



CITY OF ATASCADERO CITY COUNCIL

MINUTES

Tuesday, September 22, 2020

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

City Council Regular Session:

6:00 P.M.

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

Mayor Moreno called the meeting to order at 6:03 p.m. and Mayor Pro Tem Bourbeau led the Pledge of Allegiance.

ROLL CALL:

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

Absent: Council Member Newsom

Others Present: None

Staff Present: **By Teleconference** – City Manager Rachelle Rickard, Police Chief Jerel Haley, Fire Chief Casey Bryson, Administrative Services Director Jeri Rangel, Public Works Director Nick DeBar, Community Development Director Phil Dunsmore, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, and IT Manager Luke Knight

APPROVAL OF AGENDA:

- MOTION:** By Council Member Funk and seconded by Council Member Fonzi 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 4:0 by a roll-call vote. Newsom absent.

PRESENTATIONS: None.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – September 8, 2020

- Recommendation: Council approve the September 8, 2020 Draft City Council Regular Meeting Minutes. [City Clerk]

2. August 2020 Accounts Payable and Payroll

- Fiscal Impact: \$2,659,803.24
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for August 2020. [Administrative Services]

3. Authorize Professional Engineering Services for Atascadero Lake Dam Inundation Mapping Project

- Fiscal Impact: A total appropriation of \$25,000 is recommended to cover the Atascadero Lake Dam inundation map and supporting technical document costs and other administrative costs required to complete the project.
- Recommendations: Council:
 1. Authorize Wallace Group to perform work to prepare inundation mapping and associated technical study for submission to the California Department of Water Resources, Division of Safety of Dams.
 2. Authorize the Administrative Services Director to appropriate \$25,000 from General Fund balance for work to prepare Atascadero Lake Dam inundation mapping and associated technical study. [Public Works]

4. Annexation of Two Residential Subdivisions into Community Facilities District 2005-1, Annexation No. 21 and 22 (7900 Curbaril Ave.: AT 18-0111 & 4711 El Camino Real: Tract: 3141)

- Fiscal Impact: Assessments for the Curbaril annexation are estimated to be between \$2,800 - \$3,000 annually beginning in fiscal year 2021-2022, and adjusted each year for inflation. Assessments for the Grand Oaks Paseo annexation are estimated to be between \$19,000 - \$20,000 annually beginning in fiscal year 2021-2022, and adjusted each year for inflation.
- Recommendations: Council:
 1. Adopt Draft Resolution A, declaring its intention to annex territory, into Community Facilities District 2005-1 (Public Services) as Annexation No. 21 and to authorize the levy of special taxes therein (7900 Curbaril Ave.: AT 18-0111).
 2. Adopt Draft Resolution B, declaring its intention to annex territory, into Community Facilities District 2005-1 (Public Services) as Annexation No. 22 and to authorize the levy of special taxes therein (4711 El Camino Real: Tract 3141). [Community Development]

5. Memorandums of Understanding for the Atascadero Police Association, Mid-Management/Professional Employees Association, Atascadero Professional Firefighters Local 3600 and Resolution for Non-Represented Professional and Management Workers and Confidential Employees

- Fiscal Impact: None.
- Recommendations: Council:
 1. Approve the Memorandum of Understanding for Atascadero the Police.
 2. Approve the Memorandum of Understanding for Atascadero Professional Firefighters Local 3600.
 3. Approve the Memorandum of Understanding for, Mid-Management/Professional Employees Association.
 4. Adopt Draft Resolution for Non-Represented Professional and Management Workers and Confidential Employees.
 5. Approve the Salary Schedule for Fiscal Year 2020-2021. [City Manager]

MOTION: By Council Member Fonzi and seconded by Council Member Funk to approve the Consent Calendar. (#A-4: Resolution Nos. 2020-067 and 2020-068) (#A-5: Contract Nos. 2020-009, 2020-10, and 2020-11; Resolution No. 2020-069)

Motion passed 4:0 by a roll-call vote. Newsom absent.

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 by telephone during Community Forum: Geoff Auslen

Emails from the following citizens were read into the record by Deputy City Manager/City Clerk Christensen: Mitch Paskin and Deborah Paskin

B. PUBLIC HEARINGS:

1. Del Rio Road Commercial Area Specific Plan Amendment (AMND18-0079)

- Fiscal Impact: Projected reduction of Traffic Impact Fee revenue of approximately 2.8 million. The short-term circulation improvements necessary to mitigate the new traffic projections are projected to cost approximately \$15 million less than the mitigation measures included in the original specific plan.
- Recommendations: Council:
 1. Adopt Draft Resolution approving an addendum to the previously certified Final Environmental Impact Report (EIR) for the Del Rio Road Commercial Area Specific Plan and determine that said addendum, together with the previously certified EIR, serves as the appropriate environmental documentation for the proposed Specific Plan Amendments.
 2. Introduce for first reading, by title only, Draft Ordinance amending the Del Rio Road Commercial Area Specific Plan to modify the list of allowed land uses, associated project descriptions, and related traffic mitigation measures. [Community Development]

Ex Parte Communications

Council Member Funk reported speaking with Jenny Kim, Ted Lawton and Clint Pearce regarding this item. Mayor Pro Tem Bourbeau reported speaking with Clint Pearce and Rick Parmet with regards to this item. Council Member Foniz reported having no communications on this item. Mayor Moreno reported speaking with Clint Pearce and members of the public with regards to this item.

