



CITY OF ATASCADERO CITY COUNCIL

MINUTES

Tuesday, May 11, 2021

**City Hall Council Chambers, 4th 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.

COUNCIL CLOSED SESSION: 5:00 P.M.

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

- 1. CLOSED SESSION -- PUBLIC COMMENT – None**
- 2. COUNCIL LEAVES TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
 - a. Conference with Labor Negotiators** (Govt. Code Sec. 54957.6)
Agency designated representatives: Rachelle Rickard, City Manager
Employee Organizations: Atascadero Professional Firefighters, Local 3600; Atascadero Police Association; Service Employees International Union, Local 620; Mid-Management/Professional Employees; Non-Represented Professional and Management Workers and Confidential Employees
- 4. CLOSED SESSION – RECESS – until after the adjournment of the Regular Session**
- 5. COUNCIL RETURNS**
- 6. CLOSED SESSION – REPORT**

Mayor Moreno noted that more time would be needed to complete the discussion on the Closed Session item and that Council would be recessing 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 6:01 p.m. and Mayor Pro Tem Newsom led the Pledge of Allegiance.

ROLL CALL:

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

Absent: None

Others Present: None

Staff Present: **By Teleconference** – City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Deputy Public Works Director Ryan Hayes, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Public Works Analyst Ryan Betz, and IT Manager Luke Knight

Following Roll Call, Mayor Moreno called for a moment of silence in honor of City of San Luis Obispo Detective Luca Benedetti who was killed in the line of duty on May 10, 2021.

APPROVAL OF AGENDA:

MOTION: By Council Member Funk seconded by Council Member Bourbeau 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. Presentation – Bike There! May 20-30, 2021 (SLOCOG)

Catalina Hubbard, SLOCOG, gave a brief PowerPoint presentation on the upcoming Bike There! event.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – April 27, 2021

- Recommendation: Council approve the April 27, 2021 Draft City Council Regular Meeting Minutes. [City Clerk]

3. De Anza Estates Assessment Districts

- Fiscal Impact: Annual assessments for 2021/2022 will total \$30,562 for road/drainage system maintenance and \$15,875 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De

Anza Estates. The City General Fund will contribute \$1,400 for the fiscal year 2021/2022 for half of the maintenance costs of the trails and open space.

▪ Recommendations: Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022.
2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates).
3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.
4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2021/2022. [Administrative Services]

4. Las Lomas (Woodridge) Assessment Districts

- Fiscal Impact: Annual assessments for 2020/2021 will total \$94,322 for road/drainage system maintenance and \$66,976 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Las Lomas (Woodridge). The City General Fund will contribute \$2,600 for the fiscal year 2021/2022 for 25% of the maintenance costs of the trails and open space.

▪ Recommendations: Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022.
2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge).
3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.
4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022.

6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2021/2022. [Administrative Services]
5. **Authorizing Temporary Road Closures for 2021 Hot El Camino Cruise Nite and Colony Days Parade Route**
 - Fiscal Impact: None.
 - Recommendations: Council:
 1. Adopt Draft Resolution A authorizing temporary road closures and restrictions on August 20, 2021 for the Hot El Camino Cruise Nite.
 2. Adopt Draft Resolution B authorizing temporary road closures and restrictions on October 2, 2021 for the Colony Days Parade Route. [Public Works]
6. **Annexation of the 10850 El Camino Real Subdivision into Community Facilities District 2005-1, Annexation No. 23 (10850 El Camino Real: Tract 3099)**
 - Fiscal Impact: Assessments for this annexation are estimated to be \$42,400 annually, adjusted each year for inflation. Deed restricted affordable units are exempt from the special tax.
 - Recommendation: Council adopt Draft Resolution, declaring its intention to annex territory, into Community Facilities District 2005-1 (Public Services) as Annexation No. 23 and to authorize the levy of special taxes therein (10850 El Camino Real: Tract 3099). [Community Development]
7. **Approve Parcel Map AT 18-0116 (8559 and 8565 Santa Rosa Road)**
 - Fiscal Impact: None.
 - Recommendations: Council:
 1. Approve Parcel Map AT 18-0116.
 2. Reject, without prejudice to future acceptance, a twenty-foot and a thirty-foot wide offer of dedication for public road purposes on Santa Rosa Court.
 3. Accept, on behalf of the public, the offer of dedication for a six-foot Public Utility Easement, a thirty-foot Public Sewer Easement and Offer of Dedication for Vehicular Access Rights. [Public Works]

Council Member Funk removed Item #A-2 for separate discussion and vote.

