



CITY OF ATASCADERO CITY COUNCIL

MINUTES

Tuesday, October 10, 2023

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

City Council Regular Session:

6:00 P.M.

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

Mayor Moreno called the meeting to order at 6:01 p.m. and Council Member Newsom 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, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Interim Police Chief Joe Allen, Public Works Director Nick DeBar, Interim City Attorney Karl Berger, Deputy City Manager/City Clerk Lara Christensen, Deputy City Manager – IT Luke Knight, Deputy Administrative Services Director Cindy Chavez, and Senior Planner Kelly Gleason.

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.

CLOSED SESSION REPORT:

a. September 26, 2023

City Attorney Berger noted that there was no reportable action.

PRESENTATIONS:

1. Employee Recognition

City Manager Lewis presented the following employees with Service Awards:

- **5 Years:** Kyle Nakazawa, Fire Engineer/Paramedic
Adam Medina, Public Safety Dispatcher
Jessica Applegate, Permit Technician
Marc Nobriga, Police Corporal
- **10 Years:** Patti Deirmenjian, Recreation Coordinator
- **15 Years:** Chris Hester, Police Corporal
- **20 Years:** Scott Pipan, Police Corporal
Jason Carr, Police Commander
- **25 Years:** Jeff Wilshusen, Police Sergeant

2. Proclamation declaring October 8-14, 2023 as Fire Prevention Week

The City Council presented a Proclamation to Chief Bryson and members of the Atascadero Fire Department, declaring October 8-14, 2023, as Fire Prevention Week.

A. CONSENT CALENDAR:

1. City Council Draft Minutes – September 26, 2023

- **Recommendation:** Council approve the September 26, 2023 Draft City Council Regular Meeting Minutes. [City Clerk]

4. Revegetation Contract Award for the Santa Lucia Road Bridge Replacement Project

- **Fiscal Impact:** \$628,027.
- **Recommendation:** Council award a construction contract for \$628,027 to Quincon, Inc. for the revegetation phase of the Santa Lucia Road Bridge Replacement Project (City Project No. C2015B03[2], Federal Project No. BRLO-5423[029]). [Public Works]

5. Revegetation Contract Award for the Via Avenue Bridge Replacement Project

- **Fiscal Impact:** \$767,933.
- **Recommendation:** Council award a construction contract for \$767,933 to Quincon, Inc. for the revegetation phase of the Via Avenue Bridge Replacement Project (City Project No. C2015B02[2], Federal Project No. BRLS-5423[032]). [Public Works]

6. City Attorney Services – Request for Proposals

- **Fiscal Impact:** None.

- Recommendation: Council authorize the City Manager to issue a Request for Proposals for City Attorney services and to appoint Karl Berger, of Burke, Williams & Sorensen, as Interim City Attorney. [City Attorney]

Items #A-2 and #A-3 were removed from the Consent Calendar by a member of the public for separate discussion and vote.

Council Member Bourbeau and Mayor Pro Tem Funk asked questions of and made comments regarding the costs associated with the revegetation contract awards.

**MOTION: By Council Member Bourbeau and seconded by Council Member Newsom to approve Consent Calendar Items #A-1, #A-4, #A-5, and #A-6. (#A-5: Contract No. 2023-033) (#A-6: Contract No. 2023-034)
*Motion passed 5:0 by a roll-call vote.***

2. Ordinance Regulating Camping in Areas of the City

- Fiscal Impact: None.
- Recommendation: Council adopt, on second reading, a Draft Ordinance 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; define time, manner, and place for legal camping; regulate storage of personal property on public property; and establish time, manner, and place regulations for camping by necessity. [Police Department]

This item was pulled by a member of the public for separate discussion and vote.

PUBLIC COMMENT:

The following persons spoke on this item: Geoff Auslen

Mayor Moreno closed the Public Comment period.

