



# **CITY OF ATASCADERO CITY COUNCIL**

## **MINUTES**

**Tuesday, April 28, 2020**

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

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

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

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

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

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

The City Attorney reported that there was no reportable action in Closed Session.

## REGULAR SESSION - CALL TO ORDER: 6:00 P.M.

Mayor Moreno called the Regular Meeting to order at 6:08 p.m. and Council Member Funk led the Pledge of Allegiance.

### ROLL CALL:

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

Absent: None

Staff Present: **By Teleconference** - City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Police Chief Jerel Haley, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, and City Attorney Brian Pierik

### APPROVAL OF AGENDA:

**MOTION:** By Council Member Funk and seconded by Council Member Newsom to:

1. Approve this agenda; and,
2. Waive the reading in full of all ordinances appearing on this agenda, and the titles of the ordinances will be read aloud by the City Clerk at the first reading, after the motion and before the City Council votes.

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

**PRESENTATIONS:** None.

**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 – April 14, 2020**

- Recommendation: Council approve the April 14, 2020 Draft City Council Regular and Special Meeting Minutes. [City Clerk]

**2. March 2020 Accounts Payable and Payroll**

- Fiscal Impact: \$2,302,162.40
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for March 2020. [Administrative Services]



**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 14, 2020 for the Hot El Camino Cruise Nite.
  2. Adopt Draft Resolution B authorizing temporary road closures and restrictions on October 3, 2020 for the Colony Days Parade Route.[Public Works]

**4. Adopting a List of Projects for Fiscal Year 2020-2021 Funded by SB1: The Road Repair and Accountability Act of 2017**

- Fiscal Impact: The Approval of the Draft Resolution adopting the list of projects for SB1 Funding, will allow the City to receive an estimated \$568,200 in 2020-2021 SB1 funding.
- Recommendation: Council adopt Draft Resolution adopting a list of projects to be funded with Road Maintenance and Rehabilitation Account revenues from SB 1 (The Road Repair and Accountability Act of 2017) for Fiscal Year 2020-2021. [Public Works]

**5. Resolution of the City Council to Authorize Application for Local Government Planning Support Grant Program (LEAP) Funds**

- Fiscal Impact: Adoption of the Draft Resolution will allow the City to receive up to \$150,000 in LEAP grant funds for implementation of housing element activities and other housing related planning activities.
- Recommendation: Council approve Draft Resolution authorizing an application for the 2020 Local Government Planning Support Grant Program / Local Early Action Planning Grants Program (LEAP) to the California Department of Housing and Community Development. [Community Development]

**MOTION: By Council Member Fonzi and seconded by Council Member Funk to approve the Consent Calendar. (#A-3: Resolution Nos. 2020-008 & 009) (#A-4: Resolution No. 2020-010) (#A-5: Resolution No. 2020-011)**  
***Motion passed 5:0 by a roll-call vote.***

**UPDATES FROM THE CITY MANAGER:**

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

**COMMUNITY FORUM:**

The following citizens spoke during Community Forum: Geoff Auslen and Tricia Stanley

***Mayor Moreno closed the COMMUNITY FORUM period.***



## **B. PUBLIC HEARINGS:**

### **1. Request for Authorization to Process General Plan Amendment for The Barrel Creek Project - 6010, 6020, 6030 Del Rio Rd and 1505, 1825, 1855 San Ramon Rd (APNs: 049-131-043, 049-131-044, 049-131-052, 049-131-058, 049-131-061, and 049-131-066) PRE19-0117 (Wadadli, LLC)**

- Fiscal Impact: None. Authorized General Plan amendments are paid for by the Applicant.
- Recommendation: Council authorize the applicant to proceed with further analysis towards a development plan to allow a commercial and residential development on existing vacant rural residential properties at the corner of Del Rio Road and San Ramon Road and provide direction to staff and the applicant on moving forward with application processing subject to continued refinement. [Community Development]

Council Member Fonzi recused herself due to a conflict of interest. She stated that she is an employee of Century 21 Hometown, and Century 21 Hometown has listed the property being reviewed this evening. She silenced her microphone and darkened her camera.

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

Applicant representatives Scott Martin and Eric Tienken made a presentation to and answered questions from the Council.

#### Ex Parte Communications

Mayor Moreno reported that she had a meeting last Fall with the applicant, the City Manager, the Community Development Director and Council Member Newsom. She also advised, she had received an email communication from a resident from Apple Valley who isn't thrilled about the project and really needs to know a lot more about it.

