



## CITY OF ATASCADERO CITY COUNCIL AGENDA

### **HYBRID MEETING INFORMATION:**

In accordance with City Council Resolution No. 2022-044 and the requirements of AB 361, the City Council Meeting will be available via teleconference for those who wish to participate remotely. The City Council meeting will also be held in the City Council Chambers and in-person attendance will be available at that location.

### **HOW TO OBSERVE THE MEETING REMOTELY:**

To participate remotely, residents can livestream the meeting on [Zoom](#), SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and listen live on KPRL Radio 1230AM and 99.3FM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website and on the City's YouTube Channel. To participate remotely using the Zoom platform please visit [https://us02web.zoom.us/webinar/register/WN\\_ZwJ7a031S3KXauEym9ehaA](https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA).

### **HOW TO SUBMIT PUBLIC COMMENT:**

Individuals who wish to provide public comment in-person may attend the meeting in the City Council Chambers. Individuals who wish to participate remotely may call **(669) 900-6833** (Meeting ID: 889 2347 9018) to listen and provide public comment via phone or via the [Zoom](#) platform using the link above.

If you wish to comment but not via a live platform, please email public comments to [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org). Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the City Council and made a part of the administrative record. ***To ensure distribution to the City Council prior to consideration of the agenda, the public is encouraged to submit comments no later than 12:00 p.m. the day of the meeting.*** Those comments, as well as any comments received after that time, but before the close of the item, will be distributed to the City Council, posted on the City's website, and will be made part of the official public record of the meeting. ***Please note, email comments will not be read into the record.***

### **AMERICAN DISABILITY ACT ACCOMMODATIONS:**

Any member of the public who needs accommodations should contact the City Clerk's Office at [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) or by calling 805-470-3400 at least 48 hours prior to the meeting or time when services are needed. The City will use their best efforts to provide reasonable accommodations to afford as much accessibility as possible while also maintaining public safety in accordance with the City procedure for resolving reasonable accommodation requests.

City Council agendas and minutes may be viewed on the City's website: [www.atascadero.org/agendas](http://www.atascadero.org/agendas).

Copies of the staff reports or other documentation relating to each item of business referred to on the Agenda are on file in the office of the City Clerk and are available for public inspection on our website, [www.atascadero.org](http://www.atascadero.org). Contracts, Resolutions and Ordinances will be allocated a number once they are approved by the City Council. The Minutes of this meeting will reflect these numbers. All documents submitted by the public during Council meetings that are made a part of the record or referred to in their statement will be noted in the Minutes and available for review by contacting the City Clerk's office. All documents will be available for public inspection by appointment during City Hall business hours.



# CITY OF ATASCADERO CITY COUNCIL

---

## AGENDA

Tuesday, July 12, 2022

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

<b><u>City Council Regular Session:</u></b>	<b>6:00 P.M.</b>
---	------------------

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

**PLEDGE OF ALLEGIANCE:** Council Member Dariz

**ROLL CALL:** Mayor Moreno  
Mayor Pro Tem Newsom  
Council Member Bourbeau  
Council Member Dariz  
Council Member Funk

**APPROVAL OF AGENDA:** Roll Call

Recommendation: Council:

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.

**CLOSED SESSION – REPORT (IF ANY)**

1. None.

**PRESENTATIONS**

1. **Proclamation declaring July as Parks Make Life Better Month**

**A. CONSENT CALENDAR:** (All items on the consent calendar are considered to be routine and non-controversial by City staff and will be approved by one motion if no member of the Council or public wishes to comment or ask questions. If comment or discussion is desired by anyone, the item will be removed from the Consent Calendar and will be considered in the listed sequence with an opportunity for any member of the public to address the Council concerning the item before action is taken.)

1. **City Council Draft Action Minutes – June 28, 2022**
  - Recommendation: Council approve the June 28, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]
2. **March 2022 Investment Report**
  - Fiscal Impact: None.
  - Recommendation: Council receive and file the City Treasurer’s report for quarter ending March 31, 2022. [Administrative Services]
3. **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]
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. **Downtown District Pavement Rehabilitation Project Design Engineering Services Contract**
  - Fiscal Impact: \$196,755 in budgeted Local Transportation Funds.
  - Recommendation: Council award a professional services agreement for \$196,755 with Rick Engineering Company to provide design engineering and construction plan preparation services for the Downtown District Pavement Rehabilitation Project (Project No. C2021R01). [Public Works]

**UPDATES FROM THE CITY MANAGER:** (The City Manager will give an oral report on any current issues of concern to the City Council.)

**COMMUNITY FORUM:** (This portion of the meeting is reserved for persons wanting to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Speakers are limited to three minutes. Please state your name for the record before making your presentation. Comments made during Community Forum will not be a subject of discussion. A maximum of 30 minutes will be allowed for Community Forum, unless changed by the Council. Comments will be allowed for the entire 30-minute period so if the final speaker has finished before the 30 minute period has ended and a member of the public wishes to make a comment after the Council has commenced another item, the member should alert the Clerk within the 30 minute period of their desire to make a comment and the Council will take up that comment upon completion of the item which was commenced. Any members of the public who have questions or need information may contact the City Clerk’s Office, between the hours of 8:30 a.m. and 5:00 p.m. at (805) 470-3400, or [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org).)

**B. PUBLIC HEARINGS: None.**

**C. MANAGEMENT REPORTS:**

1. **Objective Design Standards Project Update**
  - Fiscal Impact: State funding from the Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) will assist in the funding of this work effort. All project costs are fully covered by these secured grant sources.
  - Recommendations: Council provide high level direction on key Objective Design policy items. [Community Development]

- D. COUNCIL ANNOUNCEMENTS AND COMMITTEE REPORTS:** (On their own initiative, Council Members may make a brief announcement or a brief report on their own activities. The following represent standing committees. Informative status reports will be given, as felt necessary):

Mayor Moreno

1. City Selection Committee
2. County Mayors Round Table
3. Regional Economic Action Coalition (REACH)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Newsom

1. City / Schools Committee
2. Design Review Committee
3. League of California Cities – Council Liaison
4. Visit SLO CAL Advisory Committee

Council Member Bourbeau

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Dariz

1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. City of Atascadero Finance Committee
4. Community Action Partnership of San Luis Obispo (CAPSLO)

Council Member Funk

1. Atascadero Basin Ground Water Sustainability Agency (GSA)
2. Design Review Committee
3. Homeless Services Oversight Council

- E. INDIVIDUAL DETERMINATION AND / OR ACTION:** (Council Members may ask a question for clarification, make a referral to staff or take action to have staff place a matter of business on a future agenda. The Council may take action on items listed on the Agenda.)

1. City Council
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

**F. ADJOURNMENT**

**Please note:** Should anyone challenge any proposed development entitlement listed on this Agenda in court, that person may be limited to raising those issues addressed at the public hearing described in this notice, or in written correspondence delivered to the City Council at or prior to this public hearing. Correspondence submitted at this public hearing will be distributed to the Council and available for review in the City Clerk's office.



# CITY OF ATASCADERO CITY COUNCIL

## DRAFT MINUTES

Tuesday, June 28, 2022

City Hall Council Chambers, 4th 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 6:00 p.m. and Council Member Bourbeau led the Pledge of Allegiance.

### ROLL CALL:

Present: Council Members Bourbeau, Dariz, and Funk (by teleconference), Mayor Pro Tem Newsom (by teleconference) and Mayor Moreno

Absent: None

Others Present: None

Staff Present: City Manager Rachelle Rickard, 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, Senior Planner Kelly Gleason, Public Works Analyst Ryan Betz, and IT Manager Luke Knight

### APPROVAL OF AGENDA:

**MOTION:** By Council Member Bourbeau and seconded by Council Member Dariz 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)**

**1. June 14, 2022**

City Attorney Pierik noted that there was no reportable action.

**A. CONSENT CALENDAR:**

**1. City Council Draft Action Minutes – June 14, 2022**

- Recommendation: Council approve the June 14, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

**2. May 2022 Accounts Payable and Payroll**

- Fiscal Impact: \$2,292,110.85.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for May 2022. [Administrative Services]

**MOTION: By Council Member Dariz and seconded by Council Member Bourbeau to approve the Consent Calendar.  
*Motion passed 5:0 by a roll-call vote.***

**UPDATES FROM THE CITY MANAGER:**

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

**COMMUNITY FORUM:**

The following persons spoke in-person, by telephone or through the webinar: Frank Rimkus, Geoff Auslen, and Sierra Steele

**B. PUBLIC HEARINGS:**

**1. Adopting Sewer Service Charges to be Added to the 2022-2023 Property Tax Rolls**

- Fiscal Impact: The City estimates it will collect \$3,925,563 in sewer service charges for Fiscal Year 2022-2023.
- Recommendations: Council:
  1. Conduct a public hearing to receive verbal testimony regarding the proposed sewer service charges to be levied onto property tax rolls.
  2. Adopt Draft Resolution approving sewer charges to be added to the 2022-2023 property tax rolls. [Public Works]

Ex Parte Communications: None.

Public Works Analyst Betz gave the staff report.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

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

**MOTION:** By Council Member Bourbeau and seconded by Council Member Dariz to adopt Resolution No. 2022-062 approving sewer charges to be added to the 2022-2023 property tax rolls.  
*Motion passed 5:0 by a roll-call vote.*

**2. Del Rio Marketplace (AMND19-0063)**

- Fiscal Impact: The commercial portion of the project will have a positive impact on City revenues and will provide synergy for increased development throughout the area. Additionally, the development is required to annex into the Citywide CFD. With annexation into the CFD, overall, the project will be fiscally positive.
- Recommendations: Council adopt Draft Resolution approving a Conditional Use Permit Amendment, Tentative Parcel Map (AT22-0011), and Environmental Impact Report (EIR) Addendum for the Del Rio Marketplace, subject to findings and conditions of approval. [Community Development]

Ex Parte Communications:

Council Member Funk reported speaking with Sierra Steele. Mayor Pro Tem Newsom noted that this project came before her on the DRC. No other Council Members had anything to report.

Senior Planner Gleason gave the report and answered questions from the Council. Community Development Director Dunsmore also answered questions from the Council.

