



## CITY OF ATASCADERO CITY COUNCIL AGENDA

**\* COVID-19 NOTICE \*** Consistent with Executive Orders N-25-20 and No. N-29-20 from the Executive Department of the State of California and the San Luis Obispo County Health Official's March 18, 2020 Shelter at Home Order, City Council meetings were not able to be physically open to the public. However, on May 20, 2020 the California Department of Public Health approved SLO County's attestation moving the County into Stage 2 of the reopening process. In order to minimize public gatherings and maximize public safety, the City will continue to hold the meetings virtually, however the public will have limited physical access to participate in the virtual meeting at City Hall, provided protective measures are in place which include maintaining proper social distancing and wearing of face masks. Virtual and phone participation is encouraged.

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

- **Virtually:** To maximize public safety while still maintaining transparency and public access, the meeting will be live-streamed on SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and on KPRL Radio 1230AM. The video recording of the meeting will be available through the City's website or by visiting <https://attendee.gotowebinar.com/rt/556252136707240464> and will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm.
- **In Person:** In compliance with COVID-19 orders the City can again offer physical attendance in a limited capacity. Limited seating will be available for individuals who wish to physically attend the City Council meeting (Masks will be required).

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

1. **By Phone or Webinar.** Interested individuals who wish to practice social distancing and not attend the meeting in person are highly encouraged to call **805-538-2888** to listen and provide public comment via phone. Public comment may also be provided by webinar but by phone is preferable, if possible.
2. **In Person.** (Please be advised, in compliance with Phase 2 reopening guidelines, social distancing will be observed and only very limited seating will be available.)
3. **By Email.** Public comments may also be submitted in writing to [cityclerk@atascadero.org](mailto:cityclerk@atascadero.org) by 5:00 pm on the day of the meeting. Such email **comments must identify the Agenda Item Number in the subject line of the email.** The comments will be read into the record, with a maximum allowance of 3 minutes per individual comment, subject to the Mayor's discretion. All comments should be a maximum of 500 words, which corresponds to approximately 3 minutes of speaking time. If a comment is received after the agenda item is heard but before the close of the meeting, the comment will still be included as a part of the record of the meeting but 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](http://www.atascadero.org).

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 either read into 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 during City Hall business hours once City Hall is open to the public following the termination of the Shelter at Home Order.



# **CITY OF ATASCADERO CITY COUNCIL**

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## **AGENDA**

**Tuesday, July 14, 2020**

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

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

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

- 1. CLOSED SESSION -- PUBLIC COMMENT**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
  - a. Public Employee Performance Evaluation (Govt. Code 54957)**  
Title: City Manager
- 4. CLOSED SESSION – ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**
- 6. CLOSED SESSION – REPORT**

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

**PLEDGE OF ALLEGIANCE:** Council Member Funk

**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: 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 – June 18, 2020 & June 23, 2020**

- Recommendation: Council approve the June 18, 2020 Draft City Council Special Meeting Minutes and the June 23, 2020 Draft City Council Regular Meeting Minutes. [City Clerk]

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

- Fiscal Impact: \$2,372,601.80
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for June 2020. [Administrative Services]

**3. Temporary Fee Reduction for the Review of Outdoor Food and Beverage Installations**

- Fiscal Impact: The adoption of this temporary fee relief program would result in minor fiscal impacts to the City.
- Recommendation: Council adopt Draft Resolution ratifying the City Manager's temporary reduction (one year) of application and review fees for the City review of a permit to allow for outdoor food and beverage service on public or private property associated with bars and restaurants. [City Manager]

**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](mailto:cityclerk@atascadero.org).)

**B. PUBLIC HEARINGS: None.**

## **C. MANAGEMENT REPORTS:**

### **1. Sales Tax Ballot Measure**

- Fiscal Impact: The City Clerk's estimate for the addition of the ballot measure is approximately \$12,000. The total estimate for the 2020 election, including the ballot measure, is \$52,700 in General Funds.
- Recommendations: Council:
  1. Introduce, on first reading by title only, Draft Ordinance amending Title 3 of the Atascadero Municipal Code to add a Chapter 18 "Essential Services Transactions and Use Tax" to be administered by the California Department of Tax and Administration, subject to adoption by the electorate.
  2. Adopt the following Resolutions to submit to the voters a question relating to increased sales tax:
    - A. Draft Resolution A, approving ballot measure text relating to increased sales tax to be submitted to the qualified electors of the City at the General Municipal Election to be held on November 3, 2020, as called by Resolution No. 2020-051.
    - B. Draft Resolution B, setting priorities for filing written arguments regarding the City measure and directing the City Attorney to prepare an impartial analysis.
    - C. Draft Resolution C, providing for the filing of rebuttal arguments for City measures submitted at Municipal Elections.
  3. Authorize the Director of Administrative Services to appropriate \$12,200 of General Fund Reserve monies to the City Clerk budget. [City Manager]

### **2. Consideration of Oversight Options for the Proposed 2020 Essential Services Transactions and Use Tax Measure**

- Fiscal Impact: None.
- Recommendation: Council provide staff direction on how public engagement and accountability should be implemented for the proposed Essential Services Sales Tax Measure Ordinance, should it be passed by Atascadero voters in the General Election in November 2020. [Administrative Services]

### **3. Downtown Street Tree Renewal Program**

- Fiscal Impact: A preliminary cost estimate to implement Phase 1 of the Downtown Street Tree Renewal Program is in the range of \$60,000 to \$75,000.
- Recommendations: Council:
  1. Direct staff to initiate Phase 1 of the Downtown Street Tree Renewal Program.
  2. Authorize the Director of Administrative Services to appropriate \$75,000 in General Fund Reserves to implement Phase 1 of the Downtown Street Tree Renewal Program. [Public Works & Community Development]

## **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

- E. 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

- F. 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

**G. 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.

# **SPECIAL MEETING ATASCADERO CITY COUNCIL**

**Thursday, June 18, 2020  
At 10:00 a.m.**

**City of Atascadero City Hall  
6500 Palma Ave., Council Chambers  
Atascadero, California**

## **San Luis Obispo County Tourism Marketing District (TMD) Board INTERVIEWS AND APPOINTMENT**

### **DRAFT MINUTES**

#### **SPECIAL MEETING – CALL TO ORDER: 10:00 A.M.**

Mayor Pro Tem Bourebeau called the meeting to order at 10:01 a.m.

#### **ROLL CALL:**

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

Absent: Mayor Moreno

Others Present: None

Staff Present: **By Teleconference** – Deputy City Clerk Amanda Muther and Deputy City Manager Terrie Banish

Mayor Pro Tem Bourebeau reviewed how the interview process would proceed.

#### **PUBLIC COMMENT:**

The following citizens spoke on this item: None.

***Mayor Pro Tem Bourbeau closed the Public Comment period.***

## INTERVIEWS AND APPOINTMENTS:

### 1. **San Luis Obispo County Tourism Marketing District (TMD) Board Appointment**

- *City Clerk recommendation: Council interview the candidates and select by ballot, one candidate to serve on the San Luis Obispo County Tourism Marketing District (TMD) Board.*

The City Council interviewed three candidates: Scott Loy, Trevor Orrik and Amar Sohi.

Mayor Pro Tem Bourbeau lost his webinar connection at 10:33 a.m. and Council Member Fonzi led the meeting in his absence.

Mayor Pro Tem Bourbeau reconnected to the webinar at 10:40 a.m. and resumed running the meeting.

## PUBLIC COMMENT:

The following citizens spoke on this item: Deana Alexander

***Mayor Pro Tem Bourbeau closed the Public Comment period.***

The City Council selected, by virtual ballot, Amar Sohi to serve on the San Luis Obispo County Tourism Marketing District (TMD) Board.

## ADJOURN

Mayor Pro Tem Bourbeau adjourned the meeting at 11:07 a.m. to the next Regular Session scheduled for Tuesday, June 23, 2020.

## MINUTES PREPARED BY:

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Amanda Muther, Deputy City Clerk

## APPROVED:



# **CITY OF ATASCADERO CITY COUNCIL**

## **DRAFT MINUTES**

**Tuesday, June 23, 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**
- 2. COUNCIL LEAVES CHAMBERS TO BEGIN CLOSED SESSION**
- 3. CLOSED SESSION -- CALL TO ORDER**
  - a. Public Employee Performance Evaluation (Govt. Code 54957)**  
Title: City Manager
  - b. Public Employee Performance Evaluation (Govt. Code 54957)**  
Title: City Attorney
- 4. CLOSED SESSION – ADJOURNMENT**
- 5. COUNCIL RETURNS TO CHAMBERS**
- 6. CLOSED SESSION – REPORT**

Mayor Moreno reported that there was no reportable action in Closed Session.

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

Mayor Moreno called the meeting to order at 6:03 p.m. and Council Member Newsom led the Pledge of Allegiance.



**ROLL CALL:**

Present: Council Members Fonzi, Funk, Mayor Pro Tem Bourbeau, and Mayor Moreno

**By Teleconference** - Council Member Newsom

Absent: None

Others Present: None

Staff Present: City Manager Rachelle Rickard and Police Chief Jerel Haley

**By Teleconference** – Fire Chief Casey Bryson, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Community Development Director Phil Dunsmore and City Attorney Brian Pierik

**APPROVAL OF AGENDA:**

**MOTION:** By Council Member Fonzi and seconded by Council Member Funk 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:**

**1. City Council Draft Action Minutes – June 1, 2020 & June 9, 2020**

- Recommendation: Council approve the June 1, 2020 Draft City Council Special Meeting Minutes and the June 9, 2020 Draft City Council Regular Meeting Minutes. [City Clerk]

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

- Fiscal Impact: \$2,487,028.33
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for May 2020. [Administrative Services]

**3. Alcoholic Beverage Control (ABC) License for a Beer Garden and Bottle Shop at 6090 El Camino Real - Type 40 License (USE 20-0049)**

- Fiscal Impact: A slight positive fiscal impact is expected from increased sales tax.
- Recommendation: Council adopt Draft Resolution finding that a public convenience would be served by allowing the issuance of a Type 40 ABC, On-Sale Beer for Public Premises License for Ancient Owl, a beer garden and bottle shop located in a new development at 6090 El Camino Real. [Community Development]

**4. Release Affordable Housing Deed Restriction**

- Fiscal Impact: If the Council directs staff to release the deed restriction from the property, Community Facilities District Special Taxes in the amount of just under \$800 will be collected from the current homeowner.
- Recommendation: Council direct staff to record a Release Agreement removing the Agreement to Provide Housing Units for Persons and Families of Moderate Income applicable to Lot 1 of Tract 2498, commonly known as 655 North Ferrocarril. [Community Development]

**5. Annexation of the Principal Mixed-Use Subdivision into Community Facilities District 2005-1, Annexation No. 20 (9105 Principal Ave: Tract 3070)**

- Fiscal Impact: Assessments for this annexation are estimated to be between \$36,000 - \$39,000 annually beginning in fiscal year 2021-2022, and adjusted each year for inflation.
- Recommendation: Council adopt Draft Resolution, declaring its intention to annex territory, into Community Facilities District 2005-1 (Public Services) and to authorize the levy of special taxes therein – City of Atascadero Community Facilities District 2005-1 Annexation No. 20 (9105 Principal Ave.: Tract 3070). [Community Development]

**6. General Municipal Election - November 3, 2020**

- Fiscal Impact: The County's estimate for the 2020 election of officials in Atascadero is \$40,700.
- Recommendations: Council adopt the following Resolutions for the purpose of electing a Mayor and two members to the City Council:
  1. Draft Resolution A, calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 3, 2020 for the election of a Mayor and two Council Members.
  2. Draft Resolution B, requesting the Board of Supervisors of the County of San Luis Obispo to consolidate a General Municipal Election to be held on November 3, 2020. [City Clerk]

**MOTION: By Council Member Funk and seconded by Mayor Pro Tem Bourbeau to approve the Consent Calendar. (#A-3: Resolution No. 2020-049) (#A-4: Contract No. 2020-007)(#A-5: Resolution No. 2020-050)(#A-6: Resolution Nos. 2020-051 and 2020-052)**  
***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, Tori Keen (by phone), and Ryan Gelsen (by phone)

Emails from the following citizens were read into the record by Deputy City Clerk Muther: Leila Daniel, Sophie Stebbins, Karina Smyth, Aline and Joseph DeLuca, Georgia Crowley, Thomas Arndt, Raleigh Delk, Karen Kubarek, Nate Page and Michaels Ens

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

**B. PUBLIC HEARINGS:**

**1. Atascadero Tourism Business Improvement District Confirmation of Annual Assessment (Fiscal Year 2020-2021)**

- Ex-Parte Communications:
- Fiscal Impact: Annual assessments for 2020-2021 are expected to be approximately \$232,000 and will be assessed as 2% of the rent charged on the occupied rooms and spaces for transient occupancies.
- Recommendation: Council adopt Draft Resolution confirming the annual assessment for the Atascadero Tourism Business Improvement District (Fiscal Year 2020-2021). [City Manager]

Ex Parte Communications

The Council Members reported having no communications on this item.

City Manager Rickard 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 Mayor Pro Tem Bourbeau and Council Member Newsom to adopt Resolution 2020-053 confirming the annual assessment for the Atascadero Tourism Business Improvement District (Fiscal Year 2020-2021).

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

**2. Downtown Parking and Business Improvement Area Confirmation of Annual Assessment (FY 2020-2021)**

- Ex-Parte Communications:
- Fiscal Impact: Adopting the staff recommendation will result in the collection and expenditure of approximately \$10,600 in budgeted DPBIA funds.
- Recommendation: Council adopt Draft Resolution confirming the annual assessment for the Downtown Parking and Business Improvement Area (Fiscal Year 2020-2021). [City Manager]

City Manager Rickard 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 Fonzi and seconded by Council Member Funk to adopt Resolution No. 2020-054 confirming the annual assessment for the Downtown Parking and Business Improvement Area (Fiscal Year 2020-2021).

