



# **CITY OF ATASCADERO CITY COUNCIL**

## **MINUTES**

**Tuesday, October 13, 2020**

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

**City Council Closed Session: 5:00 P.M.**

**City Council Regular Session: 6:00 P.M.**

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

Mayor Moreno announced at 5:00 p.m. that the Council was going into Closed Session.

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
  - a. Conference With Legal Counsel—Anticipated Litigation**  
Initiation of litigation pursuant to Govt. Code Section 54956.9(d)(4):  
one potential case
- 4. CLOSED SESSION – ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**
- 6. CLOSED SESSION – REPORT**

Mayor Moreno reported that there was no reportable action in Closed Session.

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

Mayor Moreno called the meeting to order at 6:03 p.m. and led the Pledge of Allegiance.

## ROLL CALL:

Present: **By Teleconference** - Council Members Fonzi, Funk and Newsom, Mayor Pro Tem Bourbeau, and Mayor Moreno

Absent: None

Others Present: None

Staff Present: **By Teleconference** – City Manager Rachelle Rickard, Police Chief Jerel Haley, Fire Chief Casey Bryson, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Community Development Director Phil Dunsmore, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, and IT Manager Luke Knight

## APPROVAL OF AGENDA:

**MOTION:** By Council Member Newsom and seconded by Council Member Fonzi 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*

## PRESENTATIONS:

### 1. Recognition of outgoing Police Chief Jerel Haley

The City Council and City Manager Rickard recognized Chief Jerel Haley for his years of service with Atascadero and wished him well in his retirement.

### 2. Proclamation proclaiming Fire Prevention Week as October 4-10, 2020

The City Council presented the proclamation and showed a clip of a fire prevention video put together by, and starring members of, Atascadero Fire and Emergency Services.

## A. CONSENT CALENDAR:

### 1. City Council Draft Action Minutes – September 22, 2020

- Recommendation: Council approve the September 22, 2020 Draft City Council Regular Meeting Minutes. [City Clerk]

### 2. Revision to the 2020 Speed Survey Update

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution approving the 2020 Speed Survey Update and establishing speed limits on various City streets superseding Resolution No. 2020-063 without rescinding adoption of said Resolution. [Public Works]



**4. Conflict of Interest Code - Biennial Review**

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution, updating and amending the Conflict of Interest Code for the City of Atascadero. [City Clerk]

**5. Consider a Professional Engineering Services Agreement for the San Gabriel Road and San Marcos Road Pavement Rehabilitation Project**

- Fiscal Impact: Approving staff recommendations will commit \$95,000 in budgeted Local Transportation Funds and advance commit \$86,100 in Local Transportation Funds that were projected for expenditure on this Project in fiscal year 21/22.
- Recommendations: Council:
  1. Authorize the City Manager to execute a professional services agreement for \$149,817 with Wallace Group to provide design engineering and construction plan preparation services for the San Gabriel Road and San Marcos Road Rehabilitation Project (Project No. C2020R05).
  2. Authorize the Director of Administrative Services to allocate an advance of \$86,100 of Local Transportation Funds to supplement the FY20/21 budget for the San Gabriel Road and San Marcos Road Rehabilitation Project. [Public Works]

Mayor Moreno noted, at the request of the City Clerk, Item #A-4 was being removed from the Consent Calendar for further review and would be brought back to the City Council before the end of the year.

Caller Geoff Auslen requested Item #A-3 be removed from the Consent Calendar for separate discussion and vote.

**MOTION: By Council Member Fonzi and seconded by Council Member Newsom to approve Consent Calendar Items #A-1, #A-2, and #A-5. (#A-2: Resolution No. 2020-072) (#A-5: Contract No. 2020-012)**  
***Motion passed 5:0 by a roll-call vote.***

**3. Del Rio Rd Commercial Area Specific Plan Amendment (AMND18-0079)**

- Fiscal Impact: Projected reduction of Traffic Impact Fee revenue of approximately 2.8 million. The short-term circulation improvements necessary to mitigate the new traffic projections are projected to cost approximately \$15 million less than the mitigation measures included in the original specific plan.
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance amending the Del Rio Road Commercial Area Specific Plan, to modify the list of allowed land uses, associated project descriptions, and related traffic mitigation measures. [Community Development]

Community Development Director Dunsmore answered questions of the caller and Council.