*Due to technical difficulties, Mayor Moreno recessed the Meeting at 7:07 p.m.  
Mayor Moreno recessed the Meeting at 7:27 p.m. will all present.*

*Mayor Pro Tem Newsom joined the Meeting in person.*

**PUBLIC COMMENT:**

The following citizens spoke on this item: Patti Whelan, xxx, Scott Martin, Derek Williams Terry McClain, Susan Silva, Sierra Steele, Geoff Auslen, Paul, Kathryn Love, and Clint Pierce

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

*Mayor Moreno recessed the Meeting at 9:29 p.m.  
Mayor Moreno reconvened the Meeting at 9:35 p.m. with all present.*

**MOTION:** By Council Member Bourbeau and seconded by Council Member Dariz to adopt Resolution No. 2022-063 approving a Conditional Use Permit Amendment, Tentative Parcel Map (AT22-0011), and Environmental Impact Report (EIR) Addendum for the Del Rio Marketplace, subject to findings and conditions of approval with the following changes:

- *Update the number of units in Section 3(2) Finding C from 82 to **92***

- **Added Section 3(4), *Findings for Approval of Additional Height, to include the following findings:***
  - **The additional height provides architectural interest and adds to a varied roofline.**
  - **The added features will not block solar access to adjacent properties.**
- **Updated Exhibit A (Conditions of Approval):**
  - **Amend Condition 29 to read: Second finished floor elevation of the exchange buildings shall be a minimum of 16-feet from the finished floor elevation of the ground floor.**
  - **Add Condition to read: No balconies shall be permitted on the north elevation of Exchange Building 1.**
  - **Add Condition to read: Landscaping along the northern portion of the property shall be limited to species that will not grow to a natural height that will impact solar exposure on adjacent residential properties.**
  - **Add Condition to read: Architectural roof features on the Exchange 1 building that are above that shown in the solar modeling (35-foot occupied building height with gable roof peak at 45-feet) may only be added if it can be shown that solar shading onto adjacent residential properties will not be increased.**
  - **Add Condition to read: Perimeter landscaping along the Del Rio Road and El Camino Real frontage, in addition to landscaping along the north property line, shall be installed with phase 1 of the development, to the extent feasible, without necessitating removal for future construction, subject to the approval of the Community Development Director.**

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

## C. MANAGEMENT REPORTS

### 1. Integrated Waste Management Authority – Amended and Restated Joint Powers Agreement

- Fiscal Impact: None.
- Recommendations: Authorize the Mayor to execute the San Luis Obispo Integrated Waste Management Authority Second Amended and Restated Joint Powers Agreement. [City Manager]

Deputy City Manager Christensen gave the staff report and answered questions from the Council.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

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

**MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to authorize the Mayor to execute the San Luis Obispo Integrated Waste Management Authority Second Amended and Restated Joint Powers Agreement.  
*Motion passed 5:0 by a roll-call vote.***

**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

Mayor Moreno also reported that those with Galaxy Theater gift cards and vouchers should contact Galaxy Theater directly at (888) 407-9874 with all questions and concerns.

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Funk

1. Atascadero Basin Ground Water Sustainability Agency (GSA)
2. Homeless Services Oversight Council

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

**F. ADJOURNMENT**

Mayor Moreno adjourned the meeting at 10:04 pm.

**MINUTES PREPARED BY:**

---

Lara K. Christensen  
City Clerk

**APPROVED:**



# Atascadero City Council

March 2022

## Staff Report - City Treasurer

### March 2022 Investment Report

#### RECOMMENDATION:

Council receive and file the City Treasurer's report for quarter ending March 31, 2022.

#### REPORT IN BRIEF:

##### Cash and Investments

Checking	\$ 3,233,688	
Zoo Credit Card Deposit Account	25,739	
Certificates of Deposit	13,920,000	
Government Securities	13,453,408	
Supranational Securities	3,498,682	
Municipal Securities	2,910,672	
LAIF	22,814,275	
Cash with Fiscal Agents	<u>2,604,205</u>	
Cash in Banks at March 31, 2022		\$ 62,460,669
Timing Differences		<u>(2,235,470)</u>
Cash and Investments at March 31, 2022		<u>\$ 60,225,199</u>

##### Investment Activity

#### Securities Purchased:

Purchase Date	Description	Type	Cost	Maturity Date
01/18/22	Federal Farm Credit Bank CUSIP #3133EJ4E6	Government Security	\$ 214,640	12/28/26
01/19/22	San Joaquin Hills Transportation Corridor Agency CUSIP #798111HF0	Municipal Security	506,380	01/15/27
02/17/22	Federal Agriculture Mort Assn CUSIP #31422XTX0	Government Security	540,650	02/10/27
02/23/22	Beal Bank USA Las Vegas, NV	Certificate of Deposit	245,000	02/17/27
03/16/22	American Express National Bank Sandy, UT	Certificate of Deposit	245,000	03/16/27
03/17/22	Federal Home Loan Bank CUSIP #3130ADU5	Government Security	518,755	03/12/27
03/23/22	Beal Bank USA Plano, TX	Certificate of Deposit	245,000	03/17/27

Investment Activity (continued)

**Securities Matured:**

<u>Maturity Date</u>	<u>Description</u>	<u>Type</u>	<u>Original Cost</u>	<u>Amount Matured</u>
01/13/22	Federal Home Loan Mortgage Co CUSIP #3137EADB2	Government Security	\$ 507,340	\$ 500,000
02/09/22	Triad Bank Frontenac, MO	Certificate of Deposit	245,000	245,000
02/14/22	Everbank Jacksonville, FL	Certificate of Deposit	245,000	245,000
03/11/22	Federal Home Loan Bank CUSIP 313378CR0	Government Security	505,975	500,000
03/24/22	First Sentry Bank Huntington, WV	Certificate of Deposit	245,000	245,000

**Securities Sold Prior to Maturity:**

None

**Other Reportable Activities:**

None

**CITY OF ATASCADERO**  
**TREASURER'S REPORT**  
**CASH & INVESTMENTS ACTIVITY SUMMARY**  
*for the quarter ending March 31, 2022*

ITEM NUMBER: A-2  
DATE: 07/12/22

	<u>CHECKING ACCOUNTS</u>	<u>INVESTMENTS</u>	<u>FISCAL AGENT</u>	<u>TOTALS</u>
Balance per Banks at January 1, 2022	\$ 3,733,578	\$ 53,875,017	\$ 2,278,606	\$ 59,887,201
Receipts	10,905,880	184,233	147	11,090,260
Recognition of Premiums & Discounts	-	(23,711)	-	(23,711)
Disbursements	(8,296,010)	-	(197,071)	(8,493,081)
Transfers In	6,028,927	8,590,425	522,523	15,141,875
Transfers Out	<u>(9,112,948)</u>	<u>(6,028,927)</u>	<u>-</u>	<u>(15,141,875)</u>
Balance per Banks at March 31, 2022	<u>\$ 3,259,427</u>	<u>\$ 56,597,037</u>	<u>\$ 2,604,205</u>	62,460,669
Timing Differences				<u>(2,235,470)</u>
<b>Adjusted Treasurer's Balance</b>				<u><u>\$ 60,225,199</u></u>

**CITY OF ATASCADERO**  
**INVESTMENT REPORT**  
*March 31, 2022*

**ITEM NUMBER: A-2**  
**DATE: 07/12/22**

<u>MATURITY DATE</u>	<u>DESCRIPTION (ISSUER)</u>	<u>PURCHASE DATE</u>	<u>INVESTMENT TYPE</u>	<u>INVESTMENT RATING</u>	<u>STATED % RATE</u>	<u>YIELD</u>	<u>FACE VALUE</u>	<u>PREMIUM/ (DISCOUNT)</u>	<u>COST OF INVESTMENT</u>	<u>MARKET VALUE</u>	<u>UNREALIZED GAIN / (LOSS)</u>
<i>Funds Managed by City</i>											
n/a	<b>Local Agency Invest. Fund (LAIF)</b>	n/a	State Investment Fund	n/a	n/a	0.37%	\$ 22,814,275	n/a	\$ 22,814,275	\$ 22,557,695	\$ (256,580)
n/a	<b>Broker Money Market</b>	n/a	Money Fund	n/a	n/a	Vary	-	n/a	-	-	-
04/05/22	<b>Federal National Mortgage Assn</b> CUSIP #3135G0T45	05/04/17	Government Security	Aaa	1.88%	1.88%	500,000	n/a	500,000	500,095	95
05/17/22	<b>MB Financial Bank</b> Chicago, IL	02/09/22	Certificate of Deposit	n/a	2.00%	2.00%	245,000	n/a	245,000	245,495	495
05/31/22	<b>Lakeside Bank</b> Chicago, IL	06/02/17	Certificate of Deposit	n/a	2.00%	2.00%	245,000	n/a	245,000	245,632	632
06/10/22	<b>Federal Home Loan Bank</b> CUSIP #313379Q69	05/31/17	Government Security	Aaa	2.13%	1.86%	500,000	255	500,255	501,555	1,300
07/05/22	<b>Sallie Mae Bank</b> Salt Lake City, UT	07/08/19	Certificate of Deposit	n/a	2.20%	2.20%	245,000	n/a	245,000	246,122	1,122
07/12/22	<b>Barclays Bank</b> Wilmington, DE	07/12/17	Certificate of Deposit	n/a	2.20%	2.20%	245,000	n/a	245,000	246,181	1,181
07/27/22	<b>Federal Farm Credit Bank</b> CUSIP #3133EDE65	07/12/17	Government Security	n/a	3.05%	1.98%	302,000	1,040	303,040	304,226	1,186
08/03/22	<b>Federal Farm Credit Bank</b> CUSIP #3133EHTS2	08/17/17	Government Security	Aaa	1.90%	1.72%	500,000	304	500,304	501,915	1,611
09/09/22	<b>Federal Home Loan Bank</b> CUSIP #313380GJ0	09/11/17	Government Security	Aaa	2.00%	1.62%	500,000	833	500,833	502,190	1,357
09/14/22	<b>Int'l Amer. Development Bank</b> CUSIP #4581X0CZ9	12/18/17	Supranational Security	Aaa	1.75%	2.23%	500,000	(1,101)	498,899	500,070	1,171
10/05/22	<b>Federal National Mortgage Assn</b> CUSIP #3135G0T78	01/18/18	Government Security	Aaa	2.00%	2.30%	500,000	(768)	499,232	502,120	2,888
11/28/22	<b>Bank of New England</b> Salem, NH	07/26/19	Certificate of Deposit	n/a	2.05%	2.05%	245,000	n/a	245,000	246,820	1,820
01/18/23	<b>Int'l Amer. Development Bank</b> CUSIP #4581X0DA3	01/18/18	Supranational Security	Aaa	2.50%	2.46%	500,000	147	500,147	503,120	2,973
01/18/23	<b>Int'l Amer. Development Bank</b> CUSIP #4581X0DA3	12/06/18	Supranational Security	Aaa	2.50%	2.90%	500,000	(1,565)	498,435	503,120	4,685
02/21/23	<b>Merrick Bank</b> South Jordan, UT	12/18/18	Certificate of Deposit	n/a	3.35%	3.35%	245,000	n/a	245,000	249,758	4,758

