



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, July 9, 2019

**City Hall Council Chambers, 4th floor
6500 Palma Avenue, Atascadero, California
(Entrance on Lewis Ave.)**

<u>City Council Closed Session:</u>	5:00 P.M.
<u>City Council Regular Session:</u>	6:00 P.M.

CITY COUNCIL CLOSED SESSION:

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

ADJOURNMENT

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

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Bourbeau

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

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.

PRESENTATIONS:

1. Employee Recognition

- 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 25, 2019

- Recommendation: Council approve the June 25, 2019 Draft City Council Meeting Minutes. [City Clerk]

2. Planned Development Amendment for the Principal Mixed-use Project Zone Change Second Reading

- Fiscal Impact: If the project is approved for processing, it should be required to be fiscally neutral so the added residential units fund their fair share of impacts to City police, fire, and parks services.
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance approving Title 9 Zone Text Amendments to the Planned Development Overlay Zone No. 24 (PD-24) and changing the zoning of Lot 62 from RMF-10 to CR based on findings. [Community Development]

3. Authorizing Temporary Road Closures for Hot El Camino Cruise Nite and Colony Days Parade Route

- Fiscal Impact:
Hot El Camino Cruise Nite: No net fiscal impact.
Colony Days Parade Route: The Colony Days closure of the parade route is expected to take over 100 hours of budgeted staff time for road closure applications, set-up and manning the road closure.
- Recommendations: Council:
 1. Adopt Draft Resolution A authorizing temporary road closures and restrictions on August 16, 2019 for the Hot El Camino Cruise Nite.
 2. Adopt Draft Resolution B authorizing temporary road closures and restrictions on October 5, 2019 for Colony Days Parade Route. [Public Works]

4. Atascadero Transit Driver Services Contract Award

- Fiscal Impact: A combined contract total of \$396,546 for the initial 23-month contract term, with three optional one year extensions for \$222,874 in FY21/22, \$232,180 in FY22/23, and \$237,115 in FY23/24.
- Recommendation: Council authorize the City Manager to execute a contract with MV Transportation, Inc. to provide Atascadero Dial A Ride transit driver services for \$185,187 for partial FY19/20 and \$211,359 for FY20/21 for a combined total of \$396,546 for the initial 23-month contract term, with three optional one year extensions for \$222,874 in FY21/22, \$232,180 in FY22/23, and \$237,115 in FY23/24. [Public Works]

5. Rebid 2019 Storm Drain Culvert Replacements Project

- Fiscal Impact: Potential to receive a responsive low bid within the City's budget.
- Recommendations: Council:
 1. Reject all bids received on June 18, 2019 for 2019 Storm Drain Culvert Replacements Project.
 2. Direct staff to revise the bid package and resolicit bids for construction for the 2019 Storm Drain Culvert Replacements Project. [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. 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.)

B. PUBLIC HEARINGS:

1. Proposition 218 Majority Protest Process Relative to Proposed Increase to Wastewater (Sewer) Rates

- Ex-Parte Communications:
- Fiscal Impact: If approved, the new wastewater rates will result in an estimated \$350,000 in additional revenue from sewer service charges collected in FY19/20.
- Recommendations: Council:
 1. Conduct a public hearing to receive all written and verbal testimony regarding the proposed wastewater (sewer) rates and consider the results of protest proceedings in accordance with Proposition 218.
 2. Adopt one of the following resolutions certifying the protest results:
 - A. For a non-majority protest – Draft Resolution A certifying that the number of valid written protests were not received from property owners representing a majority of the parcels subject to the proposed rate increase.

OR

- B. For a majority protest – Draft Resolution B certifying that the number of valid written protests were received from property owners representing a majority of the parcels subject to the proposed rate increase.
- 3. If no majority protest exists, adopt Draft Resolution C approving proposed wastewater rates effective August 8, 2019. [Public Works]

2. Adopting Sewer Service Charges to be Added to the 2019-2020 Property Tax Rolls

- Ex-Parte Communications:
- Fiscal Impact: The City will collect either \$2,275,732 or \$1,945,082 in sewer service charges for FY19/20 depending on whether or not new sewer rates are adopted following the Proposition 218 Majority Protest Process.
- Recommendations: Council:
 - 1. Adopt Draft Resolution A approving sewer service charges to be added to the 2019-2020 property tax rolls if Proposition 218 majority protest is unsuccessful (new rates).