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

Mayor Moreno recessed the meeting at 8:39 p.m.

Mayor Moreno reconvened the meeting with all present at 8:50 p.m.

PUBLIC COMMENT:

The following citizens spoke by telephone on this item: Ted Lawton and Geoff Auslen

Mayor Moreno closed the Public Comment period.

Mayor Moreno recessed the meeting at 9:30 p.m.

Mayor Moreno reconvened the meeting with all present at 9:42 p.m.

MOTION: By Mayor Moreno and seconded by Council Member Funk to:

- 1. Adopt Resolution No. 2020-070 approving an addendum to the previously certified Final Environmental Impact Report (EIR) for the Del Rio Road Commercial Area Specific Plan and determine that said addendum, together with the previously certified EIR, serves as the appropriate environmental documentation for the proposed Specific Plan Amendments and amending Finding No. 7 as follows:**

- **Fact:** The proposed Specific Plan amendments will support the creation of head of household jobs in the City adjacent to existing residential areas with the potential for reducing Vehicle Miles Travelled. The Amendments will allow for the efficient and complimentary uses of land with a mix of commercial, business park, and residential uses to serve existing and future residents and helping the City's imbalance of jobs and housing

- 2. Introduce for first reading, by title only, Draft Ordinance amending the Del Rio Road Commercial Area Specific Plan to modify the list of allowed land uses, associated project descriptions, and related traffic mitigation measures with the following additional changes being made to the Section 3, Finding No. 7 of the Draft Ordinance and various sections within Exhibit A:**

Section 3, Finding No. 7:

- **Fact:** The proposed Specific Plan amendments will support the creation of head of household jobs in the City adjacent to existing residential areas with the potential for reducing Vehicle Miles Travelled. The Amendments will allow for the efficient and complimentary uses of land with a mix of commercial, business park, and residential uses to serve existing and future residents and helping the City's imbalance of jobs and housing

Exhibit A:

- Change Section 4.2 “maximum of 16 units” to “maximum of 24 units”
- Eliminate Section 4.1.1(2)(d) Outdoor Recreation (already allowed by CUP)
- Change the word “storage” to “sales” in Sections 4.1.1(1)(c) and 4.1.1(1)(e)
- Eliminate the word “or storage area” in Section 4.1.1(1)(f)
- Change Section 4.1.1(2)(g) to “Warehousing- (where the active office and employee component is less than 25% of floor area) – providing a finding of community benefit is made”
- Move Section 4.1.1(1)(a) Auto Repair Services (indoor only, no outdoor storage of inoperative vehicles) to Section 4.1.1(2)(a)
- Adding Section 4.1.1(2)(f)(v): RV Parks must be an integral part of the Master Plan of Development of the site that includes other visitor serving elements
- Section 4.1.1(2) – The following uses shall be conditionally allowed with the following additional finding: If it can make a strategic contribution to and synergy with a viable commercial center; including consideration of revenue generation, compatibility and phasing
- Section 6.7 add language that all Master Plans of Development and Master Plan Amendments must go to the City Council

Deputy City Manager/City Clerk Christensen read the title of the Ordinance:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, AMENDING THE DEL RIO ROAD COMMERCIAL AREA SPECIFIC PLAN TO MODIFY THE LIST OF ALLOWED LAND USES, ASSOCIATED PROJECT DESCRIPTIONS, AND RELATED TRAFFIC MITIGATION MEASURES

Motion passed 4:0 by a roll-call vote. Newsom absent.

C. MANAGEMENT REPORTS:

1. Del Rio Road / El Camino Real Plan Line in the Vicinity of the US 101 Interchange (East Side)

- Fiscal Impact: None.
- Recommendation: Council adopt Draft Resolution approving the Del Rio Road / El Camino Real Plan Line in the vicinity of the US 101 interchange. [Public Works]

Public Works Director DeBar gave the presentation 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 Council Member Fonzi to adopt Resolution 2020-071 approving the Del Rio Road / El Camino Real Plan Line in the vicinity of the US 101 interchange.

Motion passed 4:0 by a roll-call vote. Newsom absent.

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

- **Fiscal Impact:** The fiscal impact will depend on the direction provided by Council. The proposed process requires a significant outlay of staff time and advertising dollars. Additions or deletions from the proposed process can add or reduce costs.
- **Recommendation:** Council provide staff direction on how public engagement and accountability should be implemented for the proposed Essential Services Transactions and Use Tax Measure Ordinance, should it be passed by Atascadero voters in the General Election in November 2020. [Administrative Services]

City Manager Rickard gave the presentation and answered questions from the Council.

PUBLIC COMMENT:

The following citizens spoke by telephone on this item: Geoff Auslen

Mayor Moreno closed the Public Comment period.

