



# **CITY OF ATASCADERO CITY COUNCIL**

## **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:**



Amanda Muther  
Deputy City Clerk

**APPROVED:** July 14, 2020

## PUBLIC COMMENT PROVIDED BY EMAIL

### COMMUNITY FORUM:

SUBMISSION FROM: Leila Daniel

**From:** Leila Daniel <leila.r.daniel@gmail.com>

**Sent:** Monday, June 22, 2020 1:21 PM

**To:** City Clerk <cityclerk@atascadero.org>

**Subject:** Public comment: fight racism

Hi there,

My name is Leila Daniel and I live in SLO county. I am writing to make sure you are committed to fighting racism in our community. You need to reallocate funds from law enforcement and incarceration to fund community services, mental health and community non-profits. Our community needs this funding! Law enforcement officers should not be dealing with any issues other than crime (with sufficient training, functioning body cameras, and only from support of the black community). Resources need to be allocated to mental health and social workers so that they can support their community members. Over and over again, we see law enforcement hurting and killing our black and brown brothers and sisters. The system was meant to control people of color and so it is our job to dismantle that system and rebuild something that makes sense for ALL of us. Support R.A.C.E. Matters demands in your jurisdiction. Adopt a resolution declaring racism a public health crisis. Also, as a city council, connect and collaborate with organizations in Atascadero who work on diversity, inclusion, equity and/or racial justice.

Thank you for your time,

Leila Daniel

SUBMISSION FROM: Sophie Stebbins

From: Sophie Stebbins <sannestebbins@gmail.com>

Sent: Monday, June 22, 2020 1:48 PM

To: City Clerk <cityclerk@atascadero.org>

Subject: Public Comment for board meeting 6/23

Hello,

I am writing to demand that Atascadero city council hears the voices and demands of our Black community.

I am asking that the city council:

- Supports R.A.C.E Matters' (SLO) demands in their jurisdiction.
- Adopts a resolution declaring racism a public health crisis.
- Connects and collaborates with organizations who work on diversity, inclusion, equity, and/or racial justice.

The citizens of SLO county are asking for a response and swift action regarding racial justice.

Thank you,

Sophie Stebbins



**SUBMISSION FROM:** Karina Smyth

**From:** Karina Smyth <k91smyth@gmail.com>  
**Sent:** Monday, June 22, 2020 5:13 PM  
**To:** City Clerk <cityclerk@atascadero.org>  
**Subject:** Community Forum statement

Mayor Moreno and members of the Atascadero City Council:

My name is Karina Smyth, and I was born and raised in Atascadero. I urge you to 1) support R.A.C.E. Matters demands within Atascadero, 2) adopt a resolution declaring racism a public health crisis, and 3) connect and collaborate with organizations in Atascadero who work on diversity, inclusion, equity, or racial justice.

There are no Black people represented on the Atascadero city council, but you all represent the city of Atascadero - including our Black residents. So: what are you doing to ensure their safety? What are you doing to confront the racism they have faced? How are you eliciting and elevating their voices using your platform? The three aforementioned mentioned requests are a good place to begin.

Combatting racism ought to be at the forefront of our city's agendas, otherwise it will taint every item the council reviews - from housing developments to budgets to permits for local events. Either you choose to take actions against it, or you continue to foster its existence.

Thank you for your work,  
Karina Smyth

**SUBMISSION FROM:** Aline DeLuca

**From:** Aline DeLuca <alinegalilee@gmail.com>  
**Sent:** Tuesday, June 23, 2020 7:51 AM  
**To:** City Clerk <cityclerk@atascadero.org>; City Council <CityCouncil@atascadero.org>  
**Subject:** 6/23 Meeting Community Forum Comment in Support of RACE Matters

Dear Council Members Moreno, Bourbeau, Fonzi, Funk, and Newsom,

As a current resident of SLO County and someone who grew up in Atascadero, I am writing to urge you to respond to the demands made by RACE Matters SLO County, specifically in the following areas:

- Adopt a resolution declaring racism a public health crisis.
- Commit to reading and providing a report on the work that has been done within Atascadero toward the demands listed by RACE Matters.
- Connect and collaborate with organizations within the city who are already working on diversity, inclusion, equity, and racial justice.