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

**3. Adopting Sewer Service Charges to be Added to the 2020-2021 Property Tax Rolls**

- Ex-Parte Communications:
- Fiscal Impact: The City estimates it will collect \$2,782,000 in sewer service charges for Fiscal Year 2020-2021.
- 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 service charges to be added to the 2020-2021 property tax rolls. [Public Works]

Public Works Director DeBar 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 Funk and seconded by Council Member Newsom to:

1. Conduct a public hearing to receive verbal testimony regarding the proposed sewer service charges to be levied onto property tax rolls.
2. Adopt Resolution No. 2020-055 approving sewer service charges to be added to the 2020-2021 property tax rolls.

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

**C. MANAGEMENT REPORTS:**

**1. 6th Cycle Housing Element Update Draft Plan (CPP19-0067)**

- Fiscal Impact: None.
- Recommendations: Council:
  1. Review and comment on the Draft Housing Element and receive public input.
  2. Authorize staff to submit the Draft plan to the State for initial review. [Community Development]

Community Development Director Dunsmore and Consultant Genevieve Sharrow 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 Newsom and seconded by Council Member Fonzi to:  
1. Review and comment on the Draft Housing Element and receive public input.  
2. Authorize staff to submit the Draft plan to the State for initial review.  
*Motion passed 5:0 by a roll-call vote.*

**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.

**PUBLIC COMMENT:**

The following citizens spoke on this item: None.

*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

1. Economic Vitality Corporation, Board of Directors (EVC)
2. SLO Council of Governments (SLOCOG)

Mayor Pro Tem Bourbeau

1. Integrated Waste Management Authority (IWMA)
2. League of California Cities Revenue and Taxation Committee

Council Member Fonzi

1. Air Pollution Control District
2. City of Atascadero Design Review Committee

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 8:57 p.m.

**MINUTES PREPARED BY:**

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Amanda Muther  
Deputy City Clerk

**APPROVED:**



## ***Atascadero City Council***

### ***Staff Report - Administrative Services Department***

#### **June 2020 Accounts Payable and Payroll**

#### **RECOMMENDATION:**

Council approve certified City accounts payable, payroll and payroll vendor checks for June 2020.

#### **DISCUSSION:**

Attached for City Council review and approval are the following:

##### **Payroll**

Dated 6/11/2020	Checks # 34880 - 34893	\$ 13,558.93
	Direct Deposits	298,296.30
Dated 6/25/2020	Checks # 34894 - 34905	12,677.58
	Direct Deposits	298,087.92

##### **Accounts Payable**

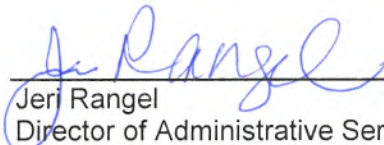
Dated 6/1/20-6/30/20	Checks # 164480 - 164701 & EFTs 3697 - 3725	1,749,981.07
	<b>TOTAL AMOUNT</b>	<b>\$ 2,372,601.80</b>

#### **FISCAL IMPACT:**

Total expenditures for all funds is \$ 2,372,601.80

#### **CERTIFICATION:**

The undersigned certifies that the attached demands have been released for payment and that funds are available for these demands.

  
\_\_\_\_\_  
Jeri Rangel  
Director of Administrative Services

#### **ATTACHMENT:**

June 2020 Eden Warrant Register in the amount of \$ 1,749,981.07

**City of Atascadero**  
**Disbursement Listing**

ITEM NUMBER: A-2  
DATE: 07/14/20  
ATTACHMENT: 1

For the Month of June 2020

Check Number	Check Date	Vendor	Description	Amount
3697	06/02/2020	RABOBANK, N.A.	Payroll Vendor Payment	46,648.96
3698	06/02/2020	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	13,371.74
3699	06/02/2020	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,165.70
164480	06/04/2020	ANTHEM BLUE CROSS HEALTH	Payroll Vendor Payment	188,164.64
164481	06/04/2020	LINCOLN NATIONAL LIFE INS CO	Payroll Vendor Payment	1,692.13
164482	06/04/2020	MEDICAL EYE SERVICES	Payroll Vendor Payment	1,763.97
164483	06/04/2020	PREFERRED BENEFITS INSURANCE	Payroll Vendor Payment	8,814.30
164484	06/05/2020	A SUPERIOR CRANE, LLC	Accounts Payable Check	480.00
164485	06/05/2020	ACTIVE 911, INC.	Accounts Payable Check	22.68
164486	06/05/2020	ADVANCED INFRASTRUCTURE TECHN	Accounts Payable Check	126.29
164487	06/05/2020	AGP VIDEO, INC.	Accounts Payable Check	2,870.00
164488	06/05/2020	ALL SIGNS AND GRAPHICS	Accounts Payable Check	107.75
164489	06/05/2020	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	564.61
164490	06/05/2020	ANTECH DIAGNOSTICS	Accounts Payable Check	15.96
164491	06/05/2020	AT&T	Accounts Payable Check	286.77
164492	06/05/2020	AT&T	Accounts Payable Check	766.24
164493	06/05/2020	ATASCADERO HAY & FEED	Accounts Payable Check	923.52
164495	06/05/2020	ATASCADERO MUTUAL WATER CO.	Accounts Payable Check	15,600.60
164496	06/05/2020	AVILA TRAFFIC SAFETY	Accounts Payable Check	3,090.00
164497	06/05/2020	BASSETT'S CRICKET RANCH, INC.	Accounts Payable Check	249.94
164498	06/05/2020	BAUER COMPRESSORS	Accounts Payable Check	1,829.00
164499	06/05/2020	BELL'S PLUMBING REPAIR, INC.	Accounts Payable Check	195.00
164500	06/05/2020	KEITH R. BERGHER	Accounts Payable Check	90.00
164501	06/05/2020	BERRY MAN, INC.	Accounts Payable Check	503.55
164502	06/05/2020	BIG RED MARKETING, INC.	Accounts Payable Check	4,360.00
164503	06/05/2020	BRANCH SMITH PROPERTIES	Accounts Payable Check	1,050.00
164504	06/05/2020	BURT INDUSTRIAL SUPPLY	Accounts Payable Check	554.14
164505	06/05/2020	CALPORTLAND COMPANY	Accounts Payable Check	753.60
164506	06/05/2020	CARQUEST OF ATASCADERO	Accounts Payable Check	113.85
164507	06/05/2020	CHARTER COMMUNICATIONS	Accounts Payable Check	2,096.40
164508	06/05/2020	CO OF SAN LUIS OBISPO SART PRG	Accounts Payable Check	1,532.00
164509	06/05/2020	COASTAL COPY, INC.	Accounts Payable Check	105.33
164510	06/05/2020	COASTAL REPROGRAPHIC SERVICES	Accounts Payable Check	156.13
164511	06/05/2020	COASTLINE EQUIPMENT	Accounts Payable Check	1,995.62
164512	06/05/2020	NICK COONS	Accounts Payable Check	200.00
164513	06/05/2020	CRYSTAL SPRINGS WATER	Accounts Payable Check	20.00
164514	06/05/2020	CULLIGAN/CENTRAL COAST WTR TRT	Accounts Payable Check	70.00
164515	06/05/2020	NICHOLAS DEBAR	Accounts Payable Check	300.00



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Check Number	Check Date	Vendor	Description	Amount
164516	06/05/2020	AKANE KATHARINE DECKER	Accounts Payable Check	59.00
164517	06/05/2020	PHILIP DUNSMORE	Accounts Payable Check	300.00
164518	06/05/2020	EARTH SYSTEMS PACIFIC	Accounts Payable Check	36,544.50
164519	06/05/2020	EL CAMINO VETERINARY HOSP	Accounts Payable Check	439.88
164520	06/05/2020	FENCE FACTORY ATASCADERO	Accounts Payable Check	150.78
164521	06/05/2020	FGL ENVIRONMENTAL	Accounts Payable Check	324.00
164522	06/05/2020	GAS COMPANY	Accounts Payable Check	314.66
164523	06/05/2020	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	9,611.60
164524	06/05/2020	HOME DEPOT CREDIT SERVICES	Accounts Payable Check	846.51
164525	06/05/2020	IRON MOUNTAIN RECORDS MGMNT	Accounts Payable Check	113.99
164526	06/05/2020	JK'S UNLIMITED, INC.	Accounts Payable Check	925.90
164527	06/05/2020	JOE A. GONSALVES & SON	Accounts Payable Check	3,000.00
164528	06/05/2020	JOEL SWITZER DIESEL REPAIR,INC	Accounts Payable Check	1,755.35
164529	06/05/2020	L.N. CURTIS & SONS	Accounts Payable Check	609.40
164530	06/05/2020	LIFE ASSIST, INC.	Accounts Payable Check	446.20
164531	06/05/2020	MADRONE LANDSCAPES, INC.	Accounts Payable Check	135.50
164532	06/05/2020	MARBORG INDUSTRIES	Accounts Payable Check	62.28
164533	06/05/2020	MICHAEL K. NUNLEY & ASSC, INC.	Accounts Payable Check	1,363.06
164534	06/05/2020	MINER'S ACE HARDWARE	Accounts Payable Check	500.53
164535	06/05/2020	MISSION UNIFORM SERVICE	Accounts Payable Check	424.92
164536	06/05/2020	MNS ENGINEERS, INC.	Accounts Payable Check	19,866.63
164537	06/05/2020	MV TRANSPORTATION, INC.	Accounts Payable Check	4,944.25
164538	06/05/2020	NEWTON CONSTRUCTION & MGMT INC	Accounts Payable Check	135,879.92
164539	06/05/2020	NOWDOCS INTERNATIONAL, INC.	Accounts Payable Check	362.04
164540	06/05/2020	OFFICE DEPOT INC.	Accounts Payable Check	696.10
164541	06/05/2020	TARA ORLICK	Accounts Payable Check	43.70
164543	06/05/2020	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	18,296.18
164544	06/05/2020	PAPE KENWORTH	Accounts Payable Check	1,797.45
164545	06/05/2020	PAPICH CONSTRUCTION CO., INC.	Accounts Payable Check	12,046.00
164546	06/05/2020	PASO ROBLES SAFE & LOCK, INC.	Accounts Payable Check	631.90
164547	06/05/2020	PINNACLE TRAFFIC ENGINEERING	Accounts Payable Check	1,450.00
164548	06/05/2020	SCOTT E. PIPAN	Accounts Payable Check	128.00
164549	06/05/2020	PROCARE JANITORIAL SUPPLY,INC.	Accounts Payable Check	164.86
164550	06/05/2020	PRP COMPANIES	Accounts Payable Check	208.86
164551	06/05/2020	QUINCY ENGINEERING, INC.	Accounts Payable Check	15,671.27
164552	06/05/2020	SHIRLEY L. RADCLIFF-BRUTON	Accounts Payable Check	92.40
164553	06/05/2020	RAINSCAPE, A LANDSCAPE SVC CO.	Accounts Payable Check	7,311.25
164554	06/05/2020	JERI RANGEL	Accounts Payable Check	300.00

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164555	06/05/2020	READYREFRESH BY NESTLE	Accounts Payable Check	69.58
164556	06/05/2020	RECOGNITION WORKS	Accounts Payable Check	525.82
164557	06/05/2020	RENTAL DEPOT	Accounts Payable Check	82.00
164558	06/05/2020	RICK ENGINEERING COMPANY	Accounts Payable Check	18,607.73
164559	06/05/2020	RACHELLE RICKARD	Accounts Payable Check	500.00
164560	06/05/2020	ROCKWELL ENGINEERING & EQUIP	Accounts Payable Check	9,762.71
164561	06/05/2020	SERVICE SYSTEMS ASSC, INC.	Accounts Payable Check	2,500.00
164562	06/05/2020	SLO CO AIR POLLUTION CTRL DIST	Accounts Payable Check	406.70
164563	06/05/2020	SLO COUNTY SHERIFF'S OFFICE	Accounts Payable Check	106.00
164564	06/05/2020	STANLEY CONVERGENT SECURITY	Accounts Payable Check	352.56
164565	06/05/2020	SUNLIGHT JANITORIAL, INC.	Accounts Payable Check	2,661.00
164566	06/05/2020	STEVE TIROTTA	Accounts Payable Check	27.61
164567	06/05/2020	THE TRIBUNE	Accounts Payable Check	1,594.78
164571	06/05/2020	U.S. BANK	Accounts Payable Check	12,071.16
164572	06/05/2020	ULTREX LEASING	Accounts Payable Check	260.76
164573	06/05/2020	THE VERDIN COMPANY	Accounts Payable Check	874.60
164574	06/05/2020	VERIZON WIRELESS	Accounts Payable Check	2,526.59
164575	06/05/2020	VERIZON WIRELESS-VSAT	Accounts Payable Check	80.00
164576	06/05/2020	WALLACE GROUP	Accounts Payable Check	45,749.69
164577	06/05/2020	WCJ PROPERTY SERVICES	Accounts Payable Check	624.00
164578	06/05/2020	WEX BANK - 76 UNIVERSL	Accounts Payable Check	7,189.19
164579	06/05/2020	WEX BANK - WEX FLEET UNIVERSAL	Accounts Payable Check	5,283.68
164580	06/05/2020	WILBUR-ELLIS COMPANY	Accounts Payable Check	5,407.45
164581	06/05/2020	WILD FIELDS BREWHOUSE	Accounts Payable Check	500.00
164582	06/05/2020	WINE COUNTRY BALANCE	Accounts Payable Check	460.00
164583	06/05/2020	ZOOM IMAGING SOLUTIONS, INC.	Accounts Payable Check	947.54
3700	06/11/2020	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	9,351.02
164584	06/11/2020	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	80.00
164585	06/11/2020	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	1,858.00
164586	06/11/2020	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,176.50
164587	06/11/2020	MASS MUTUAL WORKPLACE SOLUTION	Payroll Vendor Payment	6,941.38
164588	06/11/2020	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	316.10
164589	06/11/2020	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,392.54
164590	06/11/2020	SEIU LOCAL 620	Payroll Vendor Payment	860.36
164591	06/11/2020	VANTAGEPOINT TRNSFR AGT 106099	Payroll Vendor Payment	357.85
164592	06/11/2020	VANTAGEPOINT TRNSFR AGT 304633	Payroll Vendor Payment	4,382.54
164593	06/11/2020	VANTAGEPOINT TRNSFR AGT 706276	Payroll Vendor Payment	296.00
3701	06/12/2020	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	209.54