Council Member Newsom reported that she had not had any additional communication since the meeting noted by the Mayor.

Council Member Bourbeau reported that he had not had any Ex Parte on the item but stated he had received several emails about the project, in the last few hours from neighboring residents.

Council Member Funk reported speaking with Josh Cross and Lee Perkins. She also noted having received emails about the item.

## **PUBLIC COMMENT:**

The following citizens spoke on this item: Jeff and Barbara Warren, Alana Reynolds, Jan Bewley, Garrett Kruse, Kristin Feavel, Bill Schaeffer and Geoff Auslen

Emails from the following citizens were read into the record by City Manager Rickard: Darryl Whisnand, Madeline Rothman and Lee Perkins

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

Council gave staff and the applicant direction on moving forward with application processing.

**MOTION:** By Council Member Newsom and seconded by Council Member Funk to authorize the applicant to proceed with further analysis towards a development plan to allow a commercial and residential development on existing vacant rural residential properties at the corner of Del Rio Road and San Ramon Road .

***Motion passed 4:0 by a roll-call vote. (Fonzi Abstained)***

Council Member Fonzi returned to the teleconference, turning her microphone and camera back on.

**C. MANAGEMENT REPORTS: None.**

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

1. Coronavirus (COVID-19) update – Mayor Moreno

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

Mayor Moreno and City Manager Rickard provided updates on Coronavirus (COVID-19) and answered questions from the Council. The Mayor discussed a letter that she along with the six other County mayors, two supervisors and Jordan Cunningham signed urging the Governor to release control back to the counties for phased re-opening from the COVID Shelter at Home Order.

Council reviewed the City of Morro Bay Policies and Procedures Section 3.5.1 (Exhibit A) and discussed amending the Council Norms to better clarify and formalize the practice of the Mayor signing letters. Council directed staff to bring the item back as a staff report at the next Council Meeting.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

Emails from the following citizens were read into the record by City Manager Rickard: Eric Greening

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

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

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

Mayor Moreno

Mayor Moreno advised she would be speaking at the County COVID press conference tomorrow.



Council Member Funk

1. Homeless Services Oversight Council

Council Member Newsom

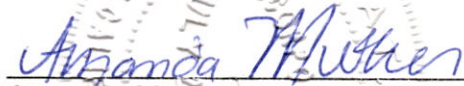
1. City of Atascadero Design Review Committee

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

**G. ADJOURN**

Mayor Moreno adjourned the meeting at 10:44 p.m.

**MINUTES PREPARED BY:**



Amanda Muther  
Deputy City Clerk

The following exhibit is available for review in the City Clerk's office:

- Exhibit A – Section 3.1.5 of the City of Morro Bay Council Policies and Procedures

**APPROVED: May 12, 2020**

## **EXHIBIT A**

- 3.1.5 The Mayor will, at times, receive written communications from recognized organizations or entities whose fundamental purpose is to support cities, such as the League of California Cities, etc. Those communications may be seeking City support for a position the specific organization is taking. Because of the often short time limits for submitting responses to those communications, the Mayor is authorized, at no cost to the City to submit the requested communication consistent with the subject entity's recommendation. At the discretion of the Mayor, other written communications supporting previously agreed upon policy issues by the Council, may be sent. A copy of that letter will be provided to the Council at the same time it is transmitted to the addressee. Any Member of the Council can request an agenda item be placed on an upcoming agenda to discuss that communication. The Council can also determine whether to admonish the Mayor for not carrying out the intent of this provision.

# PUBLIC COMMENT PROVIDED BY EMAIL

## B. PUBLIC HEARINGS (Barrel Creek Project)

SUBMISSION FROM: Darryl Whisnand

From: Darryl Whisnand <[dwhisnand@gmail.com](mailto:dwhisnand@gmail.com)>  
Sent: Monday, April 27, 2020 9:09 AM  
To: City Clerk <[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)>  
Subject: Del Rio Rd Commercial General Plan

I live in Apple Valley off Del Rio Rd. I believe we as homeowners in this area deserve to maintain the area development in a way that fits with the area we expected as it was zoned when we bought our houses. I am concerned with the High Density Residential development being proposed for the area Northwest of the 101-Del Rio Rd intersection. I am totally opposed to the RV Hotel right on Del Rio Rd. The potential for the degrading of a facility like that are huge!!!. Our area is mostly rural and low density housing and this facility does not fit with our area at all, especially not in that location.