MOTION: By Council Member Funk and seconded by Council Member Bourbeau to approve Consent Calendar Items #A-1 and #A-3 through #A-7 (#A-3: Resolution Nos. 2021-016 through 2021-021) (#A-4: Resolution Nos. 2021-022 through 2021-027) (#A-5: Resolution Nos. 2021-028 and 2021-029)(#A-6: Resolution No. 2021-030).

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

2. Apple Valley Assessment Districts

- Fiscal Impact: Annual assessments for 2021/2022 will total \$38,500 for road/drainage system maintenance and \$63,000 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley. Contributions of \$11,000 for half the cost of the park will be

made from the City's General Fund, and an equal revenue source will be recognized from contributions made by the developer.

▪ **Recommendations:** Council:

1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022.
2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).
3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2021/2022, and to appoint a time and place for the public hearing on these matters.
4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2021/2022. [Administrative Services]

City Manager Rachelle Rickard answered questions of Council Member Funk.

PUBLIC COMMENT:

The following citizens spoke by telephone or through the webinar on this item: None.

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Funk and seconded by Council Member Bourbeau to approve Consent Calendar Item #A-2. (Resolution Nos. 2021-010 through 2021-015).

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 or through the webinar during Community Forum:
None

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

Mayor Moreno closed the COMMUNITY FORUM period.

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B. PUBLIC HEARINGS:

1. Title 9 Chapter 17 (Cannabis Activities & Regulations) Municipal Code Amendments to add non-storefront Cannabis delivery services and security provisions (CPP20-0011)

- Fiscal Impact: None.
- Recommendation: Council continue the public hearing to the May 25, 2021 City Council Meeting to allow additional time for drafting and review of proposed amendments to Atascadero Municipal Code Title 9 Chapter 17 (Cannabis Activities & Regulations). [Community Development]

Community Development Director Phil Dunsmore briefed the City Council on the request to continue the Public Hearing.

PUBLIC COMMENT:

The following citizens spoke by telephone or through the webinar on this item: None.

Mayor Moreno did not close the Public Comment period.

**MOTION: By Mayor Moreno and seconded by Council Member Bourbeau to continue the public hearing to the May 25, 2021 City Council Meeting to allow additional time for drafting and review of proposed amendments to Atascadero Municipal Code Title 9 Chapter 17 (Cannabis Activities & Regulations).
*Motion passed 5:0 by a roll-call vote.***

2. Weed Abatement – Hearing of Objections

- Fiscal Impact: None. Costs of the weed abatement program are recovered through the assessments charged to non-compliant parcels that must be abated by the City Contractor. Those property owners who comply with the Municipal Code are not assessed or charged.
- Recommendations: Council:
 1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections.
 2. Authorize the Fire Chief to proceed and perform the work of abatement. [Fire Department]

Fire Chief Bryson gave the staff report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke by telephone or through the webinar on this item: None.

Mayor Moreno closed the Public Comment period.

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

1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections.

2. **Authorize the Fire Chief to proceed and perform the work of abatement.**

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

C. MANAGEMENT REPORTS:

1. Downtown Street Tree Renewal Program – Phase 2

- Fiscal Impact: None at this time. Staff estimates that it would cost an additional \$10,000 to \$15,000 to subsidize FPP costs for commissioned trees for existing tree wells, however, no appropriation is currently being requested and staff will evaluate available funding as we move forward and look for potential funding opportunities.
- Recommendations: Council:
 1. Receive an update on Phase 1 of the Downtown Street Tree Renewal Program.
 2. Direct staff to initiate Phase 2 of the Downtown Street Tree Renewal Program and approve the Downtown Street Tree Guidelines.[Public Works]

Following introduction by Deputy Public Works Director Hayes, Public Works Analyst Betz gave the staff report and answered questions from the Council. Public Works Analyst Betz noted that an amended Attachment 1 (page 259 of the Agenda Packet) to the Downtown Street Tree Guidelines was being added.

