moreno recessed the Regular Meeting at 8:00 p.m. and reconvened the Closed Session Meeting at 8:01 p.m.

The meeting was adjourned at 9:34 pm; no reportable action.

MINUTES PREPARED BY:



Lara K. Christensen
Deputy City Manager / City Clerk

APPROVED: October 10, 2023