I also am concerned with the Barrel Creek General Plan. Is the residential low density or apartments? Apartments don't fit with the area. What Kind of commercial development Is planned? Does it fit with The existing residential properties around it?

The round about is now going to be built right behind the fences of the homes in the Apple Valley subdivision.

I understand development on that property. I just want development that fits with the rural and lower density housing of our area.

Thank you,

Darryl Whisnand

SUBMISSION FROM: Madeline Rothman

**From:** Madeline Rothman <[madeline.rothman@att.net](mailto:madeline.rothman@att.net)>  
**Sent:** Tuesday, April 28, 2020 3:19 PM  
**To:** City Clerk <[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)>  
**Subject:** City Council Meeting 4/28/20 Agenda Item B. 1.

My name is Madeline Rothman, and my husband and I have lived at 1660 San Ramon Road in Atascadero for the past 48 years. We chose to live in this northern part of town because of its rural character, low density, privacy, and the beautiful natural environment, which includes the sensitive environment of Graves Creek that runs behind our San Ramon Road property. When we moved to San Ramon Road in 1972, there were steelhead trout in Graves Creek and beavers that thrived at the creek. Little by little we have seen the steady erosion of that precious environment due to increased



development. Sadly, those days of seeing trout and beavers in the creek, along with other native species of plants and animals, are gone forever.

San Ramon Road has always been a neighborhood of families who care about each other. Our neighborhood has a long history of families raising their children here, and some of their children raising their children on this street. San Ramon Road is its own community of families, made up of many long-time residents who have joined with newcomers on the street, all who value the rural ambience and low density of this original section of San Ramon Road.

Together with our neighbors on San Ramon Road, we are strongly opposed to a General Plan Amendment to change the zoning of an area that is currently zoned for a maximum of 6 single-family dwellings to zoning that would allow a project plan with 52 townhomes, 80 apartments, retail/light industrial space with multiple buildings, and a 120-room hotel with 16 detached short-term rental units!

If this project were to go ahead, it would cause a major change to a neighborhood, and most probably the loss of a long-time neighborhood community, loss of the rural character of the area, greater erosion of the precious natural environment of Graves Creek and the surrounding area, and loss of the valued quality of life that brought families to this street.

It greatly saddens me to see a proposal, such as this one, that would erode another part of the beautiful rural character that was once plentiful in Atascadero! Once you take away a beautiful, special piece of rural Atascadero found on San Ramon Road and change it to high-density living units, retail/light industrial, multiple buildings, a hotel and more, the environment is forever changed! So much is lost Forever!

I ask that the City Council give serious consideration before making any changes to the General Plan that would affect our much-loved San Ramon neighborhood!

There is a **Priceless Value** to —

- ~ preserving the beautiful rural environment that drew us here;
- ~ preserving and protecting the very special and sensitive area surrounding Graves Creek; and
- ~ preserving the quality of life that is enjoyed by a neighborhood of San Ramon Road families!

**SUBMISSION FROM:** Lee Perkins

**From:** Lee Perkins <[futures03@hotmail.com](mailto:futures03@hotmail.com)>

**Sent:** Tuesday, April 28, 2020 2:34 PM

**To:** City Clerk <[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)>

**Subject:** Potential development between San Ramon and US101

Hello City Council Members,

I understand you will be considering the issues of a potential major development between San Ramon and US101 tonight. Please consider the following in your deliberations:

Include walking and bike paths

include recreational areas for small children and at least elementary--a small park like setting. We could always use another soccer field.

Plenty of parking!

the 120 bed hotel seems large for this project, I would be more in favor of less rooms such as a boutique hotel style.

Keep chains out and give space to entrepreneurs.

Since the Walmart land has not been sold as promised, a large development there needs to be considered in relation to what is proposed at San Ramon and US101--among many other things, traffic.

Provide low income/affordable housing in the development--a must. Young families ought to be able to buy housing in Atascadero.