PUBLIC COMMENT:

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

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Funk and seconded by Mayor Pro Tem Newsom to direct staff to initiate Phase 2 of the Downtown Street Tree Renewal Program and approve the Downtown Street Tree Guidelines with the amended Attachment 1 “Street Tree Replacement Outside of the Downtown Area”.

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

D. 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 Regional Transit Authority (RTA)

Mayor Pro Tem Newsom

1. Design Review Committee

Council Member Bourbeau

1. City of Atascadero Finance Committee
2. Integrated Waste Management Authority (IWMA)

Council Member Funk

1. Design Review Committee
2. Homeless Services Oversight Council

E. INDIVIDUAL DETERMINATION AND / OR ACTION:

1. City Council

Council Member Funk reported filing an appeal on the Dove Creek Mini Storage project, along with the appeal filed by Mayor Pro Tem Newsom. She noted that her appeal requests additional information from the applicant with regards to the project.

5. City Manager

Deputy City Manager Christensen discussed and requested Council direction whether or not to submit position letters to the Legislature on the following Bills:

1. SB 6 (Caballero) Local Planning. Housing in Commercial Zones. – Oppose
2. SB 9 (Atkins) Housing Development Approvals. – Oppose
3. SB 619 (Laird) Organic Waste. Reduction Regulations. – Support in Concept

**There was Council consensus to direct staff to draft
position letters on the Senate Bills for
Mayor Moreno's signature as detailed above.**

ADJOURN

Mayor Moreno adjourned the Regular Meeting at 7:36 pm; Council returned to the previously recessed Closed Session Meeting.

CLOSED SESSION:

Closed Session was reconvened at 7:37 pm and adjourned at 8:30 pm; no reportable action.

MINUTES PREPARED BY:



Lara K. Christensen
Deputy City Manager / City Clerk

APPROVED: May 25, 2021

PUBLIC COMMENT PROVIDED BY EMAIL

COMMUNITY FORUM

SUBMISSION FROM: Mitch Paskin

From: Mitch Paskin <atownslo@gmail.com>

Sent: Tuesday, May 11, 2021 2:02 PM

To: City Clerk <cityclerk@atascadero.org>

Subject: Community Forum Submission

Ms. Christensen,

Please read the attached state for me at tonight's City Council meeting.

Thank you in advance,

--

Mitch Paskin

I am submitting this statement in reference to the Oak Ridge Estates residential project in 3F Meadows.

Since my last submission to the Community Forum, I have found out that there have been nine houses built, and occupied in Phase 2 of the Oak Ridge Estates project. Again, the PD-11 reads that Cenegal Road will be "fully improved" prior to issuing building permits in Phase 2. I don't have any exact dates for you, but I know that houses on San Felipe Ct. have been occupied for several years.

The possible conclusion that could be drawn is that the City of Atascadero is continuing to aid Castlerock Development in skirting the conditions of approval for the project. This continues to happen even as the City has to expend considerable resources to defend itself in court against complaints filed by Castlerock Development.

This is disturbing because it might point to the way the City will deal with Castlerock Development when it comes to repairing San Marcos Road. The road is a choke point for the traffic created by Oak Ridge Estates. The traffic load will soon exceed the roads design parameters and ostensibly become unsafe. Compounding the traffic volume is that the road has

been damaged by the heavy volume of construction traffic. It's apparent when you see patches on patches that are now subsiding again because the road bed was not repaired properly. There hasn't been work done on the road in years. The PD-11 and the Performance Agreement dated 2001 call for the road to be repaired.

I have asked the City for an explanation why it has issued the Phase 2 building permits. I haven't received an answer.

I pointed out to the City on multiple occasions that San Marcos Road (and Los Altos Road for that matter), are in need of repair but have received no assurances that any repairs are pending.

These issues aren't going away.

For more information about Oak Ridge Estates please go to WWW.ROADTO41.COM.

Thank you.