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3702	06/12/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	22,826.83
3703	06/12/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	35,206.15
3704	06/12/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	1,702.50
3705	06/12/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	1,346.12
3706	06/12/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,958.86
3707	06/12/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	5,065.55
3708	06/12/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	8,200.29
3709	06/12/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	12,083.02
3710	06/16/2020	RABOBANK, N.A.	Payroll Vendor Payment	56,284.16
3711	06/16/2020	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	17,166.52
3712	06/16/2020	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,460.05
164594	06/19/2020	AGP VIDEO, INC.	Accounts Payable Check	2,860.00
164595	06/19/2020	AIRGAS USA, LLC	Accounts Payable Check	665.12
164596	06/19/2020	ALL SIGNS AND GRAPHICS	Accounts Payable Check	969.75
164597	06/19/2020	AMERICAN WEST TIRE & AUTO INC	Accounts Payable Check	6,526.63
164598	06/19/2020	APPLIED CONCEPTS, INC.	Accounts Payable Check	878.54
164599	06/19/2020	KELLY AREBALO	Accounts Payable Check	775.27
164601	06/19/2020	AT&T	Accounts Payable Check	922.70
164602	06/19/2020	AT&T	Accounts Payable Check	33.38
164603	06/19/2020	ATASCADERO HAY & FEED	Accounts Payable Check	28.73
164604	06/19/2020	ATASCADERO UNIFIED SCHOOL DIST	Accounts Payable Check	2,750.00
164605	06/19/2020	VICKI AYALA	Accounts Payable Check	52.00
164606	06/19/2020	BASSETT'S CRICKET RANCH, INC.	Accounts Payable Check	1,046.51
164607	06/19/2020	BERRY MAN, INC.	Accounts Payable Check	1,152.33
164608	06/19/2020	BREZDEN PEST CONTROL, INC.	Accounts Payable Check	164.00
164609	06/19/2020	BURKE, WILLIAMS, & SORENSON LLP	Accounts Payable Check	20,000.00
164610	06/19/2020	BURT INDUSTRIAL SUPPLY	Accounts Payable Check	329.21
164611	06/19/2020	BUSINESS ORIENTED SOFTWARE SOL	Accounts Payable Check	4,168.80
164612	06/19/2020	C3 CONSTRUCTION & DEVELOPMENT	Accounts Payable Check	3,321.64
164613	06/19/2020	CAL-COAST REFRIGERATION, INC	Accounts Payable Check	477.86
164614	06/19/2020	CANNON	Accounts Payable Check	865.60
164615	06/19/2020	LISA CAVA	Accounts Payable Check	700.10
164616	06/19/2020	CHARTER COMMUNICATIONS	Accounts Payable Check	1,474.32
164617	06/19/2020	BRIAN CISNEROS	Accounts Payable Check	52.00
164618	06/19/2020	CITY OF ATASCADERO	Accounts Payable Check	277.00
164619	06/19/2020	JULIANNA CLARK	Accounts Payable Check	71.00
164620	06/19/2020	COASTAL REPROGRAPHIC SERVICES	Accounts Payable Check	66.16
164621	06/19/2020	CARINA CORRAL	Accounts Payable Check	52.00

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Check Number	Check Date	Vendor	Description	Amount
164622	06/19/2020	CREWSENSE, LLC	Accounts Payable Check	193.35
164623	06/19/2020	DEPARTMENT OF JUSTICE	Accounts Payable Check	245.00
164624	06/19/2020	FENCE FACTORY ATASCADERO	Accounts Payable Check	500.00
164625	06/19/2020	FERGUSON ENTERPRISES, LLC	Accounts Payable Check	330.21
164626	06/19/2020	FGL ENVIRONMENTAL	Accounts Payable Check	81.00
164627	06/19/2020	ASHLEY FRIEND	Accounts Payable Check	14.99
164628	06/19/2020	ASHLEY FRY	Accounts Payable Check	52.00
164629	06/19/2020	GAS COMPANY	Accounts Payable Check	347.44
164630	06/19/2020	HAMNER, JEWELL & ASSOCIATES	Accounts Payable Check	1,451.65
164631	06/19/2020	HANSEN BRO'S CUSTOM FARMING	Accounts Payable Check	14,198.95
164632	06/19/2020	HART IMPRESSIONS PRINTING	Accounts Payable Check	90.34
164633	06/19/2020	HEALTHY FIREFIGHTERS USA, INC.	Accounts Payable Check	5,120.00
164634	06/19/2020	HINDERLITER, DE LLAMAS	Accounts Payable Check	2,872.82
164635	06/19/2020	INGLIS PET HOTEL	Accounts Payable Check	289.92
164636	06/19/2020	INTERNATIONAL CONF OF POLICE	Accounts Payable Check	125.00
164637	06/19/2020	DAREN KENNETT	Accounts Payable Check	43.77
164638	06/19/2020	KNECHT'S PLUMBING & HEATING	Accounts Payable Check	5,922.60
164639	06/19/2020	KPRL 1230 AM	Accounts Payable Check	320.00
164640	06/19/2020	LEE WILSON ELECTRIC CO. INC	Accounts Payable Check	1,870.32
164641	06/19/2020	LIFE ASSIST, INC.	Accounts Payable Check	150.49
164642	06/19/2020	MARBORG INDUSTRIES	Accounts Payable Check	62.28
164643	06/19/2020	ROBERT MCCLAIN	Accounts Payable Check	71.00
164644	06/19/2020	MICHAEL K. NUNLEY & ASSC, INC.	Accounts Payable Check	184.89
164645	06/19/2020	MID-COAST MOWER & SAW, INC.	Accounts Payable Check	71.57
164646	06/19/2020	MIG	Accounts Payable Check	8,958.75
164647	06/19/2020	MINER'S ACE HARDWARE	Accounts Payable Check	360.18
164648	06/19/2020	MISSION UNIFORM SERVICE	Accounts Payable Check	212.96
164649	06/19/2020	MWI ANIMAL HEALTH	Accounts Payable Check	58.12
164650	06/19/2020	NORTH COAST ENGINEERING INC.	Accounts Payable Check	3,662.75
164651	06/19/2020	OFFICE DEPOT INC.	Accounts Payable Check	67.57
164652	06/19/2020	O'REILLY AUTOMOTIVE, INC.	Accounts Payable Check	23.67
164653	06/19/2020	PACIFIC GAS AND ELECTRIC	Accounts Payable Check	36,372.00
164654	06/19/2020	PEAKWIFI, LLC	Accounts Payable Check	650.00
164655	06/19/2020	AMY PERRY	Accounts Payable Check	71.00
164656	06/19/2020	PERRY'S ELECTRIC MOTORS & CTRL	Accounts Payable Check	3,023.14
164657	06/19/2020	KIRKLEY PETERSON	Accounts Payable Check	210.00
164658	06/19/2020	PROCARE JANITORIAL SUPPLY, INC.	Accounts Payable Check	725.90
164659	06/19/2020	KRISTINA PROZESKY	Accounts Payable Check	52.00

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Check Number	Check Date	Vendor	Description	Amount
164660	06/19/2020	PRP COMPANIES	Accounts Payable Check	358.13
164661	06/19/2020	SHIRLEY L. RADCLIFF-BRUTON	Accounts Payable Check	88.20
164662	06/19/2020	RAVATT,ALBRECHT, & ASSC.,INC.	Accounts Payable Check	440.00
164663	06/19/2020	READYREFRESH BY NESTLE	Accounts Payable Check	383.78
164664	06/19/2020	REVENUE & COST SPECIALISTS LLC	Accounts Payable Check	9,330.41
164665	06/19/2020	AMANDA RINEHART	Accounts Payable Check	57.00
164666	06/19/2020	S6 MARTIAL ARTS	Accounts Payable Check	30.00
164667	06/19/2020	MAYRA RIZO SALIGAN	Accounts Payable Check	1,470.50
164668	06/19/2020	SAN LUIS POWERHOUSE, INC.	Accounts Payable Check	852.48
164669	06/19/2020	SERVICE SYSTEMS ASSC, INC.	Accounts Payable Check	5,000.00
164670	06/19/2020	SLO COUNTY IWMA	Accounts Payable Check	15,808.00
164671	06/19/2020	SO. CALIF. GAS CO.	Accounts Payable Check	8,944.76
164672	06/19/2020	SOUZA CONSTRUCTION, INC.	Accounts Payable Check	274,740.94
164673	06/19/2020	SPEAKWRITE, LLC.	Accounts Payable Check	693.88
164674	06/19/2020	STANLEY CONVERGENT SECURITY	Accounts Payable Check	212.00
164675	06/19/2020	STERICYCLE, INC.	Accounts Payable Check	60.20
164676	06/19/2020	TEMPLETON UNIFORMS, LLC	Accounts Payable Check	43.44
164677	06/19/2020	TERRA VERDE ENVIRONMENTAL CONS	Accounts Payable Check	272.82
164678	06/19/2020	THOMSON REUTERS - WEST	Accounts Payable Check	170.00
164679	06/19/2020	THRIVE TRAINING CENTER	Accounts Payable Check	36.50
164680	06/19/2020	TRACE ANALYTICS, LLC	Accounts Payable Check	375.25
164681	06/19/2020	ULTREX BUSINESS PRODUCTS	Accounts Payable Check	20.68
164682	06/19/2020	NICOLE VAZQUEZ	Accounts Payable Check	26.00
164683	06/19/2020	VERDIN	Accounts Payable Check	5,651.24
164684	06/19/2020	VERIZON WIRELESS	Accounts Payable Check	551.85
164685	06/19/2020	WEST COAST AUTO & TOWING, INC.	Accounts Payable Check	76.40
164686	06/19/2020	WHITLOCK & WEINBERGER TRANS.	Accounts Payable Check	2,243.75
164687	06/19/2020	WHIT'S TURN TREE CARE	Accounts Payable Check	2,025.00
3713	06/25/2020	ANTHEM BLUE CROSS HSA	Payroll Vendor Payment	8,406.61
164688	06/25/2020	ATASCADERO MID MGRS ORG UNION	Payroll Vendor Payment	80.00
164689	06/25/2020	ATASCADERO POLICE OFFICERS	Payroll Vendor Payment	1,858.00
164690	06/25/2020	ATASCADERO PROF. FIREFIGHTERS	Payroll Vendor Payment	1,176.50
164691	06/25/2020	MASS MUTUAL WORKPLACE SOLUTION	Payroll Vendor Payment	6,953.89
164692	06/25/2020	NATIONWIDE RETIREMENT SOLUTION	Payroll Vendor Payment	602.67
164693	06/25/2020	NAVIA BENEFIT SOLUTIONS	Payroll Vendor Payment	1,392.54
164694	06/25/2020	SEIU LOCAL 620	Payroll Vendor Payment	860.36
164695	06/25/2020	VANTAGEPOINT TRNSFR AGT 106099	Payroll Vendor Payment	357.85
164696	06/25/2020	VANTAGEPOINT TRNSFR AGT 304633	Payroll Vendor Payment	4,398.38

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164697	06/25/2020	VANTAGEPOINT TRNSFR AGT 706276	Payroll Vendor Payment	296.00
3714	06/26/2020	STATE DISBURSEMENT UNIT	Payroll Vendor Payment	209.54
3715	06/26/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	22,923.26
3716	06/26/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	34,369.89
3717	06/26/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	1,688.93
3718	06/26/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	1,346.12
3719	06/26/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	2,958.86
3720	06/26/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	5,385.33
3721	06/26/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	7,830.85
3722	06/26/2020	CALIF PUBLIC EMPLOYEES RETIREMENT SYSTEM	Payroll Vendor Payment	11,949.15
3723	06/30/2020	RABOBANK, N.A.	Payroll Vendor Payment	54,686.15
3724	06/30/2020	EMPLOYMENT DEV DEPARTMENT	Payroll Vendor Payment	16,528.20
3725	06/30/2020	EMPLOYMENT DEV. DEPARTMENT	Payroll Vendor Payment	2,410.71
164698	06/30/2020	ANTHEM BLUE CROSS HEALTH	Payroll Vendor Payment	186,202.91
164699	06/30/2020	LINCOLN NATIONAL LIFE INS CO	Payroll Vendor Payment	1,691.71
164700	06/30/2020	MEDICAL EYE SERVICES	Payroll Vendor Payment	1,766.85
164701	06/30/2020	PREFERRED BENEFITS INSURANCE	Payroll Vendor Payment	8,786.00
				<u>\$ 1,749,981.07</u>



# ***Atascadero City Council***

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

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### **Temporary Fee Reduction for the Review of Outdoor Food and Beverage Installations**

#### **RECOMMENDATION:**

Council adopt Draft Resolution ratifying the City Manager's temporary reduction (one year) of application and review fees for the City review of a permit to allow for outdoor food and beverage service on public or private property associated with bars and restaurants.

#### **DISCUSSION:**

##### Background

Due to the COVID pandemic, the County issued a Shelter at Home Order on March 18, 2020. The resulting shut-down had a devastating effect on many of the small businesses in Atascadero including restaurants, bars, and tasting rooms. While the all levels of government have tried to provide some measure of relief, our businesses are struggling to make things work.

The County of San Luis Obispo has entered stage 2 of the stay at home order, allowing bars and restaurants to open when they operate in accordance with the County Health guidelines. These guidelines include the need to provide physical distance between patrons dining at restaurants and bars. These new distance requirements have strained the ability of local businesses to remain fiscally sustainable. Therefore, many businesses have begun seeking options to expand the scope of their dining area. In some cases, this results in the need to expand dining into private parking areas, or within public right of way areas such as sidewalks.