Lee Perkins

## D. DISCUSSION ITEM (COVID-19)

SUBMISSION FROM: Eric Greening

### CONDENSED SUBMISSION

**From:** Eric Greening <[dancingsilverowl@gmail.com](mailto:dancingsilverowl@gmail.com)>

**Sent:** Friday, April 24, 2020 12:14 PM

**To:** City Clerk <[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)>

**Cc:** City Council <[CityCouncil@atascadero.org](mailto:CityCouncil@atascadero.org)>; Heather Moreno <[hmoreno@atascadero.org](mailto:hmoreno@atascadero.org)>; Penny E. Borenstein <[pborenstein@co.slo.ca.us](mailto:pborenstein@co.slo.ca.us)>

**Subject:** Re: Eric Greening comment for April 28th

Hello again!

I am thinking that a way to briefly convey the essence of the message is to say "Mr. Greening thanks Mayor Moreno for signing the letter to the Governor from all the County's mayors, two Supervisors, and Assemblymember Cunningham, and notes that the signers represent a range of political philosophies united in seeking the State's support for our County to cautiously and prudently begin to reopen our county's economic and social life. He initially supported 'shelter at home' on the assumption that its intent was to protect our hospitals from surges, and that it was to be lifted upon accomplishing that purpose, which has, in this county, been accomplished. Now it seems the Governor has moved the goal posts and inserted other goals that can require more time to attain, while 'shelter-at-home' cumulatively poses ever-increasing health and safety threats of its own, as will its ever more grave economic fallout. Covid-19 is so new even the experts are on a learning curve, but he references a new study from data gathered in China when the pandemic was at its peak there that demonstrates that OUTDOOR transmission is extremely rare. On that basis, he suggests that the first stages of reopening might focus on jobs and businesses that can function outside, and that even if masks need to be required indoors, they should not be required outdoors due to the health-giving effects of deep-breathing outdoor exercise. He is reluctant to reopen indoor crowd-attractors such as theaters too soon, and suggests that long-deferred socializing be allowed in homes and outdoor areas

open to the public, but only among people who know each other rather than crowds of strangers, to allow precise contact tracing in the event of an asymptomatic person unknowingly learning of having exposed people. Some people are afraid and feel vulnerable, and should be supported in remaining home and rejecting visitors, but this regime should not be imposed on everyone as long as our hospitals have the capacity to handle Covid-19 in addition to their other business."

Does that work? The full text including the study reference would be available to whoever was interested.

Thank you so much for making the process as accessible to the public as possible under present constraints!

STAY WELL!!

Eric

ORIGINAL SUBMISSION (Not read into Public Comment during the meeting)

*Below, is Mr. Greening's original email that he asked be included as part of the record, but realizing it was much longer than a 3 minute reading would allow for, he provided a second email with the summary above for reading during public comment.*

**From:** Eric Greening <[dancingsilverowl@gmail.com](mailto:dancingsilverowl@gmail.com)>

**Sent:** Thursday, April 23, 2020 4:16 PM

**To:** City Clerk <[cityclerk@atascadero.org](mailto:cityclerk@atascadero.org)>; City Council <[CityCouncil@atascadero.org](mailto:CityCouncil@atascadero.org)>; Heather Moreno <[hmoreno@atascadero.org](mailto:hmoreno@atascadero.org)>; Penny E. Borenstein <[pborenstein@co.slo.ca.us](mailto:pborenstein@co.slo.ca.us)>

**Subject:** Eric Greening comment for April 28th

Hello!!

This comment is intended for Discussion Item D, the Covid-19 update. It will exceed three minutes, but I know all of you are reading it, and it can become part of the written record, and I would appreciate if it could be summarized and perhaps selectively quoted when Item D comes up.

I would like to thank the Clerk for reading my non-agenda comment into the record at your last meeting, and I would also like to thank Mayor Moreno for joining this county's other mayors, two county supervisors, and Assemblymember Cunningham in signing the letter to Governor Newsom asking that our county be allowed to begin prudently and cautiously emerging from "shelter-at-home" in the near future without having to be held back by counties that are not ready. Even though our county's cases appear to have spiked in the last couple of days after two weeks of relative quiescence, this probably reflects the increased availability of testing, and Covid-19's demand on our county's hospitals remains very low. The extra capacity created at Cal Poly has yet to be needed.

