



CITY OF ATASCADERO CITY COUNCIL

MINUTES

Tuesday, December 14, 2021

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

City Council Regular Session:

6:00 P.M.

City Council Closed Session:

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

Absent: None

Others Present: None

Staff Present: **By Teleconference** –Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Police Chief Bob Masterson, Public Works Director Nick DeBar, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Deputy City Manager Terrie Banish, Senior Planner Kelly Gleason, and IT Manager Luke Knight

APPROVAL OF AGENDA:

MOTION: **By Council Member Funk and seconded by Mayor Pro Tem Newsom 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 (IF ANY)

a. November 23, 2021

City Attorney Pierik reported that there was no reportable action from Closed Session on November 23, 2021.

PRESENTATIONS: None.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – November 23, 2021

- Recommendation: Council approve the November 23, 2021 Draft City Council Regular Meeting Minutes. [City Clerk]

2. City Council 2022 Meeting Schedule

- Fiscal Impact: None.
- Recommendation: Council approve the City Council meeting schedule for 2022. [City Manager]

3. Contract Award General Plan Update Project – Phase 1 Contract (GPA21-0067)

- Fiscal Impact: Approval of Phase I of the planning consultant services will use \$43,016 of budgeted General Funds. The City has budgeted \$450,000 for fiscal year 2021-22 and \$635,000 for fiscal year 2022-23 to encompass all phases of the General Plan Update. Staff will be continuing to seek grant funding opportunities as an alternative to using General Funds.
- Recommendation: Council authorize the City Manager to execute a contract with MIG, Inc. to provide planning consultant services for Phase 1 of the preparation of the Atascadero General Plan Update Project. [Community Development]

4. Virtual Meetings – AB 361 Requirements

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings. [City Manager]

MOTION: By Council Member Bourbeau and seconded by Council Member Funk to approve the Consent Calendar. (#A-3: Contract No. 2021-034) (#A-4: Resolution No. 2021-074)

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

UPDATES FROM THE CITY MANAGER:

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

COMMUNITY FORUM:

The following citizens spoke by telephone or through the webinar on this item: Maggie Payne, Geoff Auslen, Sheila New, Deborah McKrell, Greg Ravatt, Karen McNamara, Vy Pierce, Catherine Hillman, Gina Cirocco, and Brenda May

Mayor Moreno closed the COMMUNITY FORUM period.

B. PUBLIC HEARINGS:

1. 2022 Community Development Block Grant Draft Recommendations

- Fiscal Impact: Approval of Atascadero's total 2022 CDBG allocation would result in the estimated revenue and expenditure of \$139,465 of CDBG funds.
- Recommendation: Council develop and adopt draft recommendations for the 2022 Community Development Block Grant (CDBG) funds. [Public Works]

Ex Parte Communications

Mayor Moreno reported that all Council Members received an email from a property owner in town and she spoke with Wendy Lewis. Council Member Funk reported exchanging emails with Wendy Lewis. No other Council Members had anything to report.

Public Works Director DeBar gave the report and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke by telephone or through the webinar on this item: Janna Nichols, Ken Trigueiro, Wendy Lewis, and Catherine Manning

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Funk and seconded by Mayor Pro Tem Newsom to adopt the following draft recommendations for the 2022 Community Development Block Grant (CDBG) funds:

Accessibility & Barrier Removal Project	\$ 90,652.00
City Youth Activities Scholarships	\$ 10,752.00
El Camino Homeless Organization	\$ 8,524.00
5 Cities Homeless Coalition	\$ 1,644.00
City Program Administration Costs	\$ 9,763.00
County Program Administration Costs	\$ 18,130.00
TOTAL 2022:	\$139,465.00

2018 Traffic Way to 2022 Santa Rosa	\$ 24,847.00
2020 Scholarships to 2022 Santa Rosa	\$ 277.00
TOTAL Administrative Reallocations	\$ 25,124.00

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

2. Urgency Ordinance Adopting Interim Standards for the Implementation of Senate Bill 9

- Fiscal Impact: None.
- Recommendation: Council adopt an Urgency Ordinance adopting interim standards for the implementation of Senate Bill 9 (Government Code Sections 65852.21 and 66411.7), regarding urban lot splits and urban (second) dwelling units on single-family zoned sites in the City of Atascadero. [Community Development]

Ex Parte Communications

All Council Members received an email from a property owner in town, otherwise no Council Members had anything to report.

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

PUBLIC COMMENT:

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

Mayor Moreno recessed the meeting at 8:53 p.m.

Mayor Moreno reconvened the meeting with all present at 9:00 p.m.