**CITY OF ATASCADERO**  
**INVESTMENT REPORT**  
*March 31, 2022*

**ITEM NUMBER: A-2**  
**DATE: 07/12/22**

<b>MATURITY DATE</b>	<b>DESCRIPTION (ISSUER)</b>	<b>PURCHASE DATE</b>	<b>INVESTMENT TYPE</b>	<b>INVESTMENT RATING</b>	<b>STATED % RATE</b>	<b>YIELD</b>	<b>FACE VALUE</b>	<b>PREMIUM/ (DISCOUNT)</b>	<b>COST OF INVESTMENT</b>	<b>MARKET VALUE</b>	<b>UNREALIZED GAIN / (LOSS)</b>
03/10/23	<b>Federal Home Loan Bank</b> CUSIP #3130ADMX7	03/16/18	Government Security	Aaa	2.50%	2.71%	\$ 500,000	\$ (967)	\$ 499,033	\$ 503,915	\$ 4,882
03/24/23	<b>Bell Bank</b> Fargo, ND	03/24/20	Certificate of Deposit	n/a	0.85%	0.85%	245,000	n/a	245,000	243,986	(1,014)
04/11/23	<b>Federal Farm Credit Bank</b> CUSIP #3133EJKN8	04/11/18	Government Security	Aaa	2.70%	2.71%	500,000	(56)	499,944	505,245	5,301
04/12/23	<b>Morgan Stanley</b> Salt Lake City, UT	04/12/18	Certificate of Deposit	n/a	2.95%	2.95%	245,000	n/a	245,000	249,067	4,067
05/08/23	<b>Old Missouri Bank</b> Springfield, MO	05/06/19	Certificate of Deposit	n/a	2.50%	2.50%	100,000	n/a	100,000	101,222	1,222
05/09/23	<b>Goldman Sachs</b> New York, NY	05/09/18	Certificate of Deposit	n/a	3.15%	3.15%	245,000	n/a	245,000	249,728	4,728
06/06/23	<b>Citibank</b> Sioux Falls, SD	06/06/18	Certificate of Deposit	n/a	3.25%	3.25%	245,000	n/a	245,000	250,160	5,160
06/27/23	<b>PeopleFirst Bank</b> Joliet, IL	03/27/20	Certificate of Deposit	n/a	1.00%	1.00%	245,000	n/a	245,000	243,498	(1,502)
07/31/23	<b>Medallion Bank</b> Salt Lake City, UT	07/31/18	Certificate of Deposit	n/a	3.25%	3.25%	245,000	n/a	245,000	250,410	5,410
07/31/23	<b>Int'l Finance Corporation</b> CUSIP #45950KCP3	09/12/18	Supranational Security	Aaa	2.88%	2.90%	500,000	(166)	499,834	504,550	4,716
08/01/23	<b>Discover Bank</b> Wilmington, DE	08/01/18	Certificate of Deposit	n/a	3.35%	3.35%	245,000	n/a	245,000	250,738	5,738
09/26/23	<b>MidSouth Bank</b> Lafayette, LA	09/26/18	Certificate of Deposit	n/a	3.10%	3.10%	245,000	n/a	245,000	250,023	5,023
09/27/23	<b>Int'l Bank for Recon &amp; Develop</b> CUSIP #459058GL1	02/06/19	Supranational Security	Aaa	3.00%	2.55%	500,000	3,293	503,293	505,770	2,477
09/27/23	<b>Nicolet National Bank</b> Green Bay, WI	03/27/20	Certificate of Deposit	n/a	1.25%	1.25%	245,000	n/a	245,000	243,354	(1,646)
09/29/23	<b>Alma Bank</b> Astoria, NY	03/31/20	Certificate of Deposit	n/a	1.10%	1.10%	245,000	n/a	245,000	242,788	(2,212)
11/06/23	<b>Federal Farm Credit Bank</b> CUSIP #3133EJQ85	11/06/18	Government Security	n/a	3.05%	3.06%	500,000	(62)	499,938	507,675	7,737

**CITY OF ATASCADERO**  
**INVESTMENT REPORT**  
*March 31, 2022*

**ITEM NUMBER: A-2**  
**DATE: 07/12/22**

<b>MATURITY DATE</b>	<b>DESCRIPTION (ISSUER)</b>	<b>PURCHASE DATE</b>	<b>INVESTMENT TYPE</b>	<b>INVESTMENT RATING</b>	<b>STATED % RATE</b>	<b>YIELD</b>	<b>FACE VALUE</b>	<b>PREMIUM/ (DISCOUNT)</b>	<b>COST OF INVESTMENT</b>	<b>MARKET VALUE</b>	<b>UNREALIZED GAIN / (LOSS)</b>
11/08/23	<b>Morgan Stanley Private Bank</b> New York, NY	11/08/18	Certificate of Deposit	n/a	3.55%	3.55%	\$ 245,000	n/a	\$ 245,000	\$ 251,470	\$ 6,470
12/08/23	<b>Federal Home Loan Bank</b> CUSIP #3130AAHE1	04/30/20	Government Security	n/a	2.50%	0.39%	640,000	22,793	662,793	641,715	(21,078)
01/30/24	<b>First Premier Bank</b> Sioux Falls, SD	01/30/19	Certificate of Deposit	n/a	2.95%	2.95%	245,000	n/a	245,000	249,219	4,219
02/22/24	<b>Bank of Delight</b> Delight, AR	02/22/19	Certificate of Deposit	n/a	2.85%	2.85%	245,000	n/a	245,000	248,677	3,677
03/08/24	<b>Federal Home Loan Bank</b> CUSIP #3130AB3H7	03/07/19	Government Security	Aaa	2.38%	2.58%	750,000	(2,888)	747,112	750,435	3,323
03/27/24	<b>First National Bank</b> East Lansing, MI	03/27/19	Certificate of Deposit	n/a	2.75%	2.75%	245,000	n/a	245,000	248,026	3,026
04/26/24	<b>Mainstreet Bank</b> Fairfax, VA	05/01/19	Certificate of Deposit	n/a	2.60%	2.60%	245,000	n/a	245,000	247,207	2,207
05/13/24	<b>Federal Farm Credit Bank</b> CUSIP #3133EKLBO	05/13/19	Government Security	Aaa	2.31%	2.32%	500,000	(72)	499,928	500,755	827
05/16/24	<b>Enterprise Bank</b> Allison Park, PA	05/16/19	Certificate of Deposit	n/a	2.60%	2.60%	245,000	n/a	245,000	247,134	2,134
06/01/24	<b>Tulare County Pension Bond</b> CUSIP #899154AW8	09/28/20	Municipal Security	A1	3.56%	0.79%	120,000	7,121	127,121	121,620	(5,501)
06/26/24	<b>Commerce Bank</b> Geneva, MN	06/26/19	Certificate of Deposit	n/a	2.30%	2.30%	245,000	n/a	245,000	245,394	394
07/26/24	<b>Abacus Federal Savings</b> New York, NY	07/26/19	Certificate of Deposit	n/a	2.00%	2.00%	245,000	n/a	245,000	243,554	(1,446)
08/01/24	<b>Federal Farm Credit Bank</b> CUSIP 3133EJM55	07/24/19	Government Security	Aaa	3.25%	1.92%	427,000	12,847	439,847	436,108	(3,739)
08/19/24	<b>CF Bank</b> Worthington, OH	08/19/19	Certificate of Deposit	n/a	1.85%	1.85%	245,000	n/a	245,000	242,506	(2,494)
08/28/24	<b>Genoa Banking Company</b> Genoa, OH	08/28/19	Certificate of Deposit	n/a	1.80%	1.80%	245,000	n/a	245,000	242,133	(2,867)
08/28/24	<b>Int'l Bank for Recon &amp; Develop</b> CUSIP #459056HV2	10/18/19	Supranational Security	Aaa	1.50%	1.62%	500,000	(1,394)	498,606	489,010	(9,596)

**CITY OF ATASCADERO**  
**INVESTMENT REPORT**  
*March 31, 2022*

**ITEM NUMBER: A-2**  
**DATE: 07/12/22**

<b>MATURITY DATE</b>	<b>DESCRIPTION (ISSUER)</b>	<b>PURCHASE DATE</b>	<b>INVESTMENT TYPE</b>	<b>INVESTMENT RATING</b>	<b>STATED % RATE</b>	<b>YIELD</b>	<b>FACE VALUE</b>	<b>PREMIUM/ (DISCOUNT)</b>	<b>COST OF INVESTMENT</b>	<b>MARKET VALUE</b>	<b>UNREALIZED GAIN / (LOSS)</b>
08/30/24	<b>Preferred Bank</b> Los Angeles, CA	08/30/19	Certificate of Deposit	n/a	1.85%	1.85%	\$ 245,000	n/a	\$ 245,000	\$ 242,403	\$ (2,597)
09/10/24	<b>Peoples Bank</b> Rock Valley, IA	03/23/20	Certificate of Deposit	n/a	1.50%	1.50%	100,000	n/a	100,000	98,067	(1,933)
09/20/24	<b>Bank of Deerfield</b> Deerfield, WI	09/20/19	Certificate of Deposit	n/a	1.70%	1.70%	245,000	n/a	245,000	241,320	(3,680)
09/25/24	<b>Grand River Bank</b> Grandville, MI	03/25/20	Certificate of Deposit	n/a	1.00%	1.00%	245,000	n/a	245,000	237,126	(7,874)
10/15/24	<b>Federal National Mortgage Assn</b> CUSIP #3135G0W66	03/13/20	Government Security	Aaa	1.63%	0.81%	500,000	10,264	510,264	489,910	(20,354)
11/08/24	<b>Raymond James Bank</b> St. Petersburg, FL	11/08/19	Certificate of Deposit	n/a	1.80%	1.80%	245,000	n/a	245,000	241,411	(3,589)
12/13/24	<b>Federal Home Loan Bank</b> CUSIP #3130A3GE8	03/13/20	Government Security	Aaa	2.75%	0.84%	500,000	25,538	525,538	503,760	(21,778)
01/15/25	<b>Int'l Bank for Recon &amp; Develop</b> CUSIP #459058HT3	01/16/20	Supranational Security	Aaa	1.63%	1.66%	500,000	(532)	499,468	487,595	(11,873)
01/20/25	<b>Live Oak Banking Company</b> Wilmington, NC	01/24/20	Certificate of Deposit	n/a	1.85%	1.85%	245,000	n/a	245,000	240,904	(4,096)
01/24/25	<b>Baycoast Bank</b> Swansea, MA	01/24/20	Certificate of Deposit	n/a	1.70%	1.70%	245,000	n/a	245,000	239,875	(5,125)
02/12/25	<b>Federal Home Loan Mtge Corp</b> CUSIP #3137EAEP0	03/13/20	Government Security	Aaa	1.50%	0.79%	500,000	10,076	510,076	486,035	(24,041)
03/03/25	<b>Federal Farm Credit Bank</b> CUSIP #3133ELQY3	03/04/20	Government Security	Aaa	1.21%	0.88%	500,000	4,702	504,702	481,670	(23,032)
03/26/25	<b>Evergreen Bank Group</b> Oak Brook, IL	03/26/20	Certificate of Deposit	n/a	1.00%	1.00%	245,000	n/a	245,000	234,122	(10,878)
03/27/25	<b>Bank of Romney</b> Romney, WV	03/27/20	Certificate of Deposit	n/a	1.15%	1.15%	245,000	n/a	245,000	235,163	(9,837)
03/27/25	<b>First Jackson Bank</b> Stevenson, AL	03/27/20	Certificate of Deposit	n/a	1.15%	1.15%	245,000	n/a	245,000	235,163	(9,837)
04/01/25	<b>El Cajon Taxable Pension Obl</b> CUSIP 282659AX9	01/27/21	Municipal Security	Aa	1.18%	0.70%	650,000	9,248	659,248	616,909	(42,339)