In order to comply with State of California and County of San Luis Obispo safe reopening requirements and in order to help ensure the safety of their dining patrons, the City is encouraging businesses to follow safety protocols and seek options to expand dining areas. Council asked that staff look for ways to eliminate barriers and facilitate expanded dining areas. Staff examined the development standards, fees and constraints to help streamline the approval for these outdoor dining areas. As a result, the Emergency Services Director has implemented temporary measures that include waiving parking requirements and implementing fee reductions for the installation of temporary dining areas to allow for business to meet social distancing requirements. These temporary measures are intended to provide economic relief to Atascadero's dining businesses.

The following chart outlines the original fee and the implemented temporary fee reduction.

Outdoor Dining Permit under COVID-19			
Level	Description	Original Fee	Proposed Reduced Fee
Level 1	Temporary encroachment permit for day use only	\$ 133	\$ 50
Level 2	Temporary encroachment permit on private property	\$ 210	\$ 50
Level 3	Temporary encroachment permit in City Right-of-Way, no construction	\$ 343	\$ 50
Level 4	Temporary encroachment permit in City Right-of-Way, with construction	\$ 646	\$ 100

*A temporary encroachment permit for day use only* includes areas where the business puts chairs and tables out during daytime hours, and removes them during the overnight hours.

*A temporary encroachment permit on private property* includes areas where the business puts chairs and tables on private property during the day and overnight.

*A temporary encroachment permit in City Right-of-Way, "no construction"* includes areas where the business puts chairs and tables in the City's right-of-way during the day and overnight. This would not include areas where any semi-permanent railings or construction in the public right of way occurs.

*A temporary encroachment permit in City Right-of-Way, with construction* includes areas where the business puts chairs and tables in the City's right-of-way and includes construction of some kind and includes construction of some kind, including ABC barriers or delineation.

As restaurants, bars and tasting rooms expand into parking areas, there is the potential that the businesses will no longer have the requisite number of parking spaces per code. The order signed by the Director of Emergency Services, also granted the Community Development Director to temporarily reduce or waive parking requirements in order to provide outdoor food and beverage service.

These measures are proposed to expire on July 1, 2021 unless an extension is granted by the City Manager, acting as the Director of Emergency Services.

## FISCAL IMPACT:

The adoption of this temporary fee relief program would result in minor fiscal impacts to the City. Staff time expended on this development activity will not be recouped in full, however there is a potential offsetting revenue increases from expanded taxable sales in the outdoor dining installations.



**ALTERNATIVES:**

Recommend the City Manager rescind the current order temporarily reducing fees for outdoor food and beverage facilities.

**ATTACHMENT:**

Draft Resolution affirming temporary fee reduction for the review of outdoor food and beverage installations.

**DRAFT RESOLUTION**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, RATIFYING THE CITY MANAGER'S,  
ACTING IN HER CAPACITY AS THE CITY'S DIRECTOR OF  
EMERGENCY SERVICES, ENACTMENT OF TEMPORARY PERMIT  
FEE REDUCTIONS AND FLEXIBLE PARKING REQUIREMENTS FOR  
RESTAURANTS AND BARS IMPLEMENTING OUTSIDE FOOD AND  
BEVERAGE SERVICE IN ORDER TO COMPLY WITH COVID-19  
SAFE REOPENING REQUIREMENTS**

**WHEREAS**, in December 2019, an outbreak of respiratory illness due to a novel coronavirus (a disease now known as COVID-19) was first identified in Wuhan City, Hubei Province, China, which has since become a worldwide pandemic, impacting more than 100 countries, including the United States; and

**WHEREAS**, the federal Centers for Disease Control and Prevention activated its Emergency Response System to provide ongoing support for the response to COVID-19 across the country; the California Department of Public Health activated its Medical and Health Coordination Center, and the Office of Emergency Services activated the State Operations Center to provide support and guide actions to preserve public health; and

**WHEREAS**, the Governor of the State of California proclaimed a State of Emergency for the State of California and issued Executive Orders directing measures to mitigate the spread of cases of COVID-19 within the State of California; the San Luis Obispo County Emergency Services Director proclaimed a local emergency; and the San Luis Obispo County Public Health Director declared a public health emergency related to the spread of cases of COVID-19 within the State of California; and

**WHEREAS**, on March 17, 2020 the City Council of the City of Atascadero proclaimed a local emergency, finding that the actual existence of conditions of extreme peril to the safety of persons and property had arisen within the City, caused by the effects of COVID-19; and

**WHEREAS**, the COVID-19 pandemic continues to present an imminent threat to public health worldwide and in the U.S., and

**WHEREAS**, the pandemic and necessary federal, state, and local public health orders requiring social distancing to prevent spread of COVID-19 have had and will continue to have devastating economic impacts on the local community, including residents, businesses, employees and City operations; and

**WHEREAS**, in order to comply with State of California and County of San Luis Obispo safe reopening requirements and in order to help ensure the safety of their dining patrons, a number of local restaurants hope and plan to implement exterior dining options to allow for maximum seating and dining capacity while maintaining safe-distancing between patrons; and

**WHEREAS**, due to the severe economic impacts of COVID-19 and its economic impacts on the community and the City, it is necessary to implement temporary measures that include waiving parking requirements for implementation of the Temporary Use Permit program to support social distancing requirements, related to rapidly transitional business re-opening status, and economic viability of businesses in adhering to opening and social distancing requirements; and

**WHEREAS**, these temporary measures are intended to provide economic relief to Atascadero's dining businesses that are experiencing economic uncertainty while complying with State and County Orders; and

**WHEREAS**, these programs are established for the purpose of supporting and facilitating the recovery of business and economic activity in the City by expanding the spaces available, for the safe conduct of activities for businesses and their patrons, to create more physical distance for pedestrians and business patrons to maintain physical distancing; and nothing herein is intended to nor shall be deemed to create open gathering places or public forums unrelated to the intended business support and recovery purpose; and

**WHEREAS**, time is of the essence to quickly implement a program to allow for safe physical distancing consistent with State and County Guidelines in order to address both public health and economic impacts of COVID-19, and shall be subject to administrative modification by the City, as may be necessary in response to emerging issues or concerns of public, health, safety or convenience; and

**WHEREAS**, the City Manager, acting in the capacity of the Director of Emergency Services, in order to support the immediate and safe reopening of restaurants and other businesses in accordance with State and County guidelines related to the COVID-19 pandemic, did sign an order on July 1, 2020 to temporarily reduce permit fees and temporarily reduce parking requirements for bars and restaurants implementing outdoor food and beverage services.

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

**SECTION 1.** An immediate and temporary reduction of Temporary Encroachment Permits for the purpose of the implementation of restaurant exterior dining space availability; and directs and authorizes the Public Works Director and Community Development Director to implement streamlined and lower cost Temporary Use Permit (TUP) program in the four Levels as detailed herein, for establishment of temporary outdoor sales and dining areas in the City of Atascadero.

Outdoor Dining Permit under COVID-19			
Level	Description	Original Fee	Proposed Reduced Fee
Level 1	Temporary encroachment permit for day use only	\$ 133	\$ 50
Level 2	Temporary encroachment permit on private property	\$ 210	\$ 100
Level 3	Temporary encroachment permit in City Right-of-Way, no construction	\$ 343	\$ 150
Level 4	Temporary encroachment permit in City Right-of-Way, with construction	\$ 646	\$ 300

*Temporary encroachment permit for day use only* includes areas where the business puts chairs and tables out during daytime hours, and removes them during the overnight hours.

*Temporary encroachment permit on private property* includes areas where the business puts chairs and tables on private property during the day and overnight.

*Temporary encroachment permit in City Right-of-Way, “no construction”* includes areas where the business puts chairs and tables in the City’s right-of-way during the day and overnight. This would not include areas where any railings or construction or ABC delineation occurs.

*Temporary encroachment permit in City Right-of-Way, with construction* includes areas where the business puts chairs and tables in the City’s right-of-way and includes construction of some kind, including ABC barriers or delineation.

This temporary TUP program will be administered consistent with existing TUP Code enforcement for failure to obtain any permits that would otherwise be required under state law, City of Atascadero Municipal Code, or building and safety codes.

Nothing herein is intended to, or shall, allow the erection or placement of any permanent or temporary structure or improvement, on public or private property in violation of any state or federal accessibility law, including American With Disabilities Act, or prohibit or suspend code enforcement action deemed necessary by the Community Development Director, the Public Works Director or any authorized enforcement official of the City, to remedy or abate any dangerous condition or activity; any activity presenting an imminent threat of harm to the health, safety or welfare of the community; any violation of state or federal accessibility law; or, any unauthorized activity on private property or in the public right of way.

This temporary fee reduction will be subsidized; and will be valid for 12 months after issuance.

**SECTION 2.** At the discretion of the Community Development Director, parking requirements may be temporarily reduced in order to accommodate the installation of temporary outdoor food and beverage service within parking areas. The temporary reduction of parking requirements shall be valid only through July 1, 2021.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_\_th day of \_\_\_\_, 2020.

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

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Heather Moreno, Mayor

ATTEST:

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Lara K. Christensen, City Clerk

APPROVED AS TO FORM:

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Brian A. Pierik, City Attorney



# **Atascadero City Council**

## **Staff Report - City Manager**

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### **Sales Tax Ballot Measure**

*(The City Council must adopt resolutions to submit a ballot measure to the voters.)*

### **RECOMMENDATIONS:**

Council:

1. Introduce, on first reading by title only, Draft Ordinance amending Title 3 of the Atascadero Municipal Code to add a Chapter 18 "Essential Services Transactions and Use Tax" to be administered by the California Department of Tax and Administration, subject to adoption by the electorate.
2. Adopt the following Resolutions to submit to the voters a question relating to increased sales tax:
  - A. Draft Resolution A, approving ballot measure text relating to increased sales tax to be submitted to the qualified electors of the City at the General Municipal Election to be held on November 3, 2020, as called by Resolution No. 2020-051.
  - B. Draft Resolution B, setting priorities for filing written arguments regarding the City measure and directing the City Attorney to prepare an impartial analysis.
  - C. Draft Resolution C, providing for the filing of rebuttal arguments for City measures submitted at Municipal Elections.
3. Authorize the Director of Administrative Services to appropriate \$12,200 of General Fund Reserve monies to the City Clerk budget.

### **DISCUSSION:**

The City of Atascadero is fiscally challenged. The City has approximately half the national average of police officers per capita for a City its size, is amongst the lowest paying City employer in the County for most positions (and as such has difficulties retaining employees), and has deteriorating infrastructure including fire stations, parks, roads, sidewalks, zoo facilities, and other buildings. While the City does a lot with the

small amount of revenue that it receives, the revenues have not kept pace with the increasing costs of providing police, fire, parks, recreation, and other services.

The City seeks to maintain essential services and is coming to a crossroads where it cannot sustain the services it provides with the projected available resources. Atascadero receives the lowest revenue per capita in Sales Tax, in Property Tax and in General Fund revenues among all San Luis Obispo County cities and money from a local, voter-approved funding measure is needed at the local level to address the community's local needs. At the May 26, 2020 City Council Meeting, the Council directed staff to prepare the necessary legislation for City Council consideration at the July 14, 2020 meeting to place a one cent local sales tax override measure on the November 2020 ballot. The Council cannot vote on whether the sales tax should be increased; but rather whether the voters should be given the opportunity to decide if an additional sales tax is the right thing for the community.

#### Sales Tax Measure Process

The City Council does not have the authority to establish or raise taxes, only to put a measure on the ballot for voter approval. In order to place a tax measure on the November 3, 2020 ballot, the City Council must approve the submission of the measure to the voters (Draft Resolution A) by a 2/3 vote of the City Council (at least 4 members). Note that Draft Resolution A also includes the specific language of the question that will be presented to the voters as required by the Elections Code as follows:

*To provide funding for fire protection, paramedics, and 911 emergency response, police, crime prevention and investigations, maintenance of parks, public facilities and infrastructure, graffiti removal, and recreation, community services, and other general city services in the City of Atascadero, shall an ordinance establishing a one-percent sales tax be adopted, providing approximately 4.5 million dollars annually for city services until ended by voters, with annual independent audits and all money locally controlled?*

If passed by the Council and the electorate, the tax would be effective no sooner than the first day of the first calendar quarter, commencing more than 110 days after the adoption of the ordinance by the voters. Therefore, the tax would be effective no sooner than April 1, 2021.

Proposition 218, requires that all City tax election measures be placed on the same election when City Council Members are selected. The next Council election is scheduled for November 3, 2020. Subsequent Council elections are held every two years. As noted at the May 26, 2020 Council Meeting, the Council will need to adopt the attached resolutions and introduce the Draft Ordinance at this meeting, in order to allow sufficient time for the placement of the measure on the November ballot.

Revenue and Taxation Code requires that the Council introduce and adopt an ordinance to establish the tax ballot measure, subject to approval by two-thirds of the City Council, and approval by voters at the November 3, 2020 General Municipal Election. The attached ordinance would then become the full text of the sales tax measure. If introduced at this meeting, the ordinance would be brought back before the

Council on August 11, 2020 for second reading and adoption and will be submitted to Atascadero voters on the November 3, 2020 ballot. Following approval and introduction of the Draft Ordinance, Council must take additional actions regarding the mechanics of placing the tax measure on the ballot.

The City Council previously adopted Resolution Nos. 2020-051 and 2020-052 to initiate the election process and combine the City's election with the County. If the Council wishes to put the tax measure before the voters, specific language needs to be included in the Election Resolutions to clarify for the San Luis Obispo County Clerk-Recorder the requested wording for the November 3, 2020 ballots (Draft Resolution A).

A resolution setting the priorities for the filing of written arguments and directing the City Attorney to prepare an impartial analysis will need to be adopted (Draft Resolution B). The impartial analysis shall not exceed 500 words. In Resolution B, the City Council also authorizes Council Members to write arguments in favor of the measure. Council Members are not required to write an argument in favor of the Measure, however Draft Resolution B gives them the option. Registered voters, bona fide association of citizens, or a combination of voters and associations may also file written arguments in favor or opposition of the ballot measure with the City Clerk.