OR

- 2. Adopt Draft Resolution B approving sewer service charges to be added to the 2019-2020 property tax rolls if Proposition 218 majority protest is successful (old rates). [Public Works]

3. Ordinance to Repeal and Replace Title 6 Chapter 6 “No-Smoking Areas Established in Certain Public Places” and Repeal Title 10, Chapter 1 Section 10-1.34 “Smoking and Tobacco Products”

- Ex-Parte Communications:
- Fiscal Impact: None.
- Recommendation: Council introduce, for first reading by title only, Draft Ordinance repealing and replacing Title 6, Chapter 6 “No-smoking areas established in certain public places” of the Atascadero Municipal Code and deleting in its entirety Title 10, Chapter 1, Section 10-1.34 “Smoking and tobacco products”. [Police Department]

C. MANAGEMENT REPORTS:

1. General Plan & Housing Element Annual Progress Report 2018 (CPP19-0045)

- Fiscal Impact: None.
- Recommendation: Council receive and file the 2018 Annual General Plan Progress Report. [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. Economic Vitality Corporation, Board of Directors (EVC)
- 4. SLO Council of Governments (SLOCOG)
- 5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Bourbeau

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

Council Member Fonzi

1. Air Pollution Control District
2. Atascadero Basin Ground Water Sustainability Agency (GSA)
3. City of Atascadero Design Review Committee
4. SLO Local Agency Formation Commission (LAFCo)

Council Member Funk

1. City of Atascadero Finance Committee
2. Homeless Services Oversight Council
3. League of California Cities – Council Liaison

Council Member Newsom

1. California Joint Powers Insurance Authority (CJPIA) Board
2. City / Schools Committee
3. City of Atascadero Design Review Committee
4. Visit SLO CAL Advisory Committee

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
 - a) Mayor Moreno will discuss and request Council direction whether or not to agendize participation in Monterey Bay Community Power's Community Choice Aggregation Program for the August 13, 2019 Council Meeting.
2. City Clerk
3. City Treasurer
4. City Attorney
5. City Manager

F. ADJOURN

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

WELCOME TO THE ATASCADERO CITY COUNCIL MEETING

The City Council meets in regular session on the second and fourth Tuesday of each month at 6:00 p.m. Council meetings will be held at the City Hall Council Chambers, 6500 Palma Avenue, Atascadero. Matters are considered by the Council in the order of the printed Agenda. Regular Council meetings are televised live, audio recorded and videotaped for future playback. Charter Communication customers may view the meetings on Charter Cable Channel 20 or via the City's website at www.atascadero.org. Meetings are also broadcast on radio station KPRL AM 1230. Contact the City Clerk for more information at cityclerk@atascadero.org or (805) 470-3400.

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 during City Hall business hours at the Front Counter of City Hall, 6500 Palma Avenue, Atascadero, and on our website, 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 either read into the record or referred to in their statement will be noted in the minutes and available for review in the City Clerk's office.

In compliance with the Americans with Disabilities Act, **if you need special assistance to participate in a City meeting or other services offered by this City**, please contact the City Manager's Office or the City Clerk's Office, both at (805) 470-3400. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

TO SPEAK ON SUBJECTS NOT LISTED ON THE AGENDA

Under Agenda item, "COMMUNITY FORUM", the Mayor will call for anyone from the audience having business with the Council to approach the lectern and be recognized.

1. Give your name for the record (not required)
2. State the nature of your business.
3. All comments are limited to 3 minutes.
4. All comments should be made to the Mayor and Council.
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present

This is the time items not on the Agenda may be brought to the Council's attention. A maximum of 30 minutes will be allowed for Community Forum (unless changed by the Council). If you wish to use a computer presentation to support your comments, you must notify the City Clerk's office at least 24 hours prior to the meeting. Digital presentations must be brought to the meeting on a USB drive or CD. You are required to submit to the City Clerk a printed copy of your presentation for the record. Please check in with the City Clerk before the meeting begins to announce your presence and turn in the printed copy.

TO SPEAK ON AGENDA ITEMS (from Title 2, Chapter 1 of the Atascadero Municipal Code)

Members of the audience may speak on any item on the agenda. The Mayor will identify the subject, staff will give their report, and the Council will ask questions of staff. The Mayor will announce when the public comment period is open and will request anyone interested to address the Council regarding the matter being considered to step up to the lectern. If you wish to speak for, against or comment in any way:

1. You must approach the lectern and be recognized by the Mayor
2. Give your name (not required)
3. Make your statement
4. All comments should be made to the Mayor and Council
5. No person shall be permitted to make slanderous, profane or negative personal remarks concerning any other individual, absent or present
6. All comments limited to 3 minutes

The Mayor will announce when the public comment period is closed, and thereafter, no further public comments will be heard by the Council.