MOTION: By Council Member Funk and seconded by Mayor Pro Tem Newsom to adopt Urgency Ordinance No. 650 adopting interim standards for the implementation of Senate Bill 9 (Government Code Sections 65852.21 and 66411.7), regarding urban lot splits and urban (second) dwelling units on single-family zoned sites in the City of Atascadero with the following changes to Exhibit A:

- 3(e)(1) No more than two urban dwelling units per on any lot may be developed. Primary dwellings, Urban Dwelling Units, Accessory dwelling units (ADUs) and junior ADUs constitute units towards the maximum number of units.
- 3(c)(7) ~~Any proposed urban dwelling unit must be connected to a separate water service (separate meter).~~
- 4(e)(1) No more than two urban dwelling units may be developed per on either resulting lot. Accessory dwelling units (ADUs) and junior ADUs shall be included in the maximum number of units. An urban dwelling development contains two residential units if the development proposes no more than two new units or if it proposes to add one new unit to one existing unit.
- 4(l) Owner Occupancy. The applicant for an urban lot split must be an existing owner and occupant of the subject lot and must sign an affidavit stating that the applicant will occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. This does not apply to an applicant that is a "community land trust," as defined in clause (ii) of subparagraph (C) of paragraph (11) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code or is a "qualified nonprofit corporation" as described in Section 214.15 of the Revenue and Taxation Code.

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

**URGENCY ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
ADOPTING INTERIM GUIDELINES FOR THE IMPLEMENTATION OF
GOVERNMENT CODE SECTIONS 65852.21 AND 66411.7**

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

3. Community Facilities District 2005-1 – Annexation No. 24

- Fiscal Impact: Assessments for the Halcon annexation are estimated to be between \$2,200 - \$2,400 annually beginning in fiscal year 2022-2023, and adjusted each year for inflation.
- Recommendations: Council:
 1. Conduct the public hearing for the proposed annexation.
 2. Adopt Draft Resolution A; authorizing the territory identified in City Council Resolution 2021-068 to be annexed into Community Facilities District No. 2005-1, authorizing the levy of a special tax and submitting the levy of a special tax to qualified electors.
 3. Direct the City Clerk to conduct a landowner vote of annexation and collect and count the ballots.
Council to recess until ballots are counted
 4. Adopt Draft Resolution B, declaring the results of a special annexation landowner election for Annexation No. 24, determining the validity of prior proceedings and directing the recording of an amendment to the notice of special tax lien.
 5. Introduce for first reading, by title only, Draft Ordinance, authorizing the levy of special taxes in Community Facilities District 2005-1 for certain annexation territory identified as Annexation No. 24. [Community Development]

Ex Parte Communications

The Council Members reported having no communications on this item.

Community Development Director Dunsmore 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 Council Member Bourbeau to:
1. Adopt Resolution No. 2021-075; authorizing the territory identified in City Council Resolution 2021-068 to be annexed into Community Facilities District No. 2005-1, authorizing the levy of a special tax and submitting the levy of a special tax to qualified electors.
 2. Direct the City Clerk to conduct a landowner vote of annexation and collect and count the ballots.
- Motion passed 5:0 by a roll-call vote.***

Deputy City Manager/City Clerk Christensen announced that six votes (one ballot) were received and were all in favor.

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

1. **Adopt Resolution No. 2021-076, declaring the results of a special annexation landowner election, determining the validity of prior proceedings and directing the recording of an amendment to the notice of special tax lien.**
2. **Introduce for first reading, by title only, Draft Ordinance, authorizing the levy of special taxes in Community Facilities District 2005-1 for certain annexation territory identified as Annexation No. 24.**

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

**AN ORDINANCE OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA, AUTHORIZING THE LEVY OF
SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 2005-1 (PUBLIC
SERVICES), INCLUDING CERTAIN ANNEXATION TERRITORY**

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

C. MANAGEMENT REPORTS: None.

D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:

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

Mayor Moreno

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

Mayor Moreno announced appointment of Greg Heath to the Planning Commission.

Mayor Pro Tem Newsom

1. Design Review Committee

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Funk

1. Design Review Committee
2. Homeless Services Oversight Council

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F.

G. RECESS REGULAR MEETING TO CLOSED SESSION

Mayor Moreno recessed the Regular Meeting at 9:43 p.m. and convened the Closed Session Meeting.

COUNCIL CLOSED SESSION:

1. CLOSED SESSION -- PUBLIC COMMENT - None
2. COUNCIL LEAVES TO BEGIN CLOSED SESSION
3. CLOSED SESSION -- CALL TO ORDER
 - a. **Conference with Legal Counsel – Anticipated Litigation**
Initiation of litigation pursuant to Section 54956.9(d)(4): One case
 - b. **Conference with Legal Counsel – Existing Litigation**
Government Code Sec. 54956.9(d)(1)
Name of Case: Sunderland v. City of Atascadero and Phil Dunsmore
San Luis Obispo Superior Court Case No. 21CVP-0074
4. CLOSED SESSION – ADJOURNMENT
5. COUNCIL RETURNS
6. CLOSED SESSION – REPORT (IF ANY)

H. ADJOURN

Following Closed Session, the meeting was adjourned at 10:17 pm.

MINUTES PREPARED BY:



Lara K. Christensen
City Clerk

APPROVED: January 11, 2022