Arguments shall not exceed 300 words and must be signed by the author(s). The City Clerk has fixed July 24, 2020 as the last day for submitting arguments for and against the ballot measure, and the impartial analysis by the City Attorney. This will allow ample time for the 10-calendar-day public examination period, translation, typesetting, printing and submission to the County. A notice of this deadline will be posted in the kiosk in front of City Hall. If two or more arguments are submitted in favor of or against the measure, the California Elections Code sets up priorities the City Clerk must follow to select one of each for printing and distribution to the voters. In selecting the argument, the City Clerk shall give preference and priority to the City Council or members of the City Council who have been authorized by resolution of the City Council to submit an argument, either jointly or individually.

Additionally, the adoption of a resolution providing for the filing of rebuttal arguments for the ballot measure is required (Draft Resolution C). The rebuttal arguments shall not exceed 250 words. The deadline for the filing of rebuttal arguments is August 3, 2020, 10 days after the deadline for the filing of the arguments in favor or opposed.

### Conclusion

The voters are the only ones who may approve an additional sales tax. The Council may place an item on the ballot for voter consideration, but the Council cannot impose an additional sales tax. In order to move forward with a sales tax measure, the Council must introduce and ultimately adopt an ordinance detailing the specifics of an increased sales tax as well as adopt resolutions to submit the proposed sales tax measure to the voters in order for the County Clerk to place the measure on the November ballot.



## **FISCAL IMPACT:**

The cost to the City is determined by the number of registered voters on Election Day, and the number of Candidate Statements included in the Voter Pamphlet. The County's estimate for the 2020 election of officials in Atascadero is \$40,700. The City Clerk's estimate for the addition of the ballot measure is approximately \$12,000. Therefore, the total estimate for the 2020 election, including the ballot measure, is \$52,700 in General Funds.

## **ATTACHMENTS:**

1. Draft Ordinance
2. Draft Resolution A
3. Draft Resolution B
4. Draft Resolution C

## **DRAFT ORDINANCE**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 3 OF THE ATASCADERO MUNICIPAL CODE TO ADD A NEW CHAPTER 18 “ESSENTIAL SERVICES TRANSACTIONS AND USE TAX” TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND ADMINISTRATION, SUBJECT TO ADOPTION BY THE ELECTORATE**

**WHEREAS**, pursuant to California Revenue & Taxation Code Sections 7251 *et seq.* and 7285.9, the City of Atascadero (“City”) is authorized to levy a Transactions and Use Tax for general purposes, subject to voter approval and

**WHEREAS**, the City proposes to levy a Transactions and Use Tax for general purposes to fund maintain and enhance important City services, with the rate set at one cent; and

**WHEREAS**, the City is fiscally challenged and while it does well with the funding that it has, general fund revenue growth has not kept pace with the increasing costs of providing services to a growing population; and

**WHEREAS**, the City seeks to maintain essential services and is coming to a crossroads where it cannot sustain the services it provides with the projected available resources; and

**WHEREAS**, the City, has approximately half the national average of police officers per capita for a City its size, is amongst the lowest paying City employer in the County for most positions, and has deteriorating infrastructure including fire stations, parks, roads, sidewalks, zoo facilities and other buildings; and

**WHEREAS**, Atascadero receives the lowest revenue per capita in Sales Tax, in Property Tax and in General Fund revenues among all San Luis Obispo County cities and money from a local, voter-approved funding measure is needed at the local level to address the community’s local needs; and

**WHEREAS**, the proceeds from such transactions and use tax could not be taken by the State and would remain local, to be spent in the City of Atascadero for services such as police, fire, paramedic, parks, recreation, public facilities. infrastructure and other services; and

**WHEREAS**, all City revenues are subject to annual independent audits with public review of the City’s budget being widely available, including at City Hall, and online; and

**WHEREAS**, under applicable law, to enact a transactions and use tax, the City Council of the City of Atascadero must approve the Essential Services Transactions and Use Tax Ordinance and the voters of the City of Atascadero must also adopt it upon majority vote at an election.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Title and Text.** This Ordinance shall be known as the Essential Services Transactions and Use Tax Ordinance, the full text of which is set forth in Attachment “A,” attached hereto and incorporated herein by reference.

**SECTION 2. Approval by City Council.** Pursuant to California Revenue Taxation Code Section 7285.9, this Ordinance was duly introduced on July 14, 2020 and approved upon second reading for placement on the ballot by a two-thirds (2/3) supermajority of all members of the City Council on \_\_\_\_\_, 2020.

**SECTION 3. Approval by the Voters.** Pursuant to California Elections Code Section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Atascadero voting at the Regular Election on November 3, 2020, and shall be deemed adopted and take effect ten (10) days after the City Council has certified the results of that election by resolution.

**SECTION 4. Operative Date.** “Operative Date” for the Essential Services Transactions and Use Tax means the first day of the first calendar quarter commencing more than one hundred ten (110) days after the effective date of this Ordinance, as set forth in Section 3, above.

**SECTION 5. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 6. Summary.** The title and a summary of the Ordinance, along with the names of the City Council members voting for and against the Ordinance, shall be published twice in a newspaper of general circulation in the City of Atascadero.

**SECTION 7. Publication.** The City Clerk shall certify to the adoption of this Ordinance no later than fifteen (15) days following the passage of this Ordinance, and shall cause this Ordinance to be published by title and summary.

**PASSED AND ADOPTED** by the City Council of the City of Atascadero, California, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, by a vote of at least two-thirds of the City Council.

CITY OF ATASCADERO

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

ATTEST:

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

APPROVED AS TO FORM:

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

## ATTACHMENT A

### CHAPTER 3-18 ESSENTIAL SERVICES TRANSACTIONS AND USE TAX

#### Sections:

- 3-18.010 Title.
- 3-18.020 Operative Date.
- 3-18.030 Purpose.
- 3-18.040 Contract with State.
- 3-18.050 Transaction Tax Rate.
- 3-18.060 Place of Sale.
- 3-18.070 Use Tax Rate.
- 3-18.080 Adoption of Provisions of State Law.
- 3-18.090 Limitations on Adoption of State Law and Collection of Use Taxes.
- 3-18.100 Permit Not Required.
- 3-18.110 Exemptions and Exclusions.
- 3-18.120 Amendments.
- 3-18.130 Enjoining Collection Forbidden.
- 3-18.140 Severability.
- 3-18.150 Effective Date.
- 3-18.140 Termination and Repeal.
- 3-18.170 Independent Annual Financial Audit.

#### **3-18.010 Title.**

This chapter is designated and shall be known as the Atascadero Essential Services Transactions and Use Tax Ordinance. The city of Atascadero hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

#### **3-18.020 Operative Date.**

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter, the date of such adoption being as set forth below.

#### **3-18.030 Purpose.**

This chapter is intended to achieve the following, among other purposes, and shall be interpreted liberally in order to accomplish all of its lawful purposes:

A. To impose a retail transactions and use tax to be applied throughout the entire territory of the City to the fullest extent permitted by law and in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

E. To provide transaction and use tax revenue for unrestricted general revenue purposes, and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's general fund and be available for any legal municipal purposes.

**3-18.040 Contract with State.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this chapter; provided that, if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**3-18.050 Transaction tax rate.**

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated territory of the City at the rate of 1% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date.

**3-18.060 Place of sale.**

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

**3-18.070 Use tax rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in the territory of the City at the rate of 1% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

**3-18.080 Adoption of provision of State law.**

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

**3-18.090 Limitations on adoption of State law and collection of use taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the City of Atascadero shall be substituted. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter;

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from the taxes of this chapter with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

**3-18.100 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

**3-18.110 Exemptions and exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity

issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3-18.120 Amendments.**

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. The City Council may amend this chapter to comply with applicable law or as may be otherwise necessary in order to further the chapter's stated purposes.

However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Atascadero affirm that the following actions shall not constitute an increase of the rate of a tax:



A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

**3-18.130 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**3-18.140 Severability.**

If any provision of this chapter or its application to any person or circumstance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall not effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**3-18.150 Effective date.**

This chapter relates to the levying and collecting of the City transactions and use taxes and shall take effect 10 days after the election results are declared by the City Council (CA Elections Code §9217). The operative date (Section 2) will be the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, which will be April 1, 2021.

**3-18.160 Termination and repeal.**

The authority to levy a retail transaction and use tax shall be in effect until and unless repealed by the voters of the City in the manner provided by law.

**3-18.170 Independent annual financial audit.**

The revenue and expenditures of this new transactions and use tax shall be included in the annual audit of the City's financial operations by an independent certified public accountant.

**DRAFT RESOLUTION A**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, APPROVING SUBMISSION OF DRAFT  
ORDINANCE AMENDING TITLE 3 OF THE ATASCADERO  
MUNICIPAL CODE TO ADD CHAPTER 18 “ESSENTIAL SERVICES  
TRANSACTIONS AND USE TAX” AND BALLOT MEASURE TEXT  
RELATING TO INCREASED SALES TAX TO THE QUALIFIED  
ELECTORS OF THE CITY AT THE GENERAL MUNICIPAL ELECTION  
TO BE HELD ON TUESDAY, NOVEMBER 3, 2020,  
AS CALLED BY RESOLUTION NO. 2020-051**

**WHEREAS**, under the provisions of the laws relating to general law cities in the State of California, the City Council did previously call a General Municipal Election to be held on November 3, 2020, for the election of Municipal Officers in Resolution No. 2020-051; and

**WHEREAS**, the City Council proposes to increase the sales tax rate in the City to fund, enhance, and maintain important City services, with the rate set at one cent; and

**WHEREAS**, pursuant to California Revenue & Taxation Code Sections 7251 *et seq.* and 7285.9, the City of Atascadero (“City”) is authorized to levy a Transactions and Use Tax (sales tax) for general purposes, subject to voter approval; and

**WHEREAS**, the City Council desires to levy a Transaction and Use Tax for general purposes, to be known as the “Essential Services Transactions and Use Tax”; and

**WHEREAS**, the Essential Services Transactions and Use Tax cannot be imposed without voter approval; and

**WHEREAS**, the City Council desires to submit the Essential Services Transactions and Use Tax measure to the voters of the City at the General Municipal Election to be held on Tuesday, November 3, 2020, and to be consolidated with any other election to be held on that date.

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

**SECTION 1.** The City Council hereby finds and determines that the foregoing recitals are true and correct.

**SECTION 2.** The City Council hereby proposes the Essential Services Transaction and Use Tax more completely described in the Ordinance attached hereto as Attachment “A” and incorporated herein by reference.

**SECTION 3.** That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of Atascadero,

California on Tuesday, November 3, 2020, a General Municipal Election for the purpose of submitting to the voters a question relating to increased sales tax.

**SECTION 4.** As set forth in Resolution Nos. 2020-051 and 2020-052, adopted on June 23, 2020, the City Council of the City of Atascadero has ordered an election to be called and consolidated with any and all elections also called to be held on November 3, 2020 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the City of Atascadero, and has requested that the Board of Supervisors of the County of San Luis Obispo order such consolidation under Elections Code Sections 10401 and 10403.

**SECTION 5.** That the City Council, pursuant to its right and authority, does order submitted to the voters at the General Municipal Election the following question:

<u><b>BALLOT MEASURE #</b></u>	Yes
To provide funding for fire protection, paramedics, and 911 emergency response, police, crime prevention and investigations, maintenance of parks, public facilities and infrastructure, graffiti removal, and recreation, community services, and other general city services in the City of Atascadero, shall an ordinance establishing a one-cent sales tax be adopted, providing approximately 4.5 million dollars annually for city services until ended by voters, with annual independent audits and all money locally controlled?	No

**SECTION 6.** That the proposed complete text of the measure (Ordinance) submitted to the voters is attached as Exhibit A.

**SECTION 7.** That pursuant to Article XIII C of the Constitution, this measure requires approval by a majority (50% + 1) of the votes cast.

**SECTION 8.** That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 9.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 10.** The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

**SECTION 11.** This Resolution is exempt from the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq., because it can be seen with certainty that there is no possibility that the adoption of this Resolution would have a significant effect on the environment (Pub. Resources Code § 21065; CEQA Guidelines §§ 15378(b)(4), 15061(b)(3)) and because the Resolution involves the possible approval of government revenues to fund existing

services (Pub. Resources Code § 21080, subd. (b)(8); CEQA Guidelines § 15273(a)(4)) it does not make any commercial activity lawful nor commit the City to fund any particular activity.

**SECTION 12.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_\_th day of \_\_\_\_, 2020.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted 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

**DRAFT ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING TITLE 3 OF THE ATASCADERO MUNICIPAL CODE TO ADD A NEW CHAPTER 18 “ESSENTIAL SERVICES TRANSACTIONS AND USE TAX” TO BE ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND ADMINISTRATION, SUBJECT TO ADOPTION BY THE ELECTORATE**

**WHEREAS**, pursuant to California Revenue & Taxation Code Sections 7251 *et seq.* and 7285.9, the City of Atascadero (“City”) is authorized to levy a Transactions and Use Tax for general purposes, subject to voter approval and

**WHEREAS**, the City proposes to levy a Transactions and Use Tax for general purposes to fund maintain and enhance important City services, with the rate set at one cent; and

**WHEREAS**, the City is fiscally challenged and while it does well with the funding that it has, general fund revenue growth has not kept pace with the increasing costs of providing services to a growing population; and

**WHEREAS**, the City seeks to maintain essential services and is coming to a crossroads where it cannot sustain the services it provides with the projected available resources; and

**WHEREAS**, the City, has approximately half the national average of police officers per capita for a City its size, is amongst the lowest paying City employer in the County for most positions, and has deteriorating infrastructure including fire stations, parks, roads, sidewalks, zoo facilities and other buildings; and

**WHEREAS**, Atascadero receives the lowest revenue per capita in Sales Tax, in Property Tax and in General Fund revenues among all San Luis Obispo County cities and money from a local, voter-approved funding measure is needed at the local level to address the community’s local needs; and

**WHEREAS**, the proceeds from such transactions and use tax could not be taken by the State and would remain local, to be spent in the City of Atascadero for services such as police, fire, paramedic, parks, recreation, public facilities. infrastructure and other services; and

**WHEREAS**, all City revenues are subject to annual independent audits with public review of the City’s budget being widely available, including at City Hall, and online; and

**WHEREAS**, under applicable law, to enact a transactions and use tax, the City Council of the City of Atascadero must approve the Essential Services Transactions and Use Tax Ordinance and the voters of the City of Atascadero must also adopt it upon majority vote at an election.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF ATASCADERO HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1. Title and Text.** This Ordinance shall be known as the Essential Services Transactions and Use Tax Ordinance, the full text of which is set forth in Attachment “A,” attached hereto and incorporated herein by reference.