**MOTION: By Council Member Newsom and seconded by Council Member Funk to adopt on second reading, by title only, Ordinance No. 641 amending the Del Rio Road Commercial Area Specific Plan, to modify the list of allowed land uses, associated project descriptions, and related traffic mitigation measures.**  
***Motion passed 5:0 by a roll-call vote.***



## **UPDATES FROM THE CITY MANAGER:**

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

## **COMMUNITY FORUM:**

The following citizens spoke by telephone during Community Forum: Geoff Auslen

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: Jean Lang and Mitch Paskin

### **B. PUBLIC HEARINGS: None.**

### **C. MANAGEMENT REPORTS:**

#### **1. Commitment to Being a Safe, Inclusive and Welcoming Community for Everyone and Facilitation of Voluntary Citizen Action to Redact or Repudiate Racist Deed Verbiage**

- Fiscal Impact: There will be staff time and minor costs associated with facilitating the redaction or repudiation of racially restrictive deed covenants. These costs are expected to be covered with existing budgeted funds.
- Recommendation: Council adopt Draft Resolution to resolve that the City of Atascadero commits to Atascadero being a safe, inclusive and welcoming community for everyone and to facilitate voluntary citizen action to redact or repudiate racist and discriminatory verbiage from their property deeds. [City Manager]

Mayor Moreno, Council Member Funk and Deputy City Manager/City Clerk Christensen gave the presentation and answered questions from the Council.

## **PUBLIC COMMENT:**

The following citizens spoke by telephone during Community Forum: Hailey Pinney, Josh Cross, Tasia Trevino-Hill, Jamie Lewis and Jerry Tanimoto

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: Victoria Rose Carranza and Zoe Zappas.

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

**MOTION: By Council Member Funk and seconded by Mayor Moreno to adopt Resolution No. 2020-073 to resolve that the City of Atascadero commits to Atascadero being a safe, inclusive and welcoming community for everyone and to facilitate voluntary citizen action to redact or repudiate racist and discriminatory verbiage from their property deeds.  
*Motion passed 5:0 by a roll-call vote.***

*Mayor Moreno recessed the meeting at 7:54 p.m.*

Mayor Moreno reconvened the meeting with all present at 8:03 p.m.

**2. 6th Cycle Housing Element Update Progress Report (CPP19-0067)**

- Fiscal Impact: None.
- Recommendation: Council receive update on the progress of the Housing Element. [Community Development]

Community Development Director Dunsmore gave the presentation and answered questions from the Council. Genevieve Sharrow, MIG, also gave a presentation and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

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

**The City Council received and filed the update on the progress of the Housing Element.**

**D. DISCUSSION ITEM:** Discussion of COVID 19 issues including oral updates by Mayor Moreno and City Manager Rickard, questions by City Council, public comment and comments by City Council.

1. Coronavirus (COVID-19) update – Mayor Moreno
2. Coronavirus (COVID-19) update – City Manager Rickard

Mayor Moreno provided updates on Coronavirus (COVID-19) and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

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

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

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

Mayor Moreno

1. SLO Council of Governments (SLOCOG)

Mayor Pro Tem Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Fonzi

1. Air Pollution Control District
2. Atascadero Basin Ground Water Sustainability Agency (GSA)



Council Member Funk

1. Homeless Services Oversight Council
2. League of California Cities – Council Liaison

Council Member Funk reported attending the League of California's virtual Annual Conference.

Council Member Newsom

1. City of Atascadero Design Review Committee
2. Visit SLO CAL Advisory Committee


Council Member Newsom reported attending the League of California's virtual Annual Conference.

**F. INDIVIDUAL DETERMINATION AND / OR ACTION: None.**

**G. ADJOURN**

Mayor Moreno adjourned the meeting at 8:44 p.m.

**MINUTES PREPARED BY:**

  
\_\_\_\_\_  
Lara K. Christensen  
City Clerk

**APPROVED:** October 27, 2020

## PUBLIC COMMENT PROVIDED BY EMAIL

### COMMUNITY FORUM:

SUBMISSION FROM: Jean Lang

**From:** Jean Lang <jeanlang841@gmail.com>

**Sent:** Tuesday, October 13, 2020 4:08 PM

**To:** City Clerk <cityclerk@atascadero.org>

**Subject:** Vote No on Prop. 16

Honorable City Council, elected officials, etc.,

My name is Jean Lang. I'm writing this to express my strong opposition to State Measure 16. State Measure 16 uses race to judge the qualifications of applicants to universities, to jobs, etc., This is a textbook definition of racism, pure and simple. If it is passed, how far will we slide down this slippery, dangerous slope? What's next? Set racial quota for elected positions? Set racial quota for NBA and NFL? Set racial quota for TV anchors? Set racial quota for movies and songs?

Please join us to vote "NO" against State Measure 16. Please read out my comments in the city council meeting.

Thanks,

Jean Lang, a very concerned citizen

SUBMISSION FROM: Mitch Paskin

**From:** Mitch Paskin <atownslo@gmail.com>

**Sent:** Tuesday, October 13, 2020 4:41 PM

**To:** City Clerk <cityclerk@atascadero.org>

**Subject:** Submission to Community Forum City Council October 13, 2020

Ms Christensen,

Please read this for me at tonight's meeting.