I write this comment with a renewed sense of urgency as video footage documenting an incident of racial hatred within our community was released during the last week, in which one white community member used hateful and threatening language toward a Black community member, in public and broad daylight, in the year 2020. The concern of racism in Atascadero and in SLO County at large is not abstract or nebulous; it is tangible and alive as we speak, and it requires your immediate action.

Please demonstrate your commitment as a governing body to be actively anti-racist and stand in solidarity with your Black community members.

Thank you,

Aline DeLuca  
805-598-7673  
[alinegalilee@gmail.com](mailto:alinegalilee@gmail.com)

**SUBMISSION FROM:** Joseph DeLuca

**From:** Joey DeLuca <josephdelucaca@gmail.com>  
**Sent:** Tuesday, June 23, 2020 11:21 AM  
**To:** City Clerk <cityclerk@atascadero.org>; City Council <CityCouncil@atascadero.org>  
**Subject:** 6/23 Meeting Community Forum Comment in Support of RACE Matters

Dear Council Members Moreno, Bourbeau, Fonzi, Funk, and Newsom,

As a current resident of SLO County and someone who grew up in Atascadero, I am writing to urge you to respond to the demands made by RACE Matters SLO County, specifically in the following areas:

- Adopt a resolution declaring racism a public health crisis.
- Commit to reading and providing a report on the work that has been done within Atascadero toward the demands listed by RACE Matters.
- Connect and collaborate with organizations within the city who are already working on diversity, inclusion, equity, and racial justice.

I write this comment with a renewed sense of urgency as video footage documenting an incident of racial hatred within our community was released during the last week, in which one white community member used hateful and threatening language toward a Black community member, in public and broad daylight, in the year 2020. The concern of racism in Atascadero and in SLO County at large is not abstract or nebulous; it is tangible and alive as we speak, and it requires your immediate action.

Please demonstrate your commitment as a governing body to be actively anti-racist and stand in solidarity with your Black community members.

Thank you,

Joseph DeLuca  
805-952-5093  
[josephdelucaca@gmail.com](mailto:josephdelucaca@gmail.com)

**SUBMISSION FROM:** Georgia Crowley

**From:** Georgia Crowley <georgia.crowley14@gmail.com>  
**Sent:** Tuesday, June 23, 2020 12:26 PM  
**To:** City Clerk <cityclerk@atascadero.org>  
**Subject:** Immediate change is needed

Hello,

I am writing a public comment addressing systemic racism and oppression in our society. I am demanding that you support all of the R.A.C.E matters demands in your jurisdiction.



I am writing to demand that you adopt a resolution declaring that RACISM IS A PUBLIC HEALTH CRISIS. I demand that the city connects and collaborates with individuals who work on diversity, inclusion, equity, or racial justice in order to move forward and implement change that will actually change things.

We have been ignoring the deep faults in our system for far too long. We must change.

Best,  
Georgia Crowley

**SUBMISSION FROM:** Thomas Arndt

From: Thomas Arndt <thomashanspaul@gmail.com>  
Sent: Tuesday, June 23, 2020 1:41 PM  
To: City Clerk <cityclerk@atascadero.org>  
Subject: 6/23 Council Meeting Public Comment - Community Forum

Mayor Moreno and Members of the Council,

My name is Thomas, and I am writing to urge the Council to commit to the reforms detailed in the widely-circulated RACE Matters petition addressing the pervasive issue of racial violence by police. I think the petition speaks for itself—please take the time to read the it, consider each of the policy recommendations, and direct staff to pursue a formal report on the current state of police reform in Atascadero.

I will add one thing: I have heard the rhetoric recently that we in SLO County “do not have this issue” and that calls to address racism here are misguided talking points from outside our region. This is not only false, but it also invites a dangerous complacency. Racism is an issue here, as it is across the county, and racism hurts people here just like everywhere else. The recent demonstrations across the County, and across the country, are a testament to the widespread dissatisfaction we as the public feel over the state of policing. Please heed this call.