**CITY OF ATASCADERO**  
**INVESTMENT REPORT**  
*March 31, 2022*

**ITEM NUMBER: A-2**  
**DATE: 07/12/22**

<b>MATURITY DATE</b>	<b>DESCRIPTION (ISSUER)</b>	<b>PURCHASE DATE</b>	<b>INVESTMENT TYPE</b>	<b>INVESTMENT RATING</b>	<b>STATED % RATE</b>	<b>YIELD</b>	<b>FACE VALUE</b>	<b>PREMIUM/ (DISCOUNT)</b>	<b>COST OF INVESTMENT</b>	<b>MARKET VALUE</b>	<b>UNREALIZED GAIN / (LOSS)</b>
04/28/25	<b>First National Bank</b> McGregor, TX	04/28/20	Certificate of Deposit	n/a	1.35%	1.35%	\$ 245,000	n/a	\$ 245,000	\$ 236,278	\$ (8,722)
04/29/25	<b>Flagstar Bank</b> Troy, MI	03/26/20	Certificate of Deposit	n/a	1.15%	1.15%	245,000	n/a	245,000	234,872	(10,128)
07/01/25	<b>University of California</b> CUSIP #91412GU94	10/22/20	Municipal Security	Aa2	3.06%	0.81%	300,000	21,713	321,713	301,503	(20,210)
09/01/25	<b>San Bernardino Successor Agency</b> Swansea, MA	10/22/20	Municipal Security	Aa	4.00%	0.71%	175,000	19,456	194,456	184,154	(10,302)
10/01/25	<b>Folsom Cordova School District</b> CUSIP #34440PCN9	11/10/20	Municipal Security	Aa-	3.00%	1.00%	400,000	27,521	427,521	402,808	(24,713)
11/07/25	<b>Federal National Mortgage Assn</b> CUSIP #3135G06G3	12/14/20	Government Security	Aaa	0.50%	0.42%	500,000	1,431	501,431	465,490	(35,941)
11/15/25	<b>Tulare Sewer Revenue</b> CUSIP 899124MF5	12/11/20	Municipal Security	Aa	1.46%	0.58%	400,000	12,503	412,503	380,532	(31,971)
12/11/25	<b>BMW Bank North America</b> Salt Lake City, UT	12/11/20	Certificate of Deposit	n/a	0.50%	0.50%	245,000	n/a	245,000	227,086	(17,914)
12/18/25	<b>Third Federal Savings &amp; Loan</b> Cleveland, OH	12/18/20	Certificate of Deposit	n/a	1.46%	1.46%	245,000	n/a	245,000	226,556	(18,444)
01/15/26	<b>First Reliance Bank</b> Florence, SC	01/15/21	Certificate of Deposit	n/a	0.30%	0.30%	245,000	n/a	245,000	224,761	(20,239)
01/22/26	<b>ConnectOne Bank</b> Englewood Cliffs, NJ	01/22/21	Certificate of Deposit	n/a	0.45%	0.45%	245,000	n/a	245,000	225,986	(19,014)
01/22/26	<b>Luana Savings Bank</b> Luana, IA	01/22/21	Certificate of Deposit	n/a	0.40%	0.40%	245,000	n/a	245,000	225,628	(19,372)
02/11/26	<b>Ind'l &amp; Com'l Bank of China</b> New York, NY	02/22/21	Certificate of Deposit	n/a	0.45%	0.45%	245,000	n/a	245,000	225,785	(19,215)
03/02/26	<b>Federal Farm Credit Bank</b> CUSIP #3133EFH91	03/03/21	Government Security	Aaa	2.22%	0.75%	876,000	49,631	925,631	865,313	(60,318)
03/27/26	<b>Federal Agriculture Mtge Corp</b> CUSIP #31422XDX7	03/30/21	Government Security	n/a	0.83%	0.87%	500,000	(745)	499,255	467,950	(31,305)
04/23/26	<b>Malaga Bank</b> Palos Verdes Peninsula, CA	04/23/21	Certificate of Deposit	n/a	0.55%	0.55%	245,000	n/a	245,000	225,623	(19,377)

**CITY OF ATASCADERO**  
**INVESTMENT REPORT**  
*March 31, 2022*

**ITEM NUMBER: A-2**  
**DATE: 07/12/22**

<b>MATURITY DATE</b>	<b>DESCRIPTION (ISSUER)</b>	<b>PURCHASE DATE</b>	<b>INVESTMENT TYPE</b>	<b>INVESTMENT RATING</b>	<b>STATED % RATE</b>	<b>YIELD</b>	<b>FACE VALUE</b>	<b>PREMIUM/ (DISCOUNT)</b>	<b>COST OF INVESTMENT</b>	<b>MARKET VALUE</b>	<b>UNREALIZED GAIN / (LOSS)</b>
04/24/26	<b>Federal National Mortgage Assn</b> CUSIP #3135G0K36	04/26/21	Government Security	Aaa	2.13%	0.77%	\$ 500,000	\$ 27,146	\$ 527,146	\$ 492,650	\$ (34,496)
05/19/26	<b>Eaglemark Savings Bank</b> Reno, NV	05/19/21	Certificate of Deposit	n/a	0.70%	0.70%	245,000	n/a	245,000	226,794	(18,206)
06/30/26	<b>UBS Bank USA</b> Salt Lake City, UT	05/19/21	Certificate of Deposit	n/a	0.90%	0.90%	245,000	n/a	245,000	228,142	(16,858)
07/01/26	<b>New York Community Bank</b> Hicksville, NY	06/29/21	Certificate of Deposit	n/a	0.85%	0.85%	245,000	n/a	245,000	227,713	(17,287)
07/22/26	<b>Toyota Financial Savings Bank</b> Henderson, NV	07/22/21	Certificate of Deposit	n/a	0.95%	0.95%	245,000	n/a	245,000	228,455	(16,545)
08/01/26	<b>Rancho Adobe Fire Protection</b> CUSIP #752096AE7	10/14/21	Municipal Security	Aa	1.43%	1.25%	260,000	1,968	261,968	244,761	(17,207)
08/13/26	<b>Synchrony Bank</b> Draper, UT	08/13/21	Certificate of Deposit	n/a	0.90%	0.90%	245,000	n/a	245,000	227,701	(17,299)
09/24/26	<b>Federal National Mortgage Assn</b> CUSIP #3135G0Q22	09/24/21	Government Security	Aaa	1.88%	0.80%	500,000	23,731	523,731	486,735	(36,996)
09/29/26	<b>First Bank Richmond</b> Richmond, IN	09/29/21	Certificate of Deposit	n/a	0.55%	0.55%	245,000	n/a	245,000	223,531	(21,469)
11/17/26	<b>Capital One National</b> McLean, VA	11/17/21	Certificate of Deposit	n/a	1.10%	1.10%	245,000	n/a	245,000	228,739	(16,261)
11/17/26	<b>Capital One Bank</b> Glen Allen, VA	11/17/21	Certificate of Deposit	n/a	1.10%	1.10%	245,000	n/a	245,000	228,739	(16,261)
12/21/26	<b>Federal Home Loan Bank</b> CUSIP #3130AQF65	12/30/21	Government Security	Aaa	1.25%	1.26%	500,000	(170)	499,830	472,900	(26,930)
12/28/26	<b>Federal Farm Credit Banks</b> CUSIP #3133EJ4E6	01/18/22	Government Security	Aaa	3.13%	1.58%	200,000	14,065	214,065	205,300	(8,765)
12/31/26	<b>Bank of Kremlin</b> Kremlin, OK	12/31/21	Certificate of Deposit	n/a	1.05%	1.05%	245,000	n/a	245,000	227,652	(17,348)
01/15/27	<b>San Joaquin Hills Trans Agency</b> CUSIP # 798111HF0	01/19/22	Municipal Security	A2	2.15%	1.88%	500,000	6,142	506,142	477,140	(29,002)
02/10/27	<b>Federal Agriculture Mtge Corp</b> CUSIP #31422XTX0	02/17/22	Government Security	n/a	1.60%	1.96%	550,000	(9,142)	540,858	525,173	(15,685)

CITY OF ATASCADERO  
INVESTMENT REPORT  
March 31, 2022

ITEM NUMBER: A-2  
DATE: 07/12/22

<u>MATURITY DATE</u>	<u>DESCRIPTION (ISSUER)</u>	<u>PURCHASE DATE</u>	<u>INVESTMENT TYPE</u>	<u>INVESTMENT RATING</u>	<u>STATED % RATE</u>	<u>YIELD</u>	<u>FACE VALUE</u>	<u>PREMIUM/ (DISCOUNT)</u>	<u>COST OF INVESTMENT</u>	<u>MARKET VALUE</u>	<u>UNREALIZED GAIN / (LOSS)</u>
02/17/27	Beal Bank USA Las Vegas, NV	02/23/22	Certificate of Deposit	n/a	1.90%	1.90%	\$ 245,000	n/a	\$ 245,000	\$ 236,672	\$ (8,328)
03/12/27	Federal Home Loan Bank CUSIP #3130A3DU5	03/17/22	Government Security	Aaa	3.00%	2.20%	500,000	18,622	518,622	511,165	(7,457)
03/16/27	American Express Nat'l Bank Sandy, UT	03/16/22	Certificate of Deposit	n/a	2.00%	2.00%	245,000	n/a	245,000	237,652	(7,348)
03/17/27	Beal Bank Plano, TX	03/23/22	Certificate of Deposit	n/a	2.00%	2.00%	245,000	n/a	245,000	235,942	(9,058)
<b>Total Funds Managed by the City</b>							56,284,275	312,762	56,597,037	55,468,520	(1,128,517)
<b>Funds Managed by Fiscal Agent</b>											
n/a	BNY Western Trust Hamilton Treas. Money	n/a	Treasury Fund	Aaa	n/a	1.09%	1,753,352	n/a	1,753,352	1,753,352	-
n/a	BNY Western Trust Hamilton Treas. Money	n/a	Treasury Fund	Aaa	n/a	0.88%	850,853	n/a	850,853	850,854	1
<b>Total Funds Managed by Fiscal Agent</b>							2,604,205	n/a	2,604,205	2,604,206	1
							<b>\$ 58,888,480</b>	<b>\$ 312,762</b>	<b>\$ 59,201,242</b>	<b>\$ 58,072,726</b>	<b>\$ (1,128,516)</b>

Average Maturity of Total Portfolio 841 Days  
Weighted Average Yield of Total Portfolio 1.12%

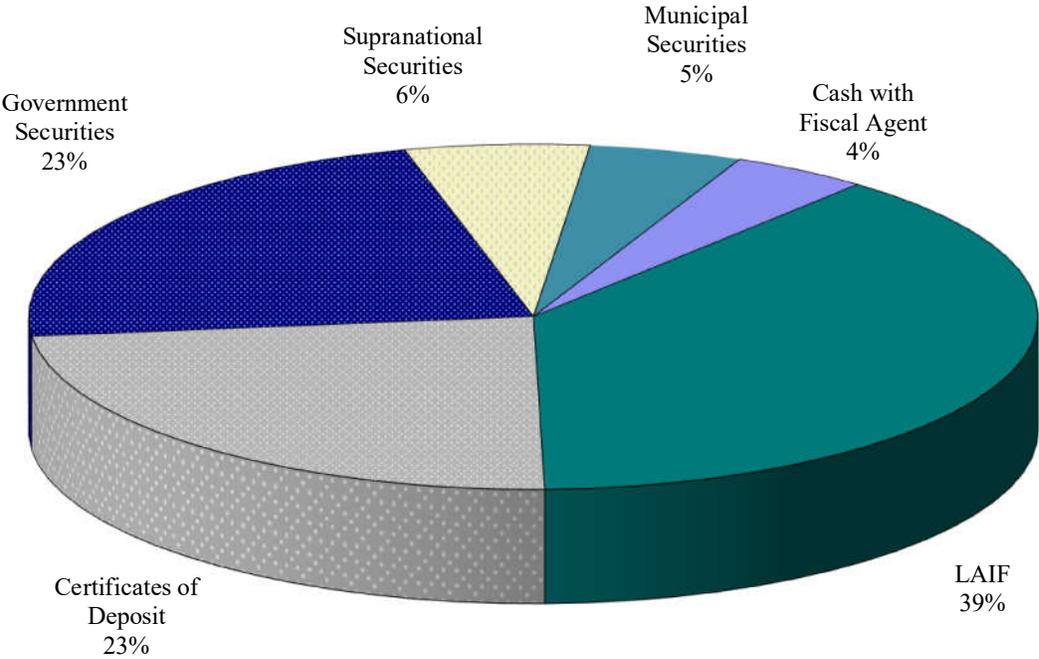
**Certification:**

It has been verified that this investment portfolio is in conformity with the City of Atascadero's investment policy, which was approved by the City Council on September 8, 2020.  
The City Treasurer certifies that there is sufficient liquidity to meet the City of Atascadero's estimated future expenditures for a period of six months.