**MOTION: By Council Member Dariz and seconded by Council Member Bourbeau to adopt, on second reading, Ordinance No. 668 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; define time, manner, and place for legal camping; 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.***

3. Formation of New Positions and Reclassification of Existing Positions Throughout the City

- Fiscal Impact: Estimated ongoing cost of \$480,000 per fiscal year.
- Recommendation: Council:
 1. Authorize the City Manager to establish new positions, including Senior Recreation Coordinator, Finance Analyst, Planning Manager, and Community Services & Promotions Director; and
 2. Authorize the City Manager to reclassify employees into appropriate pay classifications of Deputy City Manager, Human Resources Manager, Zoo Director, and Police Chief; and

- Amend the fiscal year 2023-2024 monthly salary schedule to include new positions as follows:

CLASSIFICATION	RANGE	STEP A	STEP B	STEP C	STEP D	STEP E
Community Services & Promotions Director	M57	12,290.67	12,905.20	13,550.46	14,227.98	14,939.38
Deputy City Manager	M54	11,419.91	11,990.91	12,590.46	13,219.98	13,880.98
Finance Analyst	M39	7,922.68	8,318.81	8,734.75	9,171.49	9,630.06
Human Resources Manager	M46	9,395.18	9,864.94	10,358.19	10,876.10	11,419.91
Planning Manager	M46	9,395.18	9,864.94	10,358.19	10,876.10	11,419.91
Police Chief	M64	14,575.03	15,303.78	16,068.97	16,872.42	17,716.04
Senior Recreation Coordinator	24	5,405.39	5,675.66	5,959.44	6,257.41	6,570.28
Zoo Director	M46	9,395.18	9,864.94	10,358.19	10,876.10	11,419.91

- Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees; and
- Authorize the City Manager to execute a Side Letter with the Local 620 Service Employees International Union (SEIU) for the existing Memorandum of Understanding (MOU), dated July 1, 2021, through June 30, 2024, adding the title of Senior Recreation Coordinator at the salary range shown above; and
- Authorize the City Manager to approve the Employment Agreement for Terrie Banish to serve as Community Services & Promotions Director; and
- Authorize the Director of Administrative Services to allocate \$140,000 in salary savings from fiscal year 2023-2024 for labor costs in fiscal year 2024-2025. [City Manager]

This item was pulled by a member of the public for separate discussion and vote.

Mayor Moreno noted that due to a potential conflict of interest resulting from a client being an employee covered by the action on this item, she would need to recuse herself from voting on this item. Mayor Moreno then stepped down from the dais and left the room.

PUBLIC COMMENT:

The following persons spoke on this item: Geoff Auslen

Mayor Pro Tem Funk closed the Public Comment period.

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

- Authorize the City Manager to establish new positions, including Senior Recreation Coordinator, Finance Analyst, Planning Manager, and Community Services & Promotions Director; and
- Authorize the City Manager to reclassify employees into appropriate pay classifications of Deputy City Manager, Human Resources Manager, Zoo Director, and Police Chief; and
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4. Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees; and
5. Authorize the City Manager to execute a Side Letter with the Local 620 Service Employees International Union (SEIU) for the existing Memorandum of Understanding (MOU), dated July 1, 2021, through June 30, 2024, adding the title of Senior Recreation Coordinator at the salary range shown above; and
6. Authorize the City Manager to approve the Employment Agreement for Terrie Banish to serve as Community Services & Promotions Director; and
7. Authorize the Director of Administrative Services to allocate \$140,000 in salary savings from fiscal year 2023-2024 for labor costs in fiscal year 2024-2025.

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

Mayor Moreno returned to the dais.

UPDATES FROM THE CITY MANAGER:

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

COMMUNITY FORUM:

The following persons spoke in-person by telephone or through the webinar: Gary Kirkland, Toni Locicero, Alejandra Prendergast, Geoff Auslen, and Carissa Saragosa

B. PUBLIC HEARINGS:

1. Appeal of Grand Oaks Paseo Common Area Amendment

- Fiscal Impact: Minor negative fiscal impact expected if the building is not built due to a lower than planned assessed valuation.
- Recommendation: Council:
 1. Adopt Draft Resolution A, affirming the Planning Commission's approval of amendments to the Grand Oaks Paseo project master plan of development to allow modifications to the common amenity space.
 - a. Modifications to the conditions of approval related to amenities, timing, etc. can be included.