**SECTION 2. Approval by City Council.** Pursuant to California Revenue Taxation Code Section 7285.9, this Ordinance was duly introduced on July 14, 2020 and approved upon second reading for placement on the ballot by a two-thirds (2/3) supermajority of all members of the City Council on \_\_\_\_\_, 2020.

**SECTION 3. Approval by the Voters.** Pursuant to California Elections Code Section 9217, this Ordinance shall be deemed adopted and take effect only if approved by a majority of the eligible voters of the City of Atascadero voting at the Regular Election on November 3, 2020, and shall be deemed adopted and take effect ten (10) days after the City Council has certified the results of that election by resolution.

**SECTION 4. Operative Date.** “Operative Date” for the Essential Services Transactions and Use Tax means the first day of the first calendar quarter commencing more than one hundred ten (110) days after the effective date of this Ordinance, as set forth in Section 3, above.

**SECTION 5. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**SECTION 6. Summary.** The title and a summary of the Ordinance, along with the names of the City Council members voting for and against the Ordinance, shall be published twice in a newspaper of general circulation in the City of Atascadero.

**SECTION 7. Publication.** The City Clerk shall certify to the adoption of this Ordinance no later than fifteen (15) days following the passage of this Ordinance, and shall cause this Ordinance to be published by title and summary.

**PASSED AND ADOPTED** by the City Council of the City of Atascadero, California, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2020, by a vote of at least two-thirds of the City Council.

CITY OF ATASCADERO

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

ATTEST:

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

APPROVED AS TO FORM:

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

## ATTACHMENT A

### CHAPTER 3-18

### ESSENTIAL SERVICES TRANSACTIONS AND USE TAX

#### Sections:

- 3-18.010 Title.
- 3-18.020 Operative Date.
- 3-18.030 Purpose.
- 3-18.040 Contract with State.
- 3-18.050 Transaction Tax Rate.
- 3-18.060 Place of Sale.
- 3-18.070 Use Tax Rate.
- 3-18.080 Adoption of Provisions of State Law.
- 3-18.090 Limitations on Adoption of State Law and Collection of Use Taxes.
- 3-18.100 Permit Not Required.
- 3-18.110 Exemptions and Exclusions.
- 3-18.120 Amendments.
- 3-18.130 Enjoining Collection Forbidden.
- 3-18.140 Severability.
- 3-18.150 Effective Date.
- 3-18.140 Termination and Repeal.
- 3-18.170 Independent Annual Financial Audit.

#### **3-18.010 Title.**

This chapter is designated and shall be known as the Atascadero Essential Services Transactions and Use Tax Ordinance. The city of Atascadero hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

#### **3-18.020 Operative Date.**

"Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this chapter, the date of such adoption being as set forth below.

#### **3-18.030 Purpose.**

This chapter is intended to achieve the following, among other purposes, and shall be interpreted liberally in order to accomplish all of its lawful purposes:

A. To impose a retail transactions and use tax to be applied throughout the entire territory of the City to the fullest extent permitted by law and in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter.

E. To provide transaction and use tax revenue for unrestricted general revenue purposes, and not for specific purposes. All of the proceeds from the tax imposed by this chapter shall be placed in the City's general fund and be available for any legal municipal purposes.

**3-18.040 Contract with State.**

Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this chapter; provided that, if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

**3-18.050 Transaction tax rate.**

For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the incorporated territory of the City at the rate of 1% of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the operative date.

**3-18.060 Place of sale.**

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

**3-18.070 Use tax rate.**

An excise tax is hereby imposed on the storage, use or other consumption in the City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in the territory of the City at the rate of 1% of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.



**3-18.080 Adoption of provision of State law.**

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this chapter as though fully set forth herein.

**3-18.090 Limitations on adoption of State law and collection of use taxes.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

A. Wherever the State of California is named or referred to as the taxing agency, the name of the City of Atascadero shall be substituted. However, the substitution shall not be made when:

1. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;

2. The result of that substitution would require action to be taken by or against this City or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this chapter;

3. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:

a. Provide an exemption from the taxes of this chapter with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

b. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property, which would not be subject to tax by the State under the said provision of that code.

4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

B. The word "City" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 and in the definition of that phrase in Section 6203.

1. "A retailer engaged in business in the District" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this state or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

**3-18.100 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this chapter.

**3-18.110 Exemptions and exclusions.**

A. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

B. There are exempted from the computation of the amount of transactions tax the gross receipts from:

1. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the county in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.

2. Sales of property to be used outside the City which is shipped to a point outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

a. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code by registration to an out-of-City address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and

b. With respect to commercial vehicles, by registration to a place of business out-of-City and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.

3. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this chapter.

5. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

C. There are exempted from the use tax imposed by this ordinance, the storage, use or other consumption in this City of tangible personal property:

1. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.

2. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity

issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.

3. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this ordinance.

4. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date.

5. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.

6. Except as provided in subparagraph (7), a retailer engaged in business in the City shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the City or participates within the City in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the City or through any representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority of the retailer.

7. "A retailer engaged in business in the City" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the City.

D. Any person subject to use tax under this ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

### **3-18.120 Amendments.**

All amendments subsequent to the effective date of this chapter to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this chapter, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this chapter. The City Council may amend this chapter to comply with applicable law or as may be otherwise necessary in order to further the chapter's stated purposes.

However, as required by Article XIII C of the California Constitution, voter approval is required for any amendment that would increase the rate of any tax levied pursuant to this Chapter. The people of the City of Atascadero affirm that the following actions shall not constitute an increase of the rate of a tax:

A. The restoration of the rate of the tax to a rate that is no higher than that set by this Chapter, if the City Council has acted to reduce the rate of the tax;

B. An action that interprets or clarifies the methodology of the tax, or any definition applicable to the tax, so long as interpretation or clarification (even if contrary to some prior interpretation or clarification) is not inconsistent with the language of this Chapter; or

C. The collection of the tax imposed by this Chapter even if the City had, for some period of time, failed to collect the tax.

**3-18.130 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the City, or against any officer of the State or the City, to prevent or enjoin the collection under this chapter, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

**3-18.140 Severability.**

If any provision of this chapter or its application to any person or circumstance is determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall not effect on any other provision of this chapter or the application of this chapter to any other person or circumstance and, to that end, the provisions hereof are severable.

**3-18.150 Effective date.**

This chapter relates to the levying and collecting of the City transactions and use taxes and shall take effect 10 days after the election results are declared by the City Council (CA Elections Code §9217). The operative date (Section 2) will be the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, which will be April 1, 2021.

**3-18.160 Termination and repeal.**

The authority to levy a retail transaction and use tax shall be in effect until and unless repealed by the voters of the City in the manner provided by law.

**3-18.170 Independent annual financial audit.**

The revenue and expenditures of this new transactions and use tax shall be included in the annual audit of the City's financial operations by an independent certified public accountant.

## DRAFT RESOLUTION B

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, SETTING PRIORITIES FOR FILING WRITTEN ARGUMENTS REGARDING CITY MEASURE AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

**WHEREAS**, a General Municipal Election is to be held in the City of Atascadero, California, on November 3, 2020, at which there will be submitted to the voters the following measure:

<b><u>BALLOT MEASURE #</u></b>	
To provide funding for fire protection, paramedics, and 911 emergency response, police, crime prevention and investigations, maintenance of parks, public facilities and infrastructure, graffiti removal, and recreation, community services, and other general city services in the City of Atascadero, shall an ordinance establishing a one-cent sales tax be adopted, providing approximately 4.5 million dollars annually for city services until ended by voters, with annual independent audits and all money locally controlled?	Yes
	No

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

**SECTION 1.** That the City Council authorizes the following member(s) of the City Council:

\_\_\_\_\_, Council Member In Favor  
\_\_\_\_\_, Council Member In Favor  
\_\_\_\_\_, Council Member In Favor  
\_\_\_\_\_, Council Member In Favor  
\_\_\_\_\_, Council Member In Favor

to file (a) written argument(s), not exceeding 300 words regarding the City measure as specified above by printing name(s) and signature(s) of the author(s) submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California. The arguments may be changed or withdrawn until and including the date fixed by the City Clerk after which no arguments for or against the City measure may be submitted to the City Clerk.

**SECTION 2.** That the City Council directs the City Clerk to transmit a copy of the measure to the City Attorney, unless the organization or salaries of the office of the City Attorney are affected.

a. The City Attorney shall prepare an impartial analysis of the measure not exceeding 500 words showing the effect of the measure on the existing law and the operation of

the measure. If the measure affects the organization or salaries of the office of the City Attorney, the City Clerk shall prepare the impartial analysis.

b. The analysis shall include a statement indicating whether the measure was placed on the ballot by a petition signed by the requisite number of voters or by the governing body of the city.

c. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point type, the following: "The above statement is an impartial analysis of Measure \_\_\_\_."

d. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

**SECTION 3.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_\_th day of \_\_\_\_, 2020.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted 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

## **DRAFT RESOLUTION C**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, PROVIDING FOR THE FILING OF REBUTTAL ARGUMENTS FOR CITY MEASURES SUBMITTED AT MUNICIPAL ELECTIONS**

**WHEREAS**, § 9282 of the Elections Code of the State of California provides for written arguments to be filed in favor of or against city measures not to exceed 300 words in length; and

**WHEREAS**, § 9285 of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to provide for the filing of rebuttal arguments for city measures submitted at municipal elections.

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

**SECTION 1.** That pursuant to Section 9285 of the Elections Code of the State of California, when the elections official has selected the arguments for and against the measure (not exceeding 300 words each) which will be printed and distributed to the voters, the elections official shall send a copy of an argument in favor of the measure to the authors of any argument against the measure, and a copy of an argument against the measure to the authors of any argument in favor of the measure immediately upon receiving the arguments.

The author or a majority of the authors of an argument relating to a city measure may prepare and submit a rebuttal argument not exceeding 250 words or may authorize in writing any other person or persons to prepare, submit or sign the rebuttal argument.

A rebuttal argument may not be signed by more than five authors.

The rebuttal arguments shall be filed with the City Clerk, signed, with the printed name(s) and signature(s) of the author(s) submitting it, or if submitted on behalf of an organization, the name of the organization, and the printed name and signature of at least one of its principal officers, **not more than 10 days after** the final date for filing direct arguments. The rebuttal arguments shall be accompanied by the Form of Statement To Be Filed By Author(s) of Argument.

Rebuttal arguments shall be printed in the same manner as the direct arguments. Each rebuttal argument shall immediately follow the direct argument, which it seeks to rebut.

**SECTION 2.** That all previous resolutions providing for the filing of rebuttal arguments for city measures are repealed.

**SECTION 3.** That the provisions of Section 1 shall apply at the next ensuing municipal election and at each municipal election after that time.

**SECTION 4.** That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED AND ADOPTED** at a regular meeting of the City Council held on the \_\_\_\_th day of \_\_\_\_, 2020.

On motion by Council Member \_\_\_\_\_ and seconded by Council Member \_\_\_\_\_, the foregoing Resolution is hereby adopted 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**

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## **Staff Report – Administrative Services**

### **Consideration of Oversight Options for the Proposed 2020 Essential Services Transactions and Use Tax Measure**

#### **RECOMMENDATION:**

Council provide staff direction on how public engagement and accountability should be implemented for the proposed Essential Services Sales Tax Measure Ordinance, should it be passed by Atascadero voters in the General Election in November 2020.

#### **DISCUSSION:**

During the meeting of May 26, 2020, Council voted to have staff return with a proposal for an ordinance to have a one-cent Sales Tax Measure added to the November 2020 ballot. At that meeting, Council discussed the desire to ensure both public engagement and accountability if the Sales Tax Measure were passed. While a consensus was reached at the meeting to not include an Oversight Committee in the Sales Tax Ordinance itself, Council made it clear that ensuring the intent of oversight and accountability is a priority, while eliminating the added level of bureaucracy that a formal Oversight or Advisory Committee would bring. Council asked that staff return with *“recommendations on processes to formally engage the public and to develop a plan of accountability”*. If the City Council decides to move forward with the proposed Sales Tax Measure, staff will need Council direction on how public engagement and accountability of the Measure should be addressed, should it be passed by voters in November.

During their May 26<sup>th</sup> meeting, Council members discussed a good number of viable options for community engagement that would allow Council and Staff to share information and gather public input related to how funding received from the Sales Tax Measure should be spent. These options include increased community outreach with widespread publication through Social Media and other local publicity outlets, additional Community Workshops, Study Sessions, Talk on the Block neighborhood meetings and Finance Committee meetings, some of which could be dedicated specifically to a discussion of the Sales Tax Measure. These meetings would be designed to engage members of the community in order to gather public opinion and input on community goals, to provide information to the public in a meaningful manner, and to provide transparency that the City is appropriately spending the revenue generated from the Sales Tax Measure. Rather than a formal Oversight or Advisory Committee, such oversight from the community at large could provide better flexibility and will help to

ensure transparency and greater public participation. The Council also made it clear that as part of that good stewardship, additional administrative costs should be minimized. Council asked staff to bring back options in order to find the right balance between accountability and cost.

In a sales tax measure like the one proposed, there are generally two phases of public engagement and accountability. The first phase of public engagement/accountability typically occurs directly after the Sales Tax Measure is passed and is directed at determining where new funds from the Measure should be spent. The second phase is more ongoing and continuous.