Verified by: J. Rangel  
Jeri Rangel - Director of Administrative Services

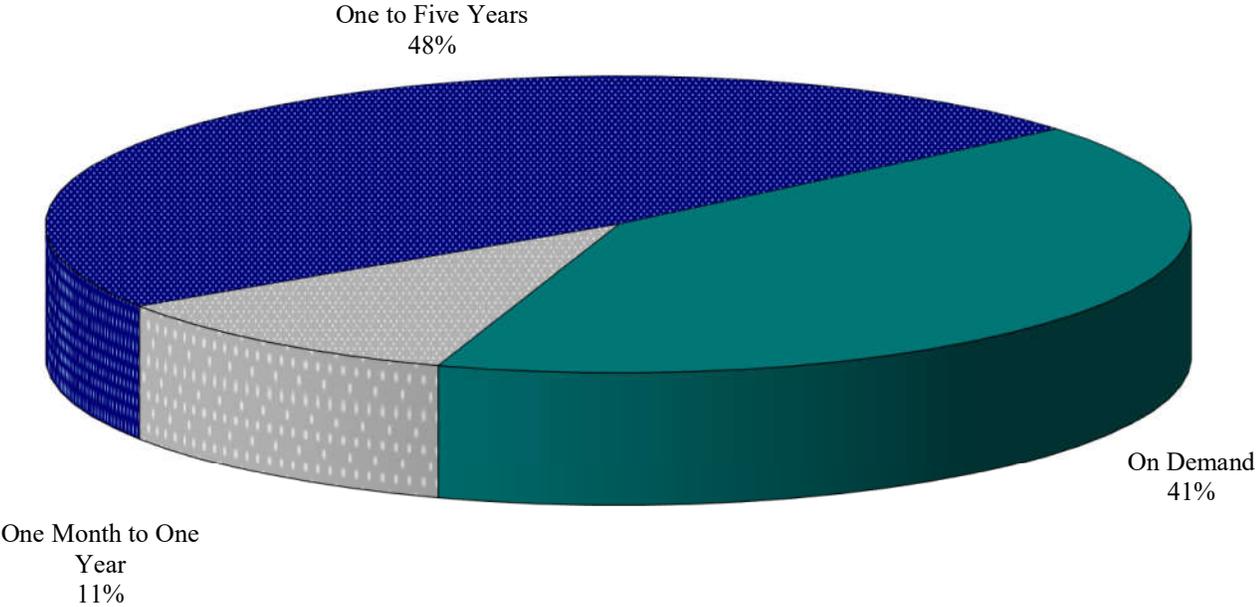
Approved by: Gere Sibbach  
Gere Sibbach - City Treasurer

**City of Atascadero  
 Investments by Type  
 March 2022**



<u>Investment</u>	<u>March 2022</u>
LAIF	\$ 22,814,275
Certificates of Deposit	13,920,000
Government Securities	13,453,408
Supranational Securities	3,498,682
Municipal Securities	2,910,672
Cash with Fiscal Agent	2,604,205
	<u>\$ 59,201,242</u>

**City of Atascadero**  
**Investments by Maturity \***  
**March 2022**

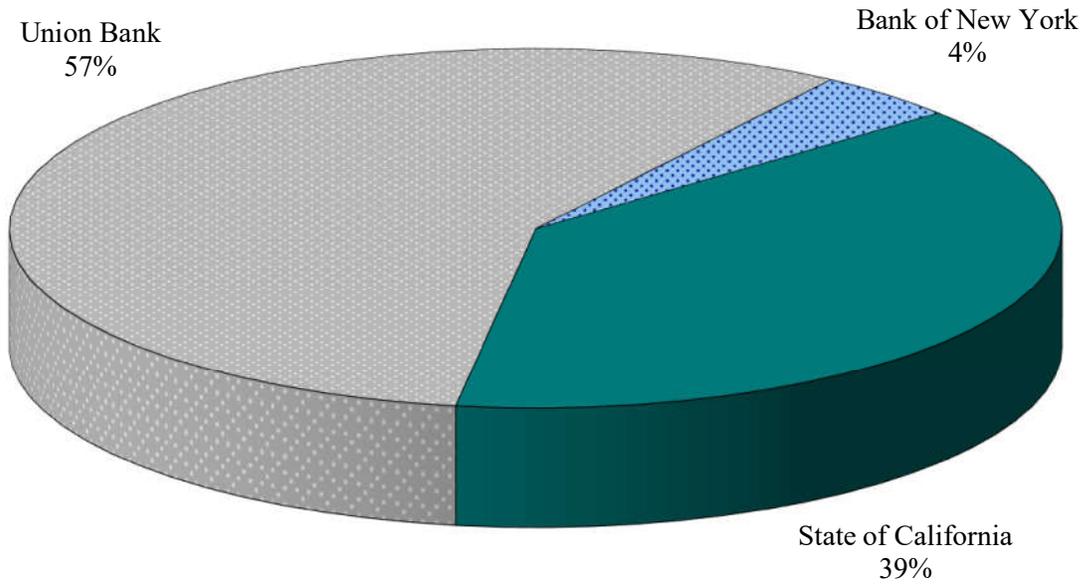


<u>Investment</u>	<u>March 2022</u>
On Demand	\$ 23,314,275
One Month to One Year	6,015,178
One to Five Years	<u>27,267,584</u>
	<u>\$ 56,597,037</u>

\* Cash with fiscal agent is not included in the totals for this graph because the amounts are restricted based on bond covenants, and therefore, the City doesn't retain the option to liquefy these funds at will.

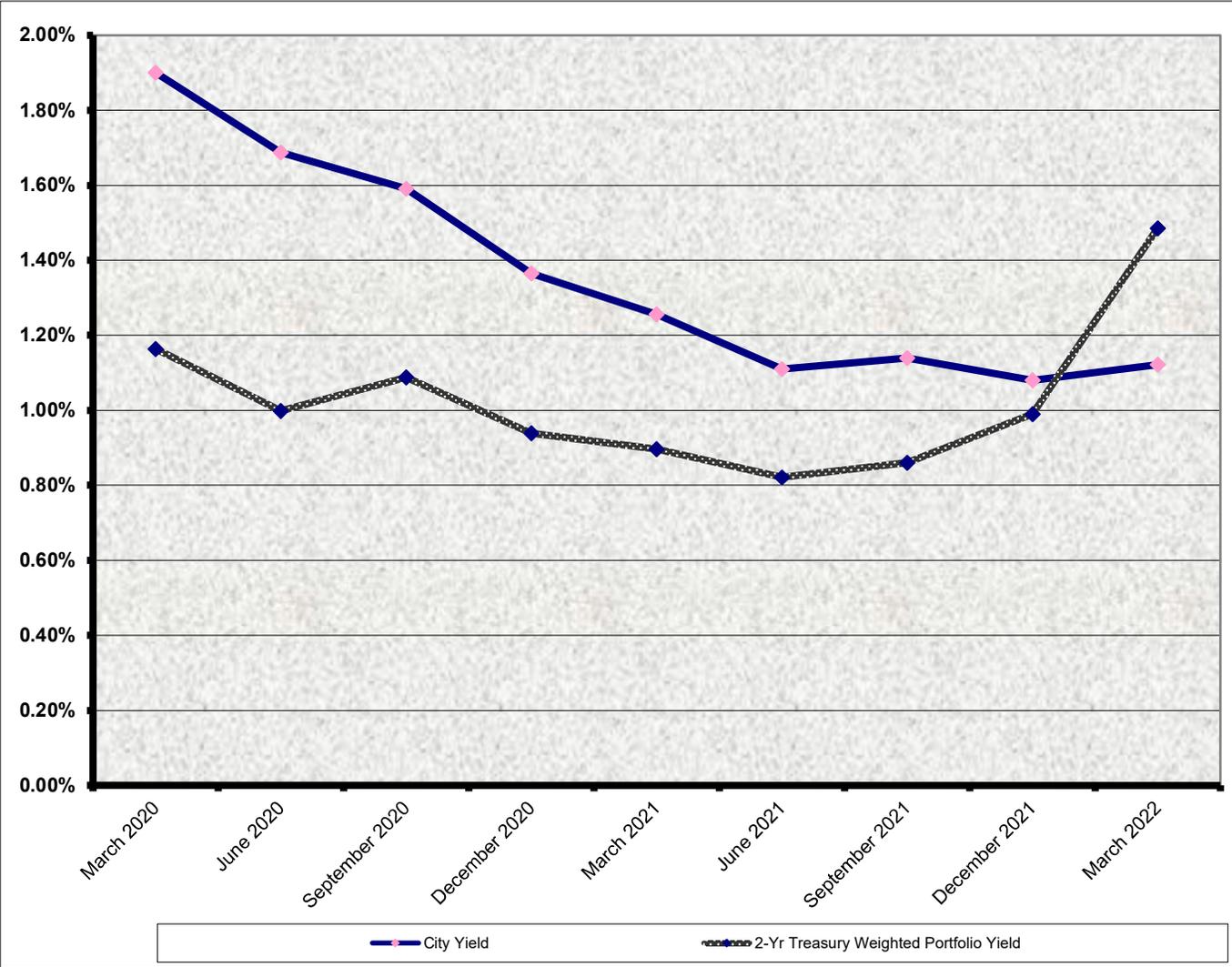
**City of Atascadero**  
**Investments by Custodial Agent**  
**March 2022**

ITEM NUMBER: A-2  
 DATE: 07/12/22



<u>Custodial Agent</u>	<u>March 2022</u>
State of California	\$ 22,814,275
Union Bank	33,782,762
Bank of New York	2,604,205
	<u>\$ 59,201,242</u>

**City of Atascadero**  
**Investment Yield vs. 2-Year Treasury Yield**  
**For the Quarter Ended March 31, 2022**



	<u>City Yield</u>	<u>2-Yr Treasury Weighted Portfolio Yield</u>
March 2020	1.90%	1.16%
June 2020	1.69%	1.00%
September 2020	1.59%	1.09%
December 2020	1.36%	0.94%
March 2021	1.26%	0.90%
June 2021	1.11%	0.82%
September 2021	1.14%	0.86%
December 2021	1.08%	0.99%
March 2022	1.12%	1.49%



# ***Atascadero City Council***

## ***Staff Report - City Manager***

---

### **Virtual Meetings – AB 361 Requirements**

#### **RECOMMENDATION:**

Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings.

#### **DISCUSSION:**

On March 4, 2020, Governor Newsom declared a state of emergency due to the novel coronavirus COVID-19. That declaration is still in effect. Since March 12, 2020, Executive Orders from the Governor relaxed various Brown Act meeting requirements relating to teleconferencing rules, temporarily suspending the Brown Act provisions requiring the physical presence of council, board and commission members at public meetings. The most recent extension of those Orders expired on September 30, 2021.

On Friday, September 17, 2021, the Governor signed AB 361. AB 361 amends Government Code section 54953 to provide more clarity on the Brown Act's rules and restrictions surrounding the use of teleconferencing to conduct meetings. The newly enacted Government Code Section 54953(e) creates alternate measures to protect the ability of the public to appear before local legislative bodies.