The original rationale for the statewide "shelter-at-home" order, which I supported, in spite of its serious consequences for our economy, social lives, and personal liberties, on the basis that it was to be TEMPORARY, was to "flatten the curve," the understanding being that many people



would become ill, but that slowing the transmission to prevent everyone from becoming ill at the same time was necessary to avoid overloading our hospitals and to allow them to save lives rather than heartbreakingly triage a surge of incoming cases. Our county is in very good shape in that regard, but the Governor has moved the goal posts by creating a list of six "considerations" that have to be somehow met prior to any loosening of statewide "shelter-at-home," some of them hard to imagine meeting in any foreseeable future, such as the development and availability of a "therapeutic" for this novel disease. Although the media portray the disagreements between supporters of "lockdown" and those eager to begin to reopen our economic and social lives as being between political left and political right, or between health and money, that is a great oversimplification of the issues at stake. I would note that the letter to the Governor was signed by people from across the political spectrum, and that the consequences of unduly protracted "shelter-at-home" affect not only issues prioritized by people on the right such as personal liberties, but issues prioritized by people on the left, such as economic and social equity. The consequences of protracted "shelter-at-home" are far more harmful to those with fewer financial resources, who are more likely to be in crowded, tiny living spaces, and more likely to suffer immediate privation from lost livelihoods if they lack the financial resources to have put aside savings.

The consequences of unduly protracted "shelter-at-home" include HEALTH and SAFETY consequences that have to be weighed against the health and safety goals of containing the virus. Domestic violence is exacerbated when people are under stress and unable to escape each other; stress itself is a health threat, as is elder isolation; elders denied visitors are more likely to die sooner than those with active social contacts.

That said, I am grateful to be sheltering at home in Atascadero, and grateful that our precious open spaces, including Stadium Park which is near my home, remain open, and that the people using them are doing so with great consideration. In my comments at the previous meeting, I referenced a scientific brief from the World Health Organization that showed that airborne transmission of viable viruses was not a risk. Now there is an emerging study, not yet peer-reviewed but soon to be, that reinforces this lack of risk in outdoor settings. Found in "Med Rx iv" it is based on data from China gathered when the pandemic was peaking there, and is entitled: "Indoor Transmission of SARS-CoV-2" by Hua Qian, Te Miao, Li Liu, Xiaohong Zheng, Danting Luo, and Yuguo Li. They studied 318 outbreaks involving 7324 cases of the new virus, and only two cases among those multiple thousands could be traced to outdoor transmission. Our outdoor spaces, in other words, can be used without fear.

When we do begin to emerge from "shelter-at-home," this sort of information can help guide us. Clearly, keeping people indoors maximizes risk, and now that our days are becoming warm and sunny and full of virus-killing ultraviolet light, we should be ENCOURAGING people to be outside. Perhaps, for example, even if the wearing of masks may need to be required or encouraged in indoor spaces open to the public, that would not be necessary outdoors (unless one is coughing or sneezing, in which case they should stay away from other people anyway), and people can move freely and briskly taking unencumbered deep breaths. Perhaps "non-essential" projects, construction or otherwise, that happen outdoors can be restarted, and businesses that do, or can, serve their customers outdoors can be reopened; plant nurseries, for example, can, if allowed to open, expect a surge of business leading up to Mothers Day, and anything that gets money safely flowing in previously closed channels will help lift us out of our

economic hole. Restaurants with outdoor tables may be able to open that part of their seating to supplement their takeout business.

At this time, I would not support the reopening of theaters and other places of mass indoor assembly, and could, in the early stages of our emergence, support a numerical limit on how many people could gather in public or private spaces. The number itself might be arbitrary, but its intention would be to limit socializing, at first, to people who KNOW each other, to help with contact tracing in the event that someone comes down with the illness. Such tracing would be impossible with people who had sat among strangers in a crowded theater. People who do socialize would be tacitly consenting to a spell of personal "shelter-at-home" if found to have been exposed. I do NOT support a China-style surveillance state, as surveillance tools could be used for too many extraneous purposes unbeknownst to those surveilled.

In any event, I do hope everyone on your council will join in encouraging the Governor to allow local areas that do not face the prospect of excessive demands on hospital resources to begin prudently and cautiously re-emerging from a regime that has cost too many people their livelihoods and that is responsible for increasing health and safety consequences of its own. We should not have to freeze our economic and social lives until all risk of illness is eliminated, but people who are moved by concern of contagion should be supported in remaining at home and rejecting visitors if that is their choice. The collective interest of preserving hospital capacity justified the beginning of "shelter-at-home," and when that capacity is not threatened, the situation justifies prudently, cautiously ending it as we take the first steps into shaping a future about whose emerging form we all should feel empowered as co-authors.

Many thanks, and STAY WELL!!

Eric Greening