Thank you in advance,

--

Mitch Paskin

[atownslo@gmail.com](mailto:atownslo@gmail.com)



The Planned Development Overlay 11, a part of the municipal code, for the Oak Ridge Estates residential project requires that Cenegal Road be completed before building permits are issued for Phase 2. Cenegal Road has been completed but it is not open to the public, yet the City has been issuing building permits. The City's argument is that the road does not have to be open to the public to be completed.

I think back to my days as a student in school. I have never heard of a teacher giving an assignment and then saying the assignment has to be completed but it doesn't have to be turned in.

I don't think the intent of PD-11 is that Cenegal Road has to be completed but isn't available for use by the public. I think the City is being complicit by mis-interrupting the Municipal Code in favor of Castlerock Development. The City is also leaving the decision on when to open the road to the developer.

## C. MANAGEMENT REPORTS

### Item C-1

SUBMISSION FROM: Victoria Rose Carranza

**From:** Victoria Carranza <vrcarranza@gmail.com>

**Sent:** Tuesday, October 13, 2020 3:29 PM

**To:** City Clerk <cityclerk@atascadero.org>

**Subject:** Public Comment for C1 under management reports

Hello,

Below is my public comment (word count 477). I would like it to be read into the record please at tonight's city council meeting. Thank you.

*First, I want to share gratitude for Mayor Moreno, Chief Haley, City Manager Rickard, and City Councilperson Funk for showing up, having hard conversations with the greater community about institutional racism, and doing something about it tonight.*

*I speak as a landowner in the City of Atascadero whose deed does in fact include racist exclusionary language and as a volunteer who has been training and partnering with local leaders in diversity and inclusion on our Diversity Council of the Atascadero Chamber of Commerce.*

*While I agree with the City's wording and 'commitment to denounce racial bias', I must push back at the 'I will never act officiously or permit personal feelings... to influence my decisions.' We as humans are never going to completely get rid of our biases. They are needed for survival. I strongly recommend adding language and commitment for all City officials, not just police force, to understanding and learning about our unconscious and conscious biases. Additionally, that we work toward multicultural awareness and humility as a trauma informed community'.*



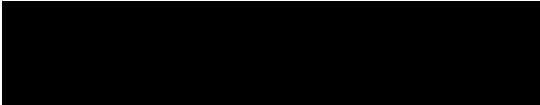
*There is a universal debate around ignoring versus honoring our differences. I think this should be noted somewhere as well. It is minor in detail yet has a great impact on how it is carried out. The term "color blind" is a way to name the tension when we talk about race and ethnicity. Things like "I don't see color" or "It doesn't matter if you are black or white or any other way" are actually not helpful. We must find ways to celebrate our diversity and be inclusive by fostering awareness, not ignorance about our differences. I think the City has been making strides to increase multicultural education, as seen in some events they hold.*

*I believe there are living landowners that may find this resolution distasteful and may not find it necessary for the City to take action. As noted in the draft, we are dealing with white supremacist activity in our County. Therefore, it is all the more important to publish this draft resolution. For those who will still question the reasoning for this resolution, I think we must acknowledge in writing that while current landowners and officials who govern the city were not a part of founding the colony and its' racial biases in the literal sense, we must ask ourselves as a community "How am I benefitting from institutional and systemic racism? What is the damage that has been done? What can we do to repair from here on out?" Perhaps we can acknowledge that shaming folks in the present is not the intent and rather we want to empower those who are in a position of power as landowners to set the record straight. This is my American Dream.*

*Thank you for your time and I hope some of these comments may be useful for enhancing the draft resolution.*

--

Victoria Rose Carranza



"And above all, watch with glittering eyes the whole world around you because the greatest secrets are always hidden in the most unlikely places. Those who don't believe in magic will never find it." ~Roald Dahl

**SUBMISSION FROM:** Zoe Zappas

**From:** Zoe Zappas <zoe@zvillages.com>  
**Sent:** Tuesday, October 13, 2020 4:42 PM  
**To:** City Clerk <cityclerk@atascadero.org>  
**Subject:** Public Comment for Grant Deed changes.

Hi Lara,

The City website seems to have some kind glitch with the meeting minute viewing so I don't know the title of the section that I would like to submit public comment for, but it's the one about the removal of the deed restriction language from home-buying paperwork. I am hoping that is enough to know where to place my comment. My comment is good to speak into public record.

"I would like to thank Councilmember Funk and Mayor Moreno on doing the research for what it would take to get rid of the grant deed restrictions that have been deemed 'boilerplate' for many years. It is far beyond a sad chapter of our history here in the United States, but I am filled with giddy

joy that we get to remove this hateful language from our home buying process here in Atascadero!  
Cheers to this step towards a more inclusive and loving community."

Thank you,



Zoe Zappas  
Z Villages Management & Development  
6100 El Camino Real Suite C  
[zoe@zvillages.com](mailto:zoe@zvillages.com)

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