With the passage of AB 361, local agencies are allowed to continue to conduct virtual meetings during a declared state of emergency, provided local agencies comply with specified requirements. The City Council previously adopted Resolution No. 2021-066 on September 28, 2021, finding that the requisite conditions exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with AB 361. (Government Code Section 54953(e).) AB 361 requires the City Council to reconsider the circumstances of the state of emergency not later than 30 days after teleconferencing for the first time pursuant to AB 361 and every 30 days thereafter in order to continue to conduct remote teleconference meetings. The City Council previously adopted Resolution No. 2021-069 on October 26, 2021, Resolution No. 2021-073 on November 23, 2021, Resolution No. 2021-074 on December 14, 2021, Resolution No. 2022-001 on January 11, 2022, Resolution No. 2022-003 on February 8, 2022, Resolution No. 2022-010 on March 8, 2022, Resolution No. 2022-010 on April 12, 2022, Resolution No. 2022-032 on May 10, 2022, Resolution No. 2022-038 on May 26, 2022, and Resolution No. 2022-044 on June 14, 2022, making the requisite findings to

continue remote teleconferencing. Circumstances have not changed since the Council's adoption of Resolution No. 2022-038.

In order to continue remote teleconferencing, the City Council must make the following findings (Gov. Code § 52953(e)(3)):

- The City Council has reconsidered the circumstances of the state of emergency.
- Any of the following circumstances exist:
  - The state of emergency continues to directly impact the ability of the members to meet safely in person.
  - State or local officials continue to impose or recommend measures to promote social distancing.

Social distancing is the term used for measures that reduce physical contact between infectious and susceptible people during a disease outbreak. While local and state mask mandates have been lifted, and the San Luis Obispo County local health emergency has been terminated, there are still some remaining social distancing measures in place to reduce the spread of COVID.

- The California Department of Public Health continues to strongly recommend masks for all persons, regardless of vaccine status, in indoor public settings and businesses.
- The City remains subject to the State Occupational Safety and Health Administration (CalOSHA) regulations which, among other requirements, continues to obligate an employer to provide training to employees on COVID-19 transmission and risk reduction, including "The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination." (CCR Section 3205(c)5(D).)
- CDC continues to have quarantine and isolation recommendations for those that have tested positive for COVID, those that have symptoms of COVID and for those that have been exposed to COVID. These isolation and quarantine requirements continue to often prevent employees and community members from attending meetings in person.

Should the Draft Resolution not be adopted, and the City Council (or an individual Council Member) elects to attend virtually, the City must comply with the provisions of Government Code Section 54953(3)(b):

- Agendas shall be posted at all teleconferencing locations
- Each teleconference location shall be identified on the agenda
- Each teleconference location shall be accessible to the public
- At least a quorum of the Council shall participate from locations with the boundaries of the City
- The public shall be provided an opportunity to address the Council directly at each teleconference location

Adoption of the Draft Resolution does not prohibit the conduct of a traditional or hybrid meeting in accordance with state and local regulations. At Council's direction on March 8, 2022, and because CDC measures are still in place that could prevent a member of the public from participating in the meeting in person, if the Draft Resolution were not adopted staff will continue to conduct hybrid City Council meetings that allow public participation both virtually and in-person. At this time, there is not staff available to conduct all advisory body meetings (such as Planning Commission, Design Review Committee, ATBID, CSTOC) in a hybrid fashion and adoption of the Draft Resolution allows these meetings to continue to be conducted virtually. If the Draft Resolution was not adopted, these advisory bodies would need to return to the traditional in-person meeting model, effective immediately.

**FISCAL IMPACT:**

None.

**ATTACHMENT:**

Draft Resolution

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF ATASCADERO, CALIFORNIA,  
PROCLAIMING THE CONTINUING NEED TO MEET BY  
TELECONFERENCE PURSUANT TO  
GOVERNMENT CODE SECTION 54953(e)**

**WHEREAS**, all meetings of the City of Atascadero legislative bodies are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

**WHEREAS**, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, Government Code section 54953(e) was added by AB 361, signed by Governor Newsom on September 17, 2021; and

**WHEREAS**, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic; and

**WHEREAS**, on March 17, 2020, the City of Atascadero declared a State of Emergency as a result of the COVID-19 pandemic; and

**WHEREAS**, such State of Emergency remains in effect; and

**WHEREAS**, COVID-19 continues to threaten the health and lives of City of Atascadero residents; and

**WHEREAS**, the Delta and Omicron variants are highly transmissible in indoor settings and breakthrough cases are more common; and

**WHEREAS**, state officials have imposed or recommended measures to promote social distancing to include the wearing of masks indoors, regardless of vaccination status; and

**WHEREAS**, the City Council previously adopted Resolution No. 2021-066 on September 28, 2021, Resolution No. 2021-069 on October 26, 2021, Resolution No. 2021-073 on November 23, 2021, Resolution No. 2021-074 on December 14, 2021, Resolution No. 2022-001 on January 11, 2022, Resolution No. 2022-003 on February 8, 2022, Resolution No. 2022-006 on March 8, 2022, Resolution No. 2022-010 on April 12, 2022, Resolution No. 2022-032 on May 10, 2022, Resolution No. 2022-038 on May 26, 2022, and Resolution No. 2022-044 on June 14, 2022, finding that the requisite conditions exist and continue to exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with Government Code Section 54953(e); and

**WHEREAS**, Government Code Section 54953(e) requires that the City Council must reconsider the circumstances of the state of emergency every 30 days in order to continue to conduct remote teleconference meetings in compliance with AB 361.

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero:

**SECTION 1. Recitals.** The above recitals are true and correct and are incorporated into this Resolution by this reference.

**SECTION 2. Findings.** The City Council does hereby find that:

1. The City Council has reconsidered the circumstances of the state of emergency declared as a result of the COVID-19 pandemic.
2. The state of emergency continues to directly impact the ability of the members to meet safely in person.
3. State or local officials continue to impose or recommend measures to promote social distancing.

**SECTION 3. Compliance with Government Code Section 54953(e).** The City Council and other legislative bodies will continue to meet by teleconference in accordance with Government Code section 54953(e).

**SECTION 4. Effective Date of Resolution.** This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the date of adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Atascadero may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the 24th day of May, 2022.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

AYES:  
NOES:  
ABSENT:  
ADOPTED:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney



# ***Atascadero City Council***

## ***Staff Report - City Clerk***

---

### **Conflict of Interest Code - Biennial Review**

#### **RECOMMENDATION:**

Council adopt Draft Resolution, updating and amending the Conflict of Interest Code for the City of Atascadero.

#### **DISCUSSION:**

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially and Government Code Section 87306 requires an agency to amend its Conflict of Interest Code when change is necessitated by changed circumstances, including the creation of new positions/titles and the deletion of old ones. The Political Reform Act requires that any amendments to the Conflict of Interest Code be adopted no later than December 30, 2022.

The Conflict of Interest Code is a document that designates the positions within an agency that make, or participate in making, governmental decisions that may foreseeably have a material effect on any financial interest. The Code further sets out, in paragraphs called disclosure categories, the specific types of investments, business positions, interest in real property and sources of income that must be reported by the designated positions.

Reviewed biennially, the Conflict of Interest Code was last updated in November 2020 to reflect amendments to the City's Classification Plan and more detailed disclosure categories. Since the 2020 update, additional approved amendments to the City's Classification Plan have resulted in the re-naming of positions and following review of the City's current Conflict of Interest Code, it was determined that amendments were necessary to reflect these changes.

This Conflict of Interest Code pertains only to the designated positions listed in Exhibit A to the Draft Resolution. The Council Members, City Treasurer, Planning Commissioners, City Manager and City Attorney are exempt from this Code as they are otherwise required to file disclosure statements pursuant to State Law under Govt. Code 87200.

The City Clerk and the City Attorney have reviewed the current Code. The proposed amendments to the Conflict of Interest Code incorporate the basic provisions required by Government Code Section 87302 and comply with FPPC regulations. The revised list contains a list of designated positions that make, or participate in making, governmental

decisions. Designated positions have been appropriately assigned to suitable disclosure categories that reflect job duties and responsibilities. The recommended changes reflect the current staffing of the City of Atascadero.

**FISCAL IMPACT:**

None.

**ALTERNATIVES:**

The Code must be updated. The Council is free to add positions to the Code or to suggest any other changes, so long as the changes comply with the Political Reform Act.

**ATTACHMENT:**

Draft Resolution

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, ADOPTING AN AMENDED CONFLICT OF INTEREST CODE**

**WHEREAS**, the Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially (in even-numbered years) to determine if it is accurate and up-to-date, or, alternatively, that the Code must be amended; and

**NOW, THEREFORE BE IT RESOLVED**, by the City Council of the City of Atascadero as follows:

**SECTION 1.** Resolution No. 2020-080, adopted on November 24, 2020, is hereby rescinded.

**SECTION 2.** That the Conflict of Interest Code attached to this Resolution as Exhibit A be, and hereby is, adopted as the Conflict of Interest Code for the City of Atascadero.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_th day of \_\_\_\_\_, 2022.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted in its entirety on the following roll call vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

CITY OF ATASCADERO

\_\_\_\_\_  
Heather Moreno, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Brian A. Pierik, City Attorney

**CONFLICT OF INTEREST CODE  
OF THE  
CITY OF ATASCADERO**

The Political Reform Act, Government Code Section 81000, et. seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. Section 18730, which contains the terms of a standard conflict of interest code. It can be incorporated by reference and may be amended by the Fair Political Practices Commission after public notice and hearings to conform to amendments in the Political Reform Act. Therefore, the terms of 2 Cal. Code of Regs. Section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference and, along with the attached Appendix in which members and employees are designated and disclosure categories are set forth, constitute the conflict of interest code of the City of Atascadero.

Designated employees shall file their statements with the City of Atascadero who will make the statements available for public inspection and reproduction (Gov. Code Section 81008). Statements for all designated employees will be retained by the City of Atascadero.

## DESIGNATED EMPLOYEES AND DISCLOSURE CATEGORIES

The following positions entail the making or participation in the making of decisions which foreseeably may have a material effect on financial interests:

<u>Designated Position</u> <sup>1</sup>	<u>Disclosure Category</u> :
Administrative Services Director	1
City Clerk	2
Community Development Director	1
Consultants (who make or participate in making of governmental decisions) <sup>2</sup>	1
Consultants (who perform the duties of a designated position) <sup>2</sup>	Same category as the comparable designated position
Deputy Administrative Services Director	1
Deputy City Manager	1
Deputy Community Development Director	1
Deputy Community Development Director/Chief Building Official/Economic Development Director	1
Deputy Public Works Director	1
Exempt Officials <sup>3</sup>	1
Fire Chief	1
Fire Battalion Chief	1
Fire Marshal	3, 4, 6
Information Technology Manager	4, 6
New Positions <sup>4</sup>	1
Police Chief	1
Police Lieutenant <span style="color: red;">Commander</span>	1
Public Works Director / City Engineer	1
Zoo Director	5, 6
Members of all permanent City Commissions, Boards and Committees not otherwise required to file Conflict of Interest Statements	2
Fire Captain (all specialist designations)	5, 6
Police Sergeant (all designations)	5, 6

<sup>1</sup> In the event that State law or regulations regarding the filing of Conflict of Interest Statements should be amended, this Exhibit shall be changed to include the designated position and category of each official as required by said amendment.