OR

2. Adopt Draft Resolution B, reversing the Planning Commission's action and denying amendments to the Grand Oaks Paseo project master plan of development to allow modifications to the common amenity space. [Community Development]

Ex Parte:

Council Member Bourbeau reported visiting the site and speaking with Megan Kane and Kelly Wills. Mayor Pro Tem Funk reported visiting the site and speaking with Ted Lawton, residents of the development, and the Chair and Vice Chair of the Planning Commission. Council Member Newsom reported speaking to homeowners in the development and serving on the DRC when the project was going through entitlement. Mayor Moreno and

Council Member Dariz reported receiving and reviewing the written public comments received by all Council Members ahead of the meeting.

Senior Planner Gleason gave the report and answered questions from the Council.

An updated site plan for the community building lot (Exhibit A), submitted by the applicant to Community Development staff prior to the meeting, was distributed to the City Council at the dais and made available in the public review binder.

Mayor Moreno recessed the Meeting at 7:38 p.m.

Mayor Moreno reconvened the Meeting with all present at 7:45 p.m.

Ted Lawton, representing the applicant team, made a presentation and answered questions from the Council.

PUBLIC COMMENT:

The following persons spoke on this item: Cory Jones, Marco Caracas, Aaron & Leanne Alduenda, Kelly Wills, and Luke Wills

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Bourbeau and seconded by Council Member Newsom to adopt Resolution 2023-070, reversing the Planning Commission's action and denying amendments to the Grand Oaks Paseo project master plan of development to allow modifications to the common amenity space.
Motion passed 5:0 by a roll-call vote.

MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to authorize the City Manager to release the certificates of occupancy for lots 17-20 in exchange for a security or bond for the improvements to the central common area.
Motion passed

Mr. Lawton, on behalf of the applicant team, acknowledged agreement with the motion and the posting of a surety for the improvements to the central common area within the next week.

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

Mayor Moreno recessed the Meeting at 8:59 p.m.

Mayor Moreno reconvened the Meeting with all present at 9:11 p.m.

2. Appeal of Conditional Use Permit for RV Storage Facility

- Fiscal Impact: None.
- Recommendation: Council:
 1. Adopt Draft Resolution A, affirming the Planning Commission's approval of a conditional use permit to establish an RV storage facility at 6805 Sycamore Road, subject to findings and conditions of approval.

OR

2. Adopt Draft Resolution B, reversing the Planning Commission's action and denying a conditional use permit to establish an RV storage facility at 6805 Sycamore Road, subject to findings.

Ex Parte:

Mayor Pro Tem Funk reported making a site visit and an additional site visit with the Beaver Brigade. Council Member Newsom reported making a site visit. Mayor Moreno reported speaking with John Neil, David Broadwater, the Beaver Brigade and making a site visit. Council Member Bourbeau reported speaking with John Neil, Kris Gustafson, the Beaver Brigade and David Broadwater as well as visiting the site. All Council Members reported receiving and reviewing the written public comments received for this item.

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

Mayor Moreno recessed the Meeting at 10:35 p.m.

Mayor Moreno reconvened the Meeting with all present at 10:41 p.m.

As it was nearing 11:00 p.m., Mayor Moreno asked for a motion to extend the meeting past 11:00 p.m.

**MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to extend the City Council Meeting past 11:00 p.m.
*Motion passed 5:0 by a roll-call vote.***

David Broadwater, appellant, made a presentation to the Council.

Michael Jencks, for appellant BioDiversity First!, made a presentation to the Council.

Amber Davis and Don McAdam, representing the applicant team, gave a presentation and answered questions from the Council.

PUBLIC COMMENT:

The following persons spoke on this item: Susan Harvey, Doug Chisholm, Alejandra Prendergast, Marty Brown, Laura Afana, Toni Locicero, Hazel Taub-Finlayson, Audrey Taub, Stacey Hunt, Ann Colby, Dolores Howard, Dorothy Jennings, Fred Frank (Exhibit B), Kate Montgomery, Carissa Saragosa, Tom Robinson, Barbara Rose, Devon Haggie, and Cindy Findley

Mayor Moreno closed the Public Comment period.

Mayor Moreno recessed the Meeting at 12:29 a.m.

Mayor Moreno reconvened the Meeting with all present at 12:56 a.m.

MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to adopt Resolution 2023-071, affirming the Planning Commission's approval of a conditional use permit to establish an RV storage facility at 6805 Sycamore Road, subject to findings and conditions of approval with the following amendments to the conditions of approval:

10. No cargo containers, inoperable vehicles, inoperable boats or inoperable RVs shall be stored on-site. Only currently registered, operable vehicles or RV's may be stored on-site. All vehicles will be inspected upon initial storage to ensure vehicle is operable and all stored vehicles shall maintain insurance and provide copy of current insurance to City upon request.
13. No washing or servicing of vehicles, RV's or Boats or other equipment may occur on-site.
20. The applicant shall submit a landscape and irrigation plan, completed by a qualified professional, with their construction documents. The landscape plan shall be consistent with what is shown in Exhibit D with additional landscaping focused on the following areas: <ul style="list-style-type: none"> _ Along the Anza Trail realignment to include landscaping that maintains safety and visibility _ In front of the existing construction yard, adjacent to Sycamore Road Landscaping and irrigation shall be installed prior to requesting a Planning Final Inspection.
22. Maximum height of new light poles shall not be taller than 16 feet for each light pole nor exceed the height of the levee to prevent light spillage into the riverbed. The lights shall be set to dim low level light until motion is detected and shall preclude activation by small animal movement.
24. The Use Permit shall be subject to additional review upon receipt of operational complaints including a high number of police calls. Additional mitigation may be warranted upon verification of recurring noise or operational disturbances that impact residential properties. Community Development Department review for compliance with all conditions within 12 months of commencement of business operation.
26. The applicant shall hire a qualified biologist to provide a nesting bird survey and survey for special status species within 3 months prior to construction commencement. This survey shall include a survey for eagle nests within 1 mile of the project site. The applicant shall follow all recommendations of the qualified biologist and shall obtain all permits from the Department of Fish and Wildlife.
27. Trash receptacles shall be provided at or near the access gate, adequately screened as determined by the Community Development Department, and of sufficient size to serve the facility.
28. Overnight occupancy shall be strictly prohibited on site.
29. Private Security shall maintain security at site and shall be the first point of contact for response to any security related issues.
31. Parking spaces are noted to be native material and are susceptible to pollutant discharge from vehicles. At time of building permit submittal, on the plans and with supplemental documents, provide drip pans and spill kits for leaks or other spills under all vehicles at all times, similar to what would be found in a municipal yard. (Reference industrial or municipal stormwater requirements for construction or corporation yard spill prevention.) A disposal station with spill kit supplies and covered cans for soiled materials shall be located on the site for individuals using the facility and maintained by the company who leases the land and runs the business. A contact phone number shall be made available to call if a facility user/customer has a spill. Provide copy of a Spill Response Plan to City for review and approval. This plan must be in place to provide a procedure for cleaning up major spills, including sewage or gray water leaks, in a timely manner with contact information for those who would be responsible parties. Any spills shall be reported to Atascadero Mutual Water Company and the City of Atascadero immediately. The site shall be inspected a minimum of twice weekly to ensure compliance.

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

C. MANAGEMENT REPORTS: None.

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

Given the late hour, Mayor Moreno asked Council Members to hold on announcements and reports to the next meeting.

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

Mayor Moreno adjourned the meeting at 1:05 a.m.

MINUTES PREPARED BY:



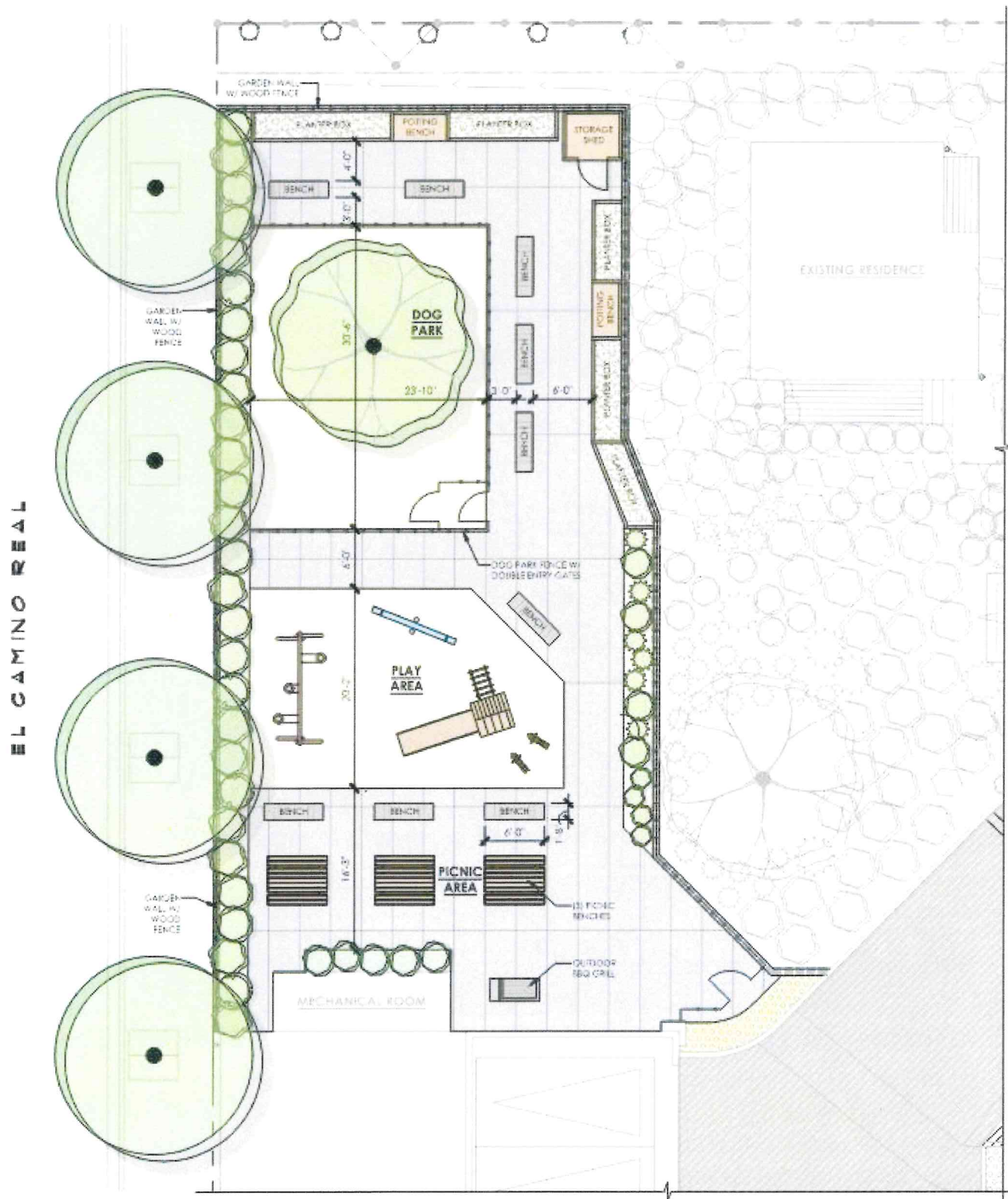
Lara K. Christensen
City Clerk

The following exhibits are available for review in the City Clerk's Office:

- Exhibit A – New Site Plan
- Exhibit B – Written comment from Fred Frank

APPROVED: October 24, 2023

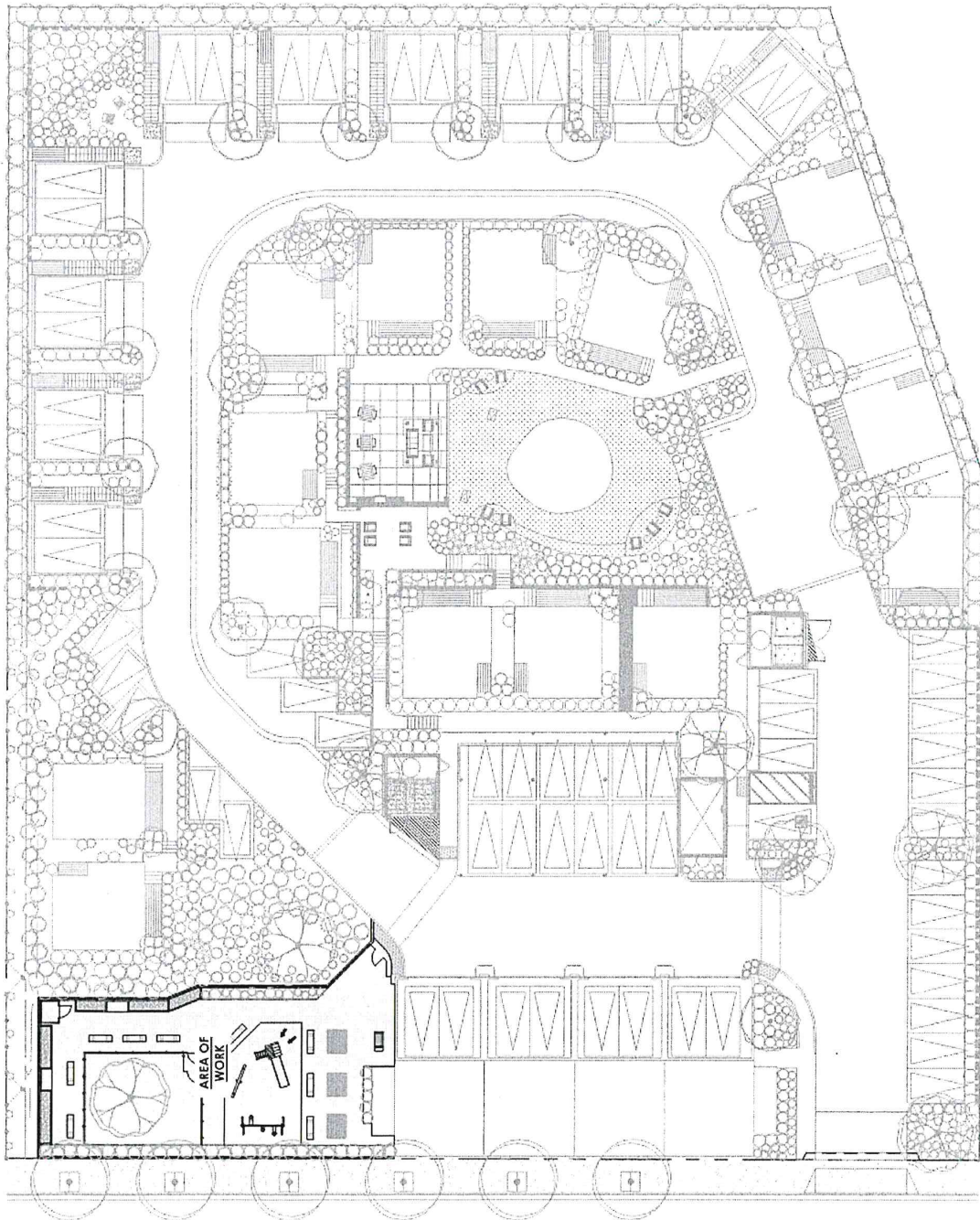
① 10.10.2023
ITEM B-1



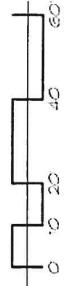
EL CAMINO REAL

① ENLARGED SITE PLAN
A102 SCALE: 1/8" = 1'-0"





EL CASINO MOTEL



A OVERALL SITE PLAN

SCALE: 1" = 20'-0"

A
A101

① 10.10.2023
ITEM B-2

RV storage proposal opposition

October 8, 2023

To the Atascadero City Council.

The Proposed RV Storage facility adjacent to Hwy 41 should be opposed for several reasons.

1. Storing many vehicles in a floodplain may create a liability for the city.
The area has flooded in the past and future floods are likely to damage stored vehicles.
2. The view entering the city on Highway 41 overlooking dozens of various vehicles would look like a junkyard. It is not an attractive approach to our city.
3. Parking many vehicles in close proximity presents a fire hazard that could be difficult to control. There are many examples of fires spreading from vehicle to vehicle in dense parking lots.
4. The pedestrian access to the River along the road is undesirable.

Please vote to oppose this project.

Yours,



Fred Frank
Atascadero