Thank you for your time,

Thomas Arndt

**SUBMISSION FROM:** Raleigh Delk

**From:** Raleigh Delk <raleighdelk@gmail.com>  
**Sent:** Tuesday, June 23, 2020 3:35 PM  
**To:** City Clerk <cityclerk@atascadero.org>  
**Subject:** June 23rd Meeting Community Forum

I'm Raleigh from Los Osos and I'm asking the Atascadero City Council to address and respond to the demands of R.A.C.E. Matters SLO. These potential improvements include the reallocating funds from the police department to local mental health services and nonprofits. Additionally, I agree wholeheartedly with the proposed resolution declaring racism a public health crisis as San Luis Obispo has done. For more information, refer to <https://www.racemattersslo.org/> and connect and collaborate with other organizations in your city who work on diversity, inclusion, equity, and racial justice.

Regardless of the degree of racism in Atascadero and SLO County as a whole, such changes could benefit everyone in the community and set an example for the rest of the state and the country. Learn more about the data-driven studies behind these demands at <https://www.joincampaignzero.org/>

Sincerely,  
Raleigh Delk

**SUBMISSION FROM:** Karen Kubarek and Nate Page

**From:** Karen Kubarek <karen.m.kubarek@gmail.com>  
**Sent:** Tuesday, June 23, 2020 4:56 PM  
**To:** City Clerk <cityclerk@atascadero.org>  
**Subject:** Racism as a public health crisis - today's meeting

We want our voices heard about meeting R.A.C.E. Matter Slo's demands, including appropriate police reform and the recognition of racial discrimination as pervasive in our society, therefore racism should be declared a Public Health Emergency by Atascadero, and every city at the SLO County Level.

On January 28th, 2020 the American Psychological Association published an article written by Zara Abrams titled, "Sounding the Alarm on Black Youth Suicide". This article states:

"Between 1991 and 2017, suicide attempts among black adolescents increased by 73%, while attempts among white youth decreased, according to an analysis of more than 198,000 high school students nationwide (Lindsey, M.A., et. al., Pediatrics, Vol. 144, No. 5, 2019). Other studies have shown an elevated risk of suicide among African American boys ages 5 to 11 (Bridge, J.A., et. al., JAMA Pediatrics, Vol. 172, No. 7, 2018)

... Across the board, mental health problems such as depression, anxiety, and post-traumatic stress disorder put youth at risk for suicidal thoughts and attempts. But many African American children and adolescents face additional challenges, including exposure to violent racial discrimination, that may further increase their risk, says Sherry Molock, PhD, associate professor of psychology at the George Washington University in the District of Columbia and a member of the working group.

Black youth are also less likely than their white peers to receive care for depression - and when they do enter treatment, it's often through the juvenile justice system..."

Another article, "Racism is a Public Health Crisis, Say Cities and Counties", posted on June 15th, 2020 on [www.pewtrusts.org](http://www.pewtrusts.org) by Christine Vessel, says, "Black women are up to four times more likely to die of pregnancy related complications than white women. Black men are more than twice as likely to be killed by police as white men. And the average life expectancy of African Americans is four years lower than the rest of the U.S. population".

These racial disparities are heartbreaking and frightening. We need to do better to dismantle racism on a systemic level. Racism is a public health crisis and it is imperative for Atascadero and San Luis Obispo County to step up and acknowledge this so all members of the community feel supported and safe.

Karen Kubarek and Nate Page, Morro Bay



SUBMISSION FROM: Michael Ens

From: Michael Ens <mikeens@pacbell.net>

Sent: Tuesday, June 23, 2020 5:24 PM

To: City Clerk <cityclerk@atascadero.org>

Subject: Public Comment 06/23/2020

I want to thank the Atascadero Mayor Heather Moreno, City Manager Rachelle Rickard, City Clerk Lara Christensen & others that have been involved in the increase of public information about local reopening activities from the COVID-19 restrictions. It has been confusing and frustrating to know what changes are happening and what is allowed to open and steps or restrictions that they still need to maintain. More important, what are we as citizens able to do and places where we are able to go. From the restrictions from the federal level on down to the city, information has been hard to understand and follow.

I also want to say thank you to Chief of Police Jerel Haley & Fire Chief Casey Bryson for the work of the first responders to keep our community safe. With all of the events of the past few weeks, it is very comforting to live in a city where departments have staff ready to quickly react to potentially dangerous situations.

Michael Ens

(8200 Pequenina Ave)