<sup>2</sup> Consultants (see Definitions) who make or participate in making governmental decisions shall disclose pursuant to the broadest disclosure category in the Code. However, the City Manager may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in the section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The City Manager's determination is a public record and shall be retained for public inspection by the City Clerk in the same manner and location as this Conflict of Interest Code.

<sup>3</sup> Exempt Officials include the Mayor, Members of the City Council, City Treasurer, Members of the Planning Commission, City Manager, and City Attorney, who are all otherwise required to file disclosure statements pursuant to State Law.

<sup>4</sup> New positions that make or participate in making governmental decisions are required to file under the broadest disclosure category in the City's Conflict of Interest Code. If the new position performs limited duties, the City Manager may tailor the disclosure requirements to the duties performed. If the City Manager provides tailored disclosure, a written description of the position's duties and, based upon that description, a statement of the extent of disclosure requirements must be completed as detailed for Consultants above.

## CATEGORIES OF REPORTABLE ECONOMIC INTERESTS

### **Designated Persons in Category "1" Must Report:**

All investments, interests in real property, income, and any business entity in which the person is a director, officer, partner, trustee, employee, or holds any position of management. These financial interests are reportable only if located within and subject to the jurisdiction of the City, or if the business entity is doing business or planning to do business in an area subject to the jurisdiction of the City, or has done business within an area subject to the jurisdiction of the City at any time during the two years prior to the filing of the statement.

### **Designated Persons in Category "2" Must Report:**

- (1) All interests in real property which is located in whole or in part within, or not more than two (2) miles outside the jurisdiction of the City.
- (2) Investments in any business entity that, within the last two years, has contracted or in the future foreseeably may contract with the City.
- (3) Income from any source that, within the last two years, has contracted or in the future foreseeably may contract with the City.
- (4) His or her status as a director, officer, partner, trustee, employee, or holder of a position of management in any business entity that, within the last two years, has contracted or in the future foreseeably may contract with the City.

### **Designated persons in Category "3" Must Report:**

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are engaged in development, construction, appraisal, or the acquisition or sale of real property within the jurisdiction of the City.

### **Designated persons in Category "4" Must Report:**

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type utilized by the City.

### **Designated persons in Category "5" Must Report:**

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that provide services, supplies, materials, machinery, vehicles or equipment of a type purchased or leased by the designated position's department, unit, or division.

### **Designated persons in Category "6" Must Report:**

All investments and business positions in business entities, and sources of income, including gifts, loans and travel payments, that are subject to the regulatory, permit, or licensing authority of the designated position's department, unit, or division.

## **DEFINITIONS**

### **CONSULTANTS**

(See Title 2 California Code of Regulations, section 18700.3)

Consultants means those individuals who, pursuant to a contract with the City make (not just recommend) governmental decisions such as whether to approve a rate, rule or regulation; to issue, deny suspend, or revoke any permit, license application, certificate or similar authorization; adopt or grant City approval to a plan, design report, study or similar item; adopt or grant City approval of policies, standards, or guidelines for the City or any subdivision thereof; grant approval to a contract or the specifications thereof; or adopt or enforce any law.

Consultants also means those who serve in a staff capacity with the City, and in that capacity perform the same or substantially all the same duties for the City that would otherwise be performed by an individual holding a designated position in the City's Conflict of Interest Code.

Consultants also means those who serve in a staff capacity and participate in the making of a governmental decision by providing information, an opinion, or a recommendation to any governmental decision-maker (including, but not limited to, the City Manager or any other City staff with contracting authority) without significant intervening substantive review.

### **INCOME**

(See Government Code section 82030)

(A) "Income" means (except as provided in subdivision B):

A payment received, including but not limited to any salary, wage, advance, dividend, interest, rent, proceeds from any sale, gift, including any gift of food or beverage, loan, forgiveness or payment of indebtedness received by the filer, reimbursement for expenses, per diem, or contribution to an insurance or pension program paid by any person other than an employer, and including any community property interest in the income of a spouse. Income also includes an outstanding loan. Income of an individual also includes a pro rata share of any income of any business entity or trust in which the individual or spouse owns, directly, indirectly or beneficially, a 10 percent interest or greater. "Income," other than a gift, does not include income received from any source outside the jurisdiction and not doing business within the jurisdiction, not planning to do business within the having done business within the jurisdiction during the two years prior to the time any statement or other action is required under this title.

(B) "Income" does not include:

(1) Campaign contributions required to be reported under Chapter 4 (commencing with Section 84100).

(2) Salary and reimbursement for expenses or per diem received from a state, local, or federal government agency and reimbursement for travel expenses and per diem received from a bona fide educational, academic, or charitable organization.

(3) Any devise or inheritance.

(4) Interest, dividends, or premiums on a time or demand deposit in a financial institution, shares in a credit union or any insurance policy, payments received under any insurance policy, or any bond or other debt instrument issued by any government or government agency.

(5) Dividends, interest, or any other return on a security which is registered with the Securities and Exchange Commission of the United States Government or a commodity future registered with the Commodity Futures Trading Commission of the United States Government, except proceeds from the sale of these securities and commodities futures.

(6) Redemption of a mutual fund.

(7) Alimony or child support payments.

(8) Any loan or loans from a commercial lending institution which are made in the lender's regular course of business on terms available to members of the public without regard to official status if:

(a) Used to purchase, refinance the purchase of, or for improvements to, the principal residence of filer; or

(b) The balance owed does not exceed ten thousand dollars (\$10,000).

(9) Any loan from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, uncle, aunt, or first cousin, or the spouse of any such person, provided that a loan from any such person shall be considered income if the lender is acting as an agent or intermediary for any person not covered by this paragraph.

(10) Any indebtedness created as part of a retail installment or credit card transaction if made in the lender's regular course of business on terms available to members of the public without regard to official status, so long as the balance owed to the creditor does not exceed ten thousand dollars (\$10,000).

(11) Payments received under a defined benefit pension plan qualified under Internal Revenue Code Section 401(a).

(12) Proceeds from the sale of securities registered with the Securities and Exchange Commission of the United States Government or from the sale of commodities futures

**ITEM NUMBER:** A-4  
**DATE:** 07/12/22  
**ATTACHMENT:** 1A

registered with the Commodity Futures Trading commission of the United States Government if the flier sells the securities or the commodities futures on a stock or commodities exchange and does not know or have reason to know the identity of the purchaser.



# ***Atascadero City Council***

## ***Staff Report – Public Works Department***

---

### **Downtown District Pavement Rehabilitation Project Design Engineering Services Contract**

#### **RECOMMENDATION:**

Council award a professional services agreement for \$196,755 with Rick Engineering Company to provide design engineering and construction plan preparation services for the Downtown District Pavement Rehabilitation Project (Project No. C2021R02).

#### **DISCUSSION:**

##### Background

The Downtown District Pavement Rehabilitation Project groups a total of 1.7 miles of roadways within Atascadero's downtown core into a single comprehensive pavement resurfacing and rehabilitation project. It is expected that a number of different pavement treatment methods will be utilized on this project, as there is wide variability in the existing conditions of the roads.

This project also includes multiple locations where detailed design and replacement of roadway edge improvements is necessary, either as a result of existing drainage issues or ADA compliance requirements. Specifically, the consultant has included work scope to replace 14 corner curb ramps and modify three others (add truncated domes) to bring the ramps into compliance with current ADA requirements, preparation of detailed design to replace subsided curb and gutter at multiple locations, redesign of the sidewalk frontage surrounding Fire Station 1, and evaluation of alternatives and design for modifications to edge improvements at the northwest corner of the intersection of Traffic Way with Palma Avenue.

Below is a list of the roadway segments selected for this project, with existing pavement conditions. A map showing these roadway segments and ADA ramps to be replaced is attached for reference (Attachment 1).

**Road Segments in Downtown District Pavement Rehabilitation Project**

Road Segment	From	To	Length (ft)	Area (sf)	2019 PCI*
City Alley #1	Palma Ave	305' South of Palma Ave	305	9,485	35
City Alley #2	Palma Ave	Entrada Ave	390	16,630	35**
City Alley #3	Palma Ave	130' North of Palma Ave	130	5,200	35**
East Mall	El Camino Real	Lewis Ave	810	29,930	45/72
Entrada Ave	El Camino Real	Lewis Ave	740	33,300	50
Lewis Ave	Traffic Way	Capistrano Ave	1,100	44,870	38/50/78
Olmeda Ave	Traffic Way	West Mall	615	20,295	49
Palma Ave	Traffic Way	East Mall	860	36,700	47/53
Traffic Way	El Camino Real	Tunitas Ave	1,780	80,250	48/69
West Mall	El Camino Real	Capistrano Ave	2,140	81,910	69/52

Total 8,870 358,570  
 1.68 miles

\* For roadways with multiple segments in Pavement Management Plan, all PCI's shown.

\*\* Estimated. Not included in 2019 Pavement Assessment.

Analysis

Staff prepared a Request for Proposal (RFP) and solicited proposals in May 2022 from qualified consultants to provide design services and prepare construction plans and specifications for the project. Services in the proposal include preliminary geotechnical testing, topographic survey services, survey monument research, pavement engineering analysis, preparing construction plans, specifications, cost estimates (PS&E), and providing engineering assistance during the bid process.

Staff received three proposals from qualified consultants: Rick Engineering Company (RICK), AKA Engineering, and Pavement Engineering Inc. (PEI). Proposals were individually reviewed and scored by a technical selection committee that considered experience with similar projects, responsiveness to City needs, experience of key personnel and other factors. Of particular importance to staff on this project is that the selected consultant recognizes the importance of and identify a strategy for construction staging to minimize access impacts to downtown businesses during the project. The City was fortunate to receive excellent proposals from the three proposing firms, and after evaluating all proposals, the selection committee agreed that Rick Engineering Company submitted the proposal that best combined qualifications and value to the project.

RICK provided a detailed fee estimate worksheet with their proposal that included labor hours/costs, reimbursable expenses, and subconsultant fees for the work scope identified in the City's request for proposals. Staff reviewed RICK's work scope and fee and have determined that it is reasonable given the number of roadway segments, expected detailed design work associated with ADA and drainage improvements, and other detailed design items included. Staff is recommending the Council award a

contract with RICK on a labor plus reimbursable expenses basis for an estimated maximum fee of \$196,755 for design engineering services for the project.

Design work is anticipated to take approximately nine months to complete. Staff anticipates publicly bidding the project sometime in March 2023 with construction during the summer (non-school) months of June-August, 2023.

**FISCAL IMPACT:**

This project is included in the adopted FY 2021-2023 budget and includes \$1,675,000 in LTF funding.

It should be noted that City staff will work closely with the selected consultant to limit costs and maximize efficiencies where possible, but similar to many industries construction costs have seen rapid escalation since the FY 2021-2023 Budget was completed nearly one and one-half years ago. While there are some contingencies built into the budget amount, the current inflation rate and construction cost escalation was not known at that time. Certain materials, particularly those tied closely to oil prices or technical manufacturing processes, are currently experiencing year-over-year cost escalation of 30% to 50% and long lead times. The cost estimate for the project will be updated during this design phase.

<b>ESTIMATED EXPENDITURES</b>	
Engineering Design, Topographic Survey, Geotechnical Testing	225,000
Construction Contract	1,125,000
Coordination, Inspection and Support @ 10%	100,000
Construction Contingency @ 20%	225,000
<b>Total Estimated Expenditures:</b>	<b>\$1,675,000</b>

<b>BUDGETED FUNDING</b>	
Local Transportation Funds (LTF)	\$1,675,000
<b>Total Estimated Funding Sources</b>	<b>\$1,675,000</b>

<b>Projected Net Project Surplus / (Shortfall)</b>	<b>\$ -</b>
--	-------------

**ALTERNATIVES:**

Council may direct staff to resolicit for design engineering services for the project, but staff does not recommend this since the top proposals received were qualified and appear to be very competitive.