While there is always a need for public engagement and accountability in determining where limited City funds are to be spent, there is also a focus on ensuring that the public knows that the City is a good steward of the funds and what the funds were spent on. The Feasibility Study that was presented to Council on March 24, 2020, by True North Research, Inc. indicated that 76% of Atascadero voters surveyed were satisfied with the City's efforts to provide municipal services, and 60% responded positively regarding the City's fiscal management.

### **Phase 1 - Public Engagement and Community Priority Goals**

The City's process is purposely structured to continuously receive public input on where funds are spent. Members of the public can speak at City Council meetings, reach out to Councilmembers outside of the meeting setting, and talk with City staff.

In addition, there is an extensive formal public process that drives what will be included in each of the budgets. The budget process begins with taking all of the input received over the previous years and holding a two-day public Council Strategic Planning meeting devoted to determining what the Council priorities (based on input received from the community) will be for the upcoming two-year budget. That process is followed by presentation and approval at a public City Council meeting of the staff's action plan to accomplish the Council's priority goals. The budget is built around the action plan. Staff then allocates funds in a manner to accomplish Council's goals. Multiple public Finance Committee meetings are held where each line item in the budget is discussed in detail. After making any adjustments as directed by the Finance Committee, the draft budget is presented for approval to Council at a public meeting. Each of the steps above is publically advertised and public comments are highly encouraged.

In spite of the numerous opportunities for public input on where City funds are spent, there has historically been very little public participation in the process. Staff believes that a large part of the lack of public participation is because there just is not a lot of "choice" left in the budget without making some very drastic changes such as reducing the number of police officers, closing a fire station, shutting down a park or otherwise reducing the critical services provided to the community, and also because many community members are satisfied overall with City's use of its limited resources. The small amount of funds remaining after funding regular operations have historically gone to repairing or replacing critical pieces of equipment such as heart monitors, fire hose, mowers and other equipment.

Although there is always opportunity to change and adjust where funds will be spent, it is likely that at least some portion of the funds will go toward items that would be hard to re-direct in the future. For example:

- **Rehabilitation of Fire Station #1:** While the rehabilitation costs would be a one-time expenditure of funds, it is likely that the City would not have enough funds on hand to complete the rehabilitation and thus it would be necessary to finance the project. Once the funds are committed to debt service, the Council could not re-direct the funds until the debt is paid off.
- **Adding more police personnel:** While Council can always reduce or change staffing, once minimum staffing is increased to a level that moves us closer to state and national police standards, it would be difficult to reduce it back down to current staffing levels as the population continues to increase. Redirecting the funds to another priority in the future would mean laying off the police personnel, which is possible, but may prove difficult to do while maintaining community safety.
- **Increasing salaries:** As reported in previous staff reports, wages and salaries for police personnel are the lowest in the County. In order to recruit and retain the compassionate and professional police personnel that is expected by the community, the Council may want to consider increasing police wages with a portion of the funds. Clawing back raises to re-direct the funds to another place would be difficult.

This means that if the Sales Tax Measure is passed, the first year budget after implementation will be the most critical in determining on which priorities the funds should be spent. While it is anticipated that the passage of the Measure will produce more “choice” funds for years to come, because some of the funds will be committed to ongoing operations, it is important to consider how to increase public involvement in the establishment of the 2021-2022 budget. (If passed in November, the sales tax would go into effect April 1, 2021 and the City would receive its first installment of the sales tax in June of 2021.) There are a couple of options for this phase of the Sales Tax Measure.

- **Citizen Committee:** (administrative cost level: very high) A citizen committee could be appointed to make recommendations for how the funds from the sales tax measure are spent. While citizen input is extremely important, this option is not recommended by staff. The Council is elected by the community and should retain the right and responsibility for determining where all funds are spent. Delegating that responsibility would add a layer between the voters and the decision makers. This option would also entail a lot of staff time and effort to bring the committee members’ understanding of the workings, needs and wants of the City up to the level of the Councilmembers who meet with staff often and receive constituent input on a daily basis.
- **New Public Process:** (administrative cost level: moderate) A series of very well advertised study sessions and surveys could be held to not only to hear the public’s priorities, but to also build a common understanding of the current budget, various needs and the implications of each decision. Input from those study sessions would then be brought to the Council at a special Council meeting intended to set priorities for the expenditure of funds, and to provide staff with

general direction on what the Council would like to see accomplished. This would then be followed with the standard process of public Finance Committee meetings and a budget hearing at a City Council meeting

- Expanded Current Process: (administrative cost level: moderate to low) The current budget process could be expanded to seek out and receive public input on the expenditure of the funds from the Sales Tax Measure. Anticipated Talk on the Block meetings could be modified to build understanding of the City's finances and to receive input on priorities of the community. This input along with other input received through other avenues would be brought to the regular Council Strategic Planning session for Council to determine funding priorities. The budget would then follow the normal budget process through a more publicized Finance Committee and Council adoption.

For all of the above processes, the amount of press releases, notices and social media posts would be increased in an attempt to get more people involved in the public meetings. Informal community surveys and other instruments can also be a useful tool in the process and could be integrated into any of the above processes. Staff cautions, however, not to rely too heavily on voluntary response surveys. Survey instruments tend to be more one-dimensional communication. It is often more difficult to educate the public on the menu of choices and consequences of choices using a survey instrument. It is also more difficult to understand nuances and "whys", losing the true interest driving the request. Finally, historically and with other cities, one special interest group can rally a significant number of people to respond to the survey instrument, overwhelming the voices of those with more broad opinions. So while some sort of community survey or other instrument could be done to increase public participation, it should only be done in conjunction with other public outreach and discussion. Council would want to consider the balance between the costs of the survey with the input that is received.

In each of the processes suggested above, the Council must weigh all of the input it receives to determine where the funds should be expended.

## **Phase 2 - Public Engagement and Accountability**

The second phase of the desired public engagement and accountability for the sales tax measure is demonstrating to the public that the funds were spent for the established priorities. This is similar to the role that the Citizen's Sales Tax Oversight Committee (CSTOC) plays. The F-14 advisory measure showed that voters wanted any funds received from the F-14 sales tax measure to be spent on local roads. CSTOC does not choose the roads that will be rehabbed or maintained. Instead, the Committee meets each year to look at each dollar coming in from the sales tax measure and where it was spent, in order to verify that the funds are being spent in a manner consistent with Council and community intent.

The CSTOC review and resultant annual road report that is mailed out to the community provides a high level of accountability and assurance that funds are being spent, and will continue to be spent, as intended. There will be additional challenges for a similar

report with this sales tax measure over the F-14 Sales Tax measure. The F-14 Sales tax measure was passed to provide funds for roads projects. The projects have very specific contracts and invoices associated with the F-14 work and thus are easily tracked and kept separate from other expenditures.

The proposed Sales Tax Measure is needed to maintain existing service levels and will be used for operational costs. While some costs can be easier to separate – such as debt service on a fire station, others may prove more difficult – such as additional police personnel, salary increases to be competitive, and other items without a specific invoice.

Similar to the difficulties encountered when depositing a check into your checking account, stating exactly where the funds from that particular deposit are spent will be a challenge. Were the funds from that check spent on groceries or was it your paycheck that paid for groceries and that check was spent on gas? Perhaps you and your spouse have a different opinion on where the grocery money came from or the gas money came from. In the end you are in the exact same place monetarily, but what each dollar from the pool of dollars was spent on is dependent on your perspective and opinion.

Council and staff are continuously looking for ways to make City business more transparent and to continue to build public trust. In this case, more information might not be the easy answer to transparency and public trust. Because the revenue from this proposed sales tax measure would be used for essential services and operations, and because (as detailed above) the allocation of the approved costs can be subject to interpretation, there is a potential to lose credibility or trust amongst the community. Allocating these ongoing costs will require a significant amount of subjective opinion on the part of staff. Potentially, there could be two “right” answers as to whether or not an expense would be included in the new revenue source. The opportunity for members of the public to challenge staff’s decision on one or more of these expenses might erode public trust and their confidence in the City’s sound fiscal management. Staff is very reluctant to overpromise what can be delivered as far as “right and wrong” reporting related to this new sales tax measure revenue source. It may be more subjective than objective. Transparency, in this case, might mean pointing out to the community that there’s no perfectly objective way to allocate these costs, and that maybe “more detailed expense information” might not equate to the “best information”.

Separate accounting for these costs will take significant administrative staff time/resources. Council will need to make clear how they want the expenditures separated and set out very detailed policies on how the allocation to Sales Tax Measure Funds and other funds should be calculated, and then understand that for many expenses, there is not a clear definition of what fits where.

While there are many members of the community that are interested in fiscal oversight, the CSTOC has had some challenges since its inception in 2015. Although the meetings are not a large time commitment (typically 2-3 meetings per year), it has been difficult to find members of the community willing to serve on CSTOC. Unfortunately, in addition to the amount of time spent in meetings reviewing records and discussing the expenditures, there is also a great amount of time spent on fulfilling requirements for various trainings (prevention of sexual harassment, etc) and paperwork (i.e., Form 700

Statement of Economic Interest). Similar challenges are anticipated for an oversight or advisory committee established for this sales tax measure.

The Council has many options on how to engage the public and assure the public that funds are being spent as on priorities:

- Community Appointed Committee and Annual Report (administrative cost level: very high to high): There are those in the community that are skeptical that the City will spend the funds in the manner that has been stated by the City. Having a committee of Council appointees review the City expenditures may not satisfy these skeptics. As part of the F-14 sales tax ordinance, the following language was put in place to set up the CSTOC.

*Section 14. CITIZENS' OVERSIGHT COMMITTEE. There shall be a permanent citizens' advisory committee called the "Citizens' Oversight Committee" (hereafter "Committee") which shall annually review revenues and expenditures from the collection of the tax. The committee shall have 9 members. Seven members shall be appointed to the committee by individual Atascadero community groups. Two members shall be appointed by the City Council. Appointees shall be residents of the City; however, no member of the Committee shall be an elected official.*

The Council could set up a similar committee for the new Sales Tax Measure if it passes or could choose to ask the existing CSTOC to review the new sales tax measure as well as the F-14 funds. The committee need not be part of the ordinance passed by the voters, but could be done through a separate ordinance or resolution. Setting up the committee as part of a separate Council action would provide flexibility in the future to adjust if needed.

A report (subject to challenges previously stated) could be reviewed, approved, produced and distributed similar to the Annual F-14 Roads Report that is mailed to residents and businesses in town.

As with the CSTOC, the down side of a Community appointed committee is that it is sometimes difficult to get community members willing to serve on the committee.

A community appointed oversight committee and annual report would incur the following costs:

- Cost to print and mail report: \$4,500 annually
- Costs for advertising, noticing, and miscellaneous: \$1,000 annually
- Staff time costs for:
  - Advertising, recruiting and "onboarding" committee members including helping committee members to complete required training and disclosures. (Est. 30-45 hrs. annually. This cost would be eliminated for the first 5 years if the CSTOC were to review these funds also.)

- Accounting and allocations associated with breaking out costs to be funded by the Sales Tax measure (dependent on activity 500-700 hours of staff time annually)
- Preparation of agendas, staff reports, annual report and other information in support of the committee and community. (50-70 hrs. annually)
- Council Appointed Committee and Annual Report (administrative cost level: high): The City Council could appoint a committee similar to the Planning Commission. The responsibility for filling the vacancies would then lie with the individual Councilmembers and it is more likely that the positions will be filled. The downside of a Council appointed committee would be that some may perceive this as Council “cronies” watching over the City and thus it does not provide the same level of oversight as an “independent” committee.

The cost to administer a Council appointed committee and to issue and send the report would be similar to a Community appointed committee.

- Annual Report Only- Allocated Expenditures (administrative cost level: high): The Council could decide that a separate committee is not needed, as the funds and expenditures related to the Sales Tax Measure would be included in the annual audit of the City. In that case, the same type of report could still be produced by City staff and sent to the residents annually. This would save the administrative costs related to a committee; however, the higher costs of accounting for the expenditures separately, preparing the report and mailing the report would still be incurred.
- Finance Committee Meetings- Allocated Expenditures: (administrative cost level: high) The Council could choose to forgo both a committee and an annual report, and instead hold expanded public meetings to review the expenditure of the Sales Tax Measure Funds (or this could be done at the City Council level). This would still involve the significant staff time to track and separate costs, but the costs to produce and mail the report, along with the costs associated with establishing the committee would not be incurred.
- Annual Report Only- Budgeted Expenditures (administrative cost level: low) There is an option to do a lesser report that would not entail splitting payroll costs and invoices, but instead would be done on a more general basis – similar to budget projections. As Council approved the budget, they could identify which budgeted amounts are to come from the Sales Tax Measure and which are to come from other City general funds. This would save a considerable amount of staff time in determining allocation methodology and tracking/splitting actual expenditures. This would provide the public with a list of what was added to the budget because of the Sales Tax Measure.
- Public Input on Big Picture Priorities: (administrative cost level: low) The Council could choose to focus on including the public in the budget process similar to Phase 1, and not focus as much on separating out the costs to be funded with the new Sales Tax Measure. Like the current budget process, this would change

the focus from **which** dollar is spent, to a global look at the budget taking in all revenues and projected expenditures, and which priorities are being focused on. In other words, the budget includes individual revenue amounts and individual expenditure amounts, but when making budget expenditure decisions, Council looks at total revenues available and projected costs. There is no allocation that property tax pays for this item (or portion of an item) and sales tax pays for that item (or portion of an item). Increased public participation in ongoing budget decisions will provide additional oversight and transparency for all funding sources.

Transparency is a hallmark of the City's activities, and certainly line-level detail of General Fund expenditures is available to all whom are interested. This big picture approach, however, would bring the emphasis of the conversations to the overall priorities and will help all of us to focus on where we are, how far we've come, and what we have yet to accomplish.

### **Next Steps**

Staff is looking for direction from Council on which type of transparency and accountability measures they would like to see if a Sales Tax Measure is passed by the voters in November. Based on the direction given to staff at tonight's Council meeting, staff will bring back an appropriate policy, resolution or ordinance that will formalize any public engagement and accountability processes.