**ATTACHMENT:**

Downtown District Pavement Rehabilitation Project Street Locations

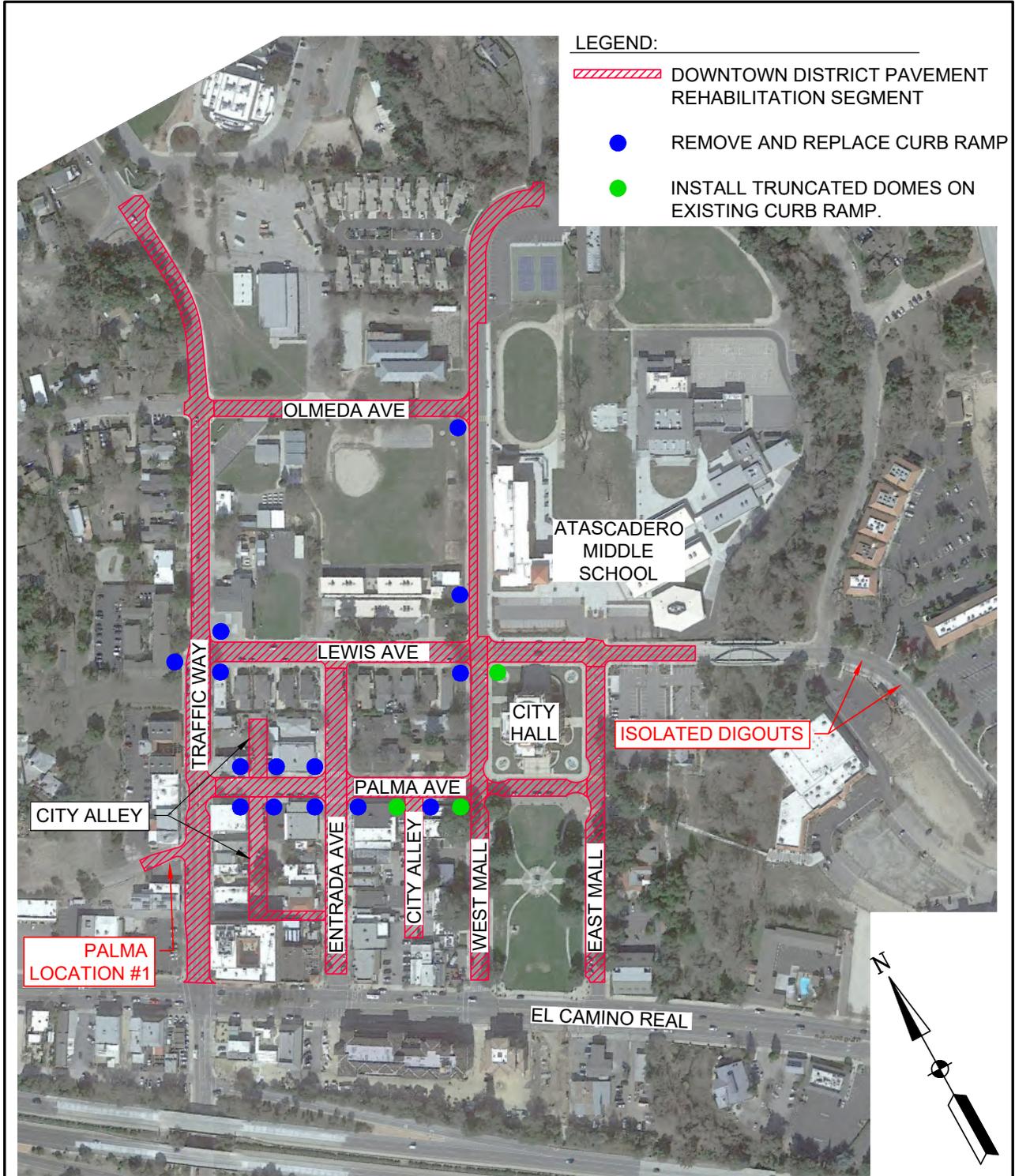


EXHIBIT  
 DOWNTOWN DISTRICT PAVEMENT  
 PAVEMENT REHABILITATION  
 STREET LOCATIONS

DRAWN BY:	R. HAYES
DATE:	12/29/2022
SCALE:	1"=300'
PAGE NO:	1 OF 1



# **Atascadero City Council**

## **Staff Report – Community Development Department**

---

### **Objective Design Standards Project Update**

#### **RECOMMENDATION:**

Council to provide high-level direction on key Objective Design policy items.

#### **BACKGROUND:**

The State legislature has made several changes to State housing laws in recent years to streamline housing approvals. These steps include reducing the amount of discretion jurisdictions have to deny or provide conditions of approval that reduce the density of residential and mixed-use projects. Instead, jurisdictions must rely solely on objective design and development standards.

In 2021, the City of Atascadero released a request for proposals from qualified design professionals and hired MIG, Inc. to assist the City in developing a set of Objective Design Standards to help meet State mandates for residential projects including:

*SB 330: Housing Crisis Act of 2019/ Housing Accountability Act*

*SB 35: Streamline Approval Process*

This Objective Standards Project (Project) aims to respond to State law by making changes to the Zoning Ordinance (Title 9) to:

- **Develop objective standards:** Transform subjective design criteria into adopted objective design standards for multi-family projects
- **Streamline review processes:** Provide more clear and concise guidance to developers and thus streamline the development review process

This project is designed to address actions included in the City's 6th Cycle 2021-2028 Housing Element, which included policies designed to streamline housing production, provide for flexible lot size standards, and ensure high-quality design standards for residential and mixed-use projects.

#### ***Program 3.B: Objective Design Standards***

*In compliance with SB 330, adopt objective design standards to ensure that the City can provide local guidance on design and clearly articulate objective design standards for by-right projects as allowed by state law. Adoption of objective design standards will facilitate high-quality residential development and*

*compliance with state objectives. The objective design standards will ensure provision of adequate private open space, parking, and architectural features, consistent with state law. Part of the objective design standards creation process will include assessing how the standards can be used to encourage a variety of housing types and limit the size of residential units on multi-family zoned properties to encourage units that are affordable by design.*

Part of this project includes considering amendments to the City's Subdivision Regulations and Zoning Standards to allow for *Small Lot Subdivision Criteria* that can be used to allow for ownership projects within multi-family zones without having to create planned developments or airspace condominiums.

***Program 3.E: Small Lot Subdivisions***

*Consider adopting small lot subdivision standards that incorporate specific site and building development standards (such as parking, height, yard space, architecture) in exchange for flexible minimum lot sizes. Consider allowing small lot subdivisions without rezoning. Small lot subdivision standards can eliminate the need for multi-family planned developments that are currently subject to a rezoning process. Establishing a set of high-quality standards for each small lot subdivision, instead of minimum lot size, can save substantial staff time and applicant costs and would allow for increased creativity with site design while increasing ownership opportunities for all income segments of the community (affordable by design)*

This small lot subdivision portion of the Project is intended to integrate with objective design standards but can progress somewhat independently at a later date to align with the General Plan Update.

***Relationship to State Laws***

Several State housing laws rely upon objective standards and prohibit the City from applying discretionary conditions as we would normally develop through the conditional use permit process.

***Housing Accountability Act***

The Housing Accountability Act (HAA) (Government Code Section 65589.5) acknowledges the lack of housing as a critical problem in California. The HAA applies to "housing development projects" (projects with 2 or more residential units) that meet objective standards. Housing development projects are defined as one or more of the following:

1. Multifamily housing projects,
2. Mixed-use developments with at least two-thirds of residential square footage, or
3. Transitional or supportive housing.

The HAA states that a city cannot deny a project, reduce its density, or otherwise make a project infeasible when the project complies with objective standards.

The exception is when a city makes findings—based on a preponderance of evidence—that specific adverse health or safety impacts exist, and there is no feasible method to mitigate or avoid impacts. While a city may make suggestions using

subjective criteria, it must approve the project even if the applicant refuses to make any changes. However, if an applicant seeks an exception to an objective standard, the project is no longer covered by the Housing Accountability Act and a city retains some discretionary authority (as long as the exception is not associated with a State Density Bonus request). Decision-makers may then rely on the findings required or criteria for approval of that specific modification. In such a case, subjective standards and design guidelines can be used to evaluate the project.

### **SB 35**

Under SB35 (Government Code Section 65913.4), projects that meet certain requirements may be eligible for a streamlined ministerial review process: The creation and changes to objective standards would ensure the City has standards that can be applied to these types of ministerial projects.

### ***What are Objective Design Standards?***

Objective design and development standards are simply basic property development standards such as building design, height, setbacks, public and private open space, interpretation of density, project amenities and general appearance standards. They are intended to make the *subjective* requirements that apply to certain eligible residential projects more predictable and easier to interpret for all stakeholders, including decision-makers, staff, applicants, and members of the public. These standards can be applied to all new multi-unit residential and mixed-use projects and aim to identify the available development “envelope” or footprint as well as the massing, orientation, and articulation of the building within this envelope.

### ***What progress have we made so far?***

In late 2021, the Objective Design and Small Lot Subdivision Standards Project began with an internal kickoff meeting, followed by individual interviews with decision-makers, local developers and design professionals. The interviews helped inform key issues to be analyzed when developing the standards.

Topics that were discussed included:

- Adoption of a set of ***basic architectural/design criteria*** that can help establish expectations without subjectivity.
- Adjustments to ***development standards*** such as parking, site planning, setbacks and compatibility.
- Adjustments to process to help ***streamline development review***.
- Methods to encourage ***maximization of property*** including changes to the way density is calculated.
- Methods to encourage ***affordability by design***.

From these key topics, the project consultant suggested a broad set of character defining objectives:

- ***Transitions:*** Carefully transition older neighborhoods and single-family homes to medium and higher-density residential.
- ***Tradition:*** Draw from the town’s original formation and history for design inspiration.

- *Outdoor Gathering Spaces*: Place emphasis on encouraging high-quality spaces that promote community building and gathering for residents (and know that trees and shade support that).
- *Pedestrian Vitality in Downtown*: Provide incentives for more pedestrian-friendly development and active uses in Downtown.
- *Eclectic*: Continue to allow for personality and distinctiveness to support the local character; avoid cookie-cutter designs and too much consistency.
- *Streamline*: Look for opportunities to streamline the design review and construction permit process.

At the July 12<sup>th</sup> Council meeting Staff and the consultant team will make an oral presentation on the Project, objective design standards, and general character defining elements in order to receive high-level Council and public input on the following topics:

1. What design characteristics define multifamily housing and neighborhoods in Atascadero?
2. What are the three most important design elements you think are critical to ensuring exceptional, high-quality multifamily housing?
3. What other character-defining elements should we consider in addition to the following?
  - *Transitions*
  - *Tradition*
  - *Outdoor Gathering Spaces*
  - *Pedestrian Vitality in Downtown*
  - *Eclectic*
  - *Streamline*

This will be the first of several public meetings where the Council and public will have an opportunity to provide input as Objective Design Standards policies are refined and adopted.

## **FISCAL IMPACT:**

State funding from the Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) will assist in the funding of this work effort. Project costs are covered by these secured grant sources.