### **FISCAL IMPACT:**

There is no fiscal impact to discussing and providing staff direction on different public engagement and accountability processes. Based on the direction received from Council, future Council actions adopting specific processes for public engagement and accountability will have associated costs.

### **ALTERNATIVES:**

Not Applicable.





# ***Atascadero City Council***

## ***Staff Report – Public Works and Community Development Departments***

### **Downtown Street Tree Renewal Program**

#### **RECOMMENDATIONS:**

Council:

1. Direct staff to initiate Phase 1 of the Downtown Street Tree Renewal Program.
2. Authorize the Director of Administrative Services to appropriate \$75,000 in General Fund Reserves to implement Phase 1 of the Downtown Street Tree Renewal Program.

#### **DISCUSSION:**

##### Background

Street trees are a natural economic benefit to the business environment as they attract people by providing shade, color, and architectural enhancement. Many of the remaining street trees within the Downtown Commercial District are in a state of decline or are varieties that conflict with sidewalk and street maintenance. Along Entrada Avenue, the ornamental plum trees create a public nuisance when its fruit drops, leaving messy debris on the sidewalk that remains stained for a large portion of the year. Many of the trees along El Camino Real are in poor health and many have died or have been removed due to safety concerns. Establishing and maintaining a healthy tree stock and canopy will improve the quality aesthetics of the downtown and further leverage place-making in the commercial areas to support long-term economic development.

Street trees, similar to sidewalks and other improvements located in the public way, are the responsibility of adjacent property owners. The public area in the Downtown Commercial District is typically fully improved with concrete sidewalk (between the curb and building front) and street trees. Therefore, it is in the best interest of the City to initiate a new program while coordinating with adjacent property owners and encouraging investment in replacing and maintaining street trees in the public way.

##### Analysis

##### ***Existing Trees in the Downtown***

The original street trees in downtown were planted many years ago and generally include three varieties: Rayburn Ash trees along El Camino Real and Bradford Pear and

Ornamental Plum trees along on Entrada. A few other random species such as Crape Myrtle and Arbutus Marina were planted elsewhere. Around 2002, with the development of the Carlton Hotel and the use of Redevelopment funds for street enhancement projects, new street trees were planted. At that time, the London Plane Sycamore started to be utilized as a standard street tree due to its hardiness in our climate and root structure which is less damaging to sidewalks, curbs, gutters, and roadway pavements. Since first being introduced nearly 20 years ago, the London Plane Sycamore has become a preferred street tree used on El Camino Real and other arterial roadways. London Plane Sycamores currently exist on a good portion of Traffic Way between El Camino Real and Lewis Avenue.

The older Rayburn Ash trees in the downtown have begun to die and have gradually been removed, leaving stumps and empty planters. Bradford ornamental pear trees and ornamental plums are planted along Entrada in an alternating pattern. These trees provide color and showy blossoms certain times of the year. However, current business owners and the public have expressed concerns over the ornamental plum trees and the fruits that drop, staining the sidewalk, creating a trip hazard, and causing ongoing maintenance issues. The other trees along Entrada, such as the Ornamental and Evergreen Pear trees, continue to perform well and are considered to be appropriate for the downtown zone. Palma Avenue between West Mall and Traffic Way is principally comprised of mature Pear trees, which appear to be in good condition.

Other roadway corridors in the Downtown Commercial District, including Lewis Avenue, West Mall, East Mall, Olmeda Avenue, and Capistrano Avenue, have a variety of trees in the boulevard primarily planted in the areas behind (outside of) the sidewalk. On West and East Malls, very large legacy oak trees are present.

Currently, there are approximately twenty trees that should be removed and replaced in the downtown in the near future. These include eight Ornamental Plum trees along Entrada and at least eight Rayburn Ash trees along El Camino Real that should be replaced with more appropriate tree varieties. There are also a total of eighteen vacant tree planters in the downtown where trees were removed but never replaced, mostly along El Camino Real (fourteen total) including four in front of the Police Station. Overall, there are approximately 35 to 40 existing tree planter locations in the downtown that need to be addressed in the near future. Furthermore, many of these locations have damaged sidewalks adjacent to the tree planters that need repair or corrective action. Much of this damage is caused by tree roots that crack sidewalk panels or displace sidewalk joints creating potential tripping hazards to pedestrians. Several locations have curb and gutter sections that are heaved and no longer allow positive drainage to occur.

The new La Plaza Development project includes removing and replacing existing sidewalks and trees along its entire frontage. The replacement trees in front of the La Plaza Development project are currently planned to be London Plane Sycamores.

### ***Street Tree Renewal in the Downtown***

#### Where should this occur?

The current status of downtown street trees presents an opportunity to increase streetscape aesthetics, address potential safety issues, and create place-making in the highly visible commercial node. While all streets in the Downtown District require varying

degrees of tree renewal, staff recommends prioritizing the initial street tree renewal effort on the following Downtown District roadway sections:

- El Camino Real from SR 41 to Rosario Avenue
- Entrada Avenue from El Camino Real to Lewis Avenue
- Traffic Way from US 101 to Lewis Avenue
- Palma Avenue from West Mall to Traffic Way

The above road segments generally have street trees within sidewalk areas near the roadway curb. The Street Tree Renewal Program will address potential and future safety issues due to their immediate proximity to pedestrians and parked vehicles, but also increase streetscape aesthetics and “curb appeal”.

#### How and when should this occur?

City staff is proposing to initiate the first phase of the tree program immediately by removing dead or problem trees, repairing any substantial sidewalk safety issues, and installing a temporary surface onto the tree planter areas to level the planter with the sidewalk. To accomplish this, dead and dying trees and stumps will need to be removed and excavated by City staff or contractors. In some locations, damaged sidewalks may require replacement or joint repairs in order to address displaced joints and tripping hazards. At this time, staff is working on an ideal surface treatment for the tree planters that is easy to maintain, affordable, and safe for pedestrians. Options include a layer of decomposed granite, or the installation of a flexible porous paving system, or both. The cost of this preparatory work to planting a new tree will vary considerably from location to location primarily due to the condition of existing sidewalk. Preliminary cost estimates range from a small amount of staff time to an estimated \$5,000 for each tree renewal location.

#### Who will plant new trees?

Staff is recommending that the City work with adjacent property and business owners to accomplish the street tree replanting in downtown. Non-profit, families, and other businesses could be asked to sponsor a street tree planting and a plaque could be installed next to the tree recognizing their contribution. The City has had success with its memorial tree program and its memorial bench program. Sponsors would be required to cover the costs for a new tree, soil preparation, root barrier, tree stakes, and deep watering pipes. Trees would be planted in accordance of City Engineering Standards which include specific varieties, a root barrier, and the installation of deep watering pipes that allow for hand watering of trees until they are established.

#### Who will maintain street trees?

Maintenance of trees that are adjacent to private properties are currently the responsibility of the abutting property owner adjacent to each tree. This responsibility will not change with the new program. Property owners (or their tenants) will need to water, trim, maintain, and care for any tree that is directly adjacent to their property. All maintenance will need to be done in accordance with City Engineering Standards. City staff will continue to work with property owners and tenants to help guide the maintenance of street trees and look for the best solutions. It is proposed that pruning and trimming activities be performed by City staff or qualified tree contractors for the first five years after tree planting to ensure proper development of branch structure.

What variety of trees are suitable for Downtown Atascadero?

Staff has worked with local arborists and landscape professionals to develop a list of trees that thrive in Atascadero's climate, are deep rooted to minimize impacts to adjacent infrastructure, and speak to Atascadero's history and character. Street tree planting needs to be done to accommodate scenarios such as accessibility, sidewalk maintenance, and infrastructure such as utilities, street furniture, and other obstacles.

Street Tree Selection Guidelines

Staff is developing a new "***Downtown Street Tree Selection Guidelines***" for use of staff and the public that will include a list of species for each street in the downtown and can be used as a street tree guide for the City and local business owners. In addition to tree varieties, the guidelines will specify tree size at planting, along with specific planting and irrigation standards. The area intended to be covered by the guide includes the downtown core along Entrada Avenue, Traffic Way, Palma Avenue, Lewis Avenue, and El Camino Real from Rosario to Highway 41. Each of these streets have varying pavement widths, different sidewalk standards, different scales, and unique development patterns. Street tree options should be chosen based on the unique characteristics of each street. It should be noted that this guide does not cover East and West Mall that are considered part of the Sunken Gardens replanting plan.

Wider streets and larger scale buildings are best suited for larger-sized trees, whereas smaller streets with smaller buildings, such as Entrada, are better suited to medium-sized trees. Small trees are suited for use in medians and as accents at corners or intersections. The appropriate choice of street trees can be used to create design themes that can help create desirable spaces, foster a sense of place, promote effective tree maintenance, and can help promote economic development.

The tree chart included in the draft guidelines has three categories: large trees, medium trees, and small accent trees. The chart will outline the ideal location and use for each tree category. The aim in categorizing tree species in this manner is to inform which species are appropriate for various situations. Identified species include:

Large Trees (for locations along El Camino Real and portions of Traffic Way)

- London Plane Sycamore (Deciduous)
- Tulip Tree

Medium Trees (For locations along Entrada or other side streets)

- Chinese Pistache (Deciduous)
- Flowering Pear/Ornamental Pear (Deciduous)

Small Accent Trees (for corners, accents, or small planters)

- Redbud (Deciduous)
- Arbutus Marina (evergreen) (Strawberry tree)
- Crepe Myrtle (Deciduous)

While numerous species are included on the street tree list as an option, staff recognizes that specific species may be identified for certain areas of the City to provide a unique identity and sense of place, and be appropriate for the region.

On El Camino Real, larger trees such as the London Plane Sycamore and Tulip tree can be pruned to maintain the canopy above the line of building signage and can thrive adjacent to buildings and within smaller sidewalk planters. On Entrada, medium sized trees such as the Chinese Pistache and Ornamental Pear are appropriate and provide seasonal color and/or blossoms, elevating a unique character for the street. It is recommended that the Ornamental Plum be replaced by the Chinese Pistache, which will provide a greater canopy spread and cost effective maintenance. The Chinese Pistache have excellent fall color and do not drop fruit. Smaller accent trees are also identified for inclusion at corner locations and medians. Three trees are identified: the Redbud, the Crepe Myrtle, and the Strawberry Tree.

Traffic Way can be characterized by a mixture of large and medium trees such as London Plane Sycamore, Ornamental Pear, and Chinese Pistache. It is important to note that consistent tree species and patterns create rhythm and a sense of identity, which is important for economic development throughout the downtown. London plane trees have been planted as part of redevelopment efforts and with the revitalization of the Carlton Hotel. Staff is recommending that this remain the predominant tree but that more decorative trees such as the Chinese Pistache or Flowering Pear be used as accent trees where appropriate.

#### Planting trees in the public sidewalk

Currently, the downtown standard for the installation of street trees is a component of the City Engineering Standards. The standards call for a 4-foot wide tree planter in the sidewalk with a metal planting grate. The standards include a permanent irrigation line for each planter. Staff is currently evaluating alternative planting options that reduce maintenance, reduce sidewalk damage, and are more cost effective. One such option is to increase the size of the planting area, adding a root barrier around each tree, and installing simple PVC pipes that extend down to the root base of each tree that allow each tree to be hand watered from the surface. Additionally, the planter would not have a metal grate but instead would have a pervious surface such as decomposed granite or a poured-in-place porous pavement material. Smaller metal tree grates or concrete collars can be restrictive to tree growth, have caused a trip hazard and are an expensive material. Additionally, the smaller size of the tree planter and lack of a root barrier has resulted in some sidewalk damage due to root intrusion. Deep watering, a root barrier, and a slightly larger planter can all work together to reduce the chance of surface roots damaging the sidewalk.

The City Engineer is in the process of evaluating options prior to recommending a change to the Engineering Standards. It is anticipated that two general planting standards will be employed and evaluated as part of this Program: a tree grate option and a flush porous surface option.

#### Public Outreach

Staff has met with downtown business owners on several occasions to discuss the status of the trees and hear the concerns of both property and business owners. Staff continues to hear concerns about the staining of the sidewalks and the condition of street trees along Entrada. On June 16, 2020, staff held an additional virtual meeting with the downtown property and business owners to inform them of the City's tentative plans and the opportunity for the City and property owners to work together on helping to renew our street trees.

### Next Steps

Staff is proposing to initiate Phase 1 of the Downtown Street Tree Renewal Program by removing problem trees, repairing significant sidewalk hazards, and preparatory work for approximately 35 to 40 existing tree locations on the above listed street sections. In conjunction with this effort, staff will continue to inform property and business owners of options for planting new street trees and maintenance responsibilities. New trees will be planted in locations adjacent to City property (e.g., Police Station) and possibly other high-priority locations as part of Phase 1. Staff will research best design options for the tree planting standards, including tree well opening size, installation methods, and surfacing options. Staff can provide periodic updates to Council as the Program progresses.

A future Phase 2 will be brought to the Council and will include specific Engineering Standards, review of the staff adopted Downtown Street Tree Selection Guidelines, and a program for re-planting opportunities.

### **FISCAL IMPACT:**

A preliminary cost estimate to implement Phase 1 of the Downtown Street Tree Renewal Program is in the range of \$60,000 to \$75,000. This scope includes removing approximately twenty trees, removing stumps and pre-planting work for approximately thirty-eight existing tree locations, replacing and repairing concrete sidewalk, and planting trees adjacent to City properties. The majority of these costs are associated with sidewalk repairs and corrections. There will be Staff time required to manage and oversee the Program, as well as outreach to the Downtown property and business owners. All installation of new street trees, and ongoing maintenance costs are proposed to be covered by downtown property and business owners or other civic groups. Grants may be available for tree replacement through the Re-Leaf program and other urban reforestation grants.

### **ALTERNATIVES:**

The Council may refer the item back to staff for additional information. The Council should clearly state what information/analysis is being requested.

### **ATTACHMENTS:**

None.