MOTION: By Council Member Funk and Council Member Fonzi to implement the following accountability measure for the proposed Essential Services Transactions and Use Tax Measure Ordinance, should it be passed by Atascadero voters in the General Election in November 2020:

- Utilize the Citizens Sales Tax Oversight Committee to review annual expenditures, as part of an annual report, along with the City's annual audit, at a heavily publicized joint meeting of the Finance Committee and Citizens Sales Tax Oversight Committee (CSTOC). After review of the annual report and audit, the CSTOC will report their findings to the City Council.

Motion passed 4:0 by a roll-call vote. Newsom absent.

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 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:

Council Member Funk

1. Homeless Services Oversight Council

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.)

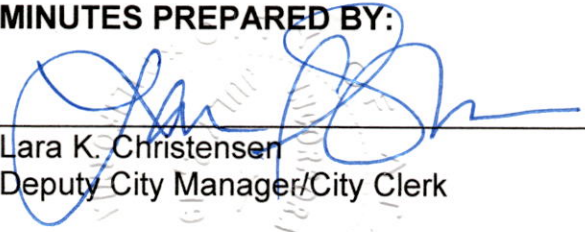
1. City Council

Mayor Pro Tem Bourbeau requested that the establishment of pickle ball courts at the Colony Park Community Center come back to the Council for discussion. There was consensus for staff to return to the Council with an item for discussion in November.

G. ADJOURN

Mayor Moreno adjourned the meeting at 10:55 p.m.

MINUTES PREPARED BY:



Lara K. Christensen
Deputy City Manager/City Clerk

APPROVED: October 13, 2020

PUBLIC COMMENT PROVIDED BY EMAIL

COMMUNITY FORUM:

SUBMISSION FROM: Mitch Paskin

From: Mitch Paskin <atownslo@gmail.com>

Sent: Monday, September 21, 2020 11:09 AM

To: City Council <CityCouncil@atascadero.org>; City Clerk <cityclerk@atascadero.org>

Subject: Submission to Community Forum City Council Meeting 9.22.2020

Ms Christensen,

Please read this submission to the City Council tomorrow night.

I know I am delinquent getting back to you on my CPRA. I have been very busy. Please accept my apologies.

--

Mitch Paskin

atownslo@gmail.com

Please read this message to the City Council on September 22, 2020

Mitch Paskin

atownslo@gamil.com

8056104955

I submitting this statement about the Oak Ridge Estates residential project and how it is affecting the safety of the people who drive the roads in 3F Meadows.

First of all, I would like to request that any response to this and any following message on this issue be presented during the open City Council meeting. The people have a right to hear how the city will handle this problem.

At the last City Council meeting I submitted five issues about Oak Ridge Estates. The Community Development Director kindly spent an hour on the phone with us. He was very patient with us and openly discussed the issues, but none of the promised actions have actually occurred. This is very disappointing.

The City of Atascadero, by approving this project and then reviving it, created very unsafe roads in 3F Meadows. The city cannot just say that the project was approved, no matter how flawed it is, and just walk away from the problem.

It is your responsibility to protect the people of Atascadero. You are going to have to deal with the problem eventually.

San Marcos Road was is a local hillside road rated at 500 average daily trips. It is the choke point. People have gone off the road, there have been head-on collisions and as the traffic increases the incidents will increase.

The city has issued building permits to Castlerock Development outside of the provisions in the Planned Overlay 11. The extension of Cenegal has to be open before Phase 2 permits can be issued. The city has argued that the road has to be completed, not opened, for building permits to be issued. If that is correct, the decision to open the road to the public has been left to Castlerock Development. Is it best practices to allow a developer to dictate to the city when and what the developer can do?

I think the City Council should take responsibility and take control of the situation. I think the city should stop the construction until Cenegal is opened for traffic as intended by the PD-11.

I am still waiting for clarification on what lots are associated with what phases of the development. I am also waiting for an answer about what it means regarding the conditions of approval that Mr. Shetler has shifted from building houses to selling lots. When does Phase 2 end? San Marcos Road's repair is mandated at the end of Phase 2. That event should be well defined.

I am still calling for geological and soils testing on the Cenegal Road corridor down into Paradise Valley. If there was a failure once it could fail again. If the corridor is unstable and can't support a road then all the traffic generated by Oak Ridge Estates will use San Marcos Road. That traffic volume will exceed the 500 average daily trip rating of the road and be a very dangerous situation without any possible mitigation.

For more information about Oak Ridge Estates please go to WWW.ROADTO41.COM.

Again - WWW.ROADTO41.COM.

Thank you.

SUBMISSION FROM: Deborah Claire Paskin

From: D. Paskin <atownefemme5@gmail.com>

Sent: Tuesday, September 22, 2020 3:47 PM

To: City Clerk <cityclerk@atascadero.org>

Subject: Agenda: Community Forum (for City Council Meeting of 9-22-20)

Please see attached to read this evening. Thank you.

Deborah Claire Paskin

atownefemme5@gmail.com

"Until one has loved an animal, a part of one's soul remains unawakened." -Anatole France-

To: The City Council of Atascadero

Submitted and to be read at: City Council Meeting of September 22, 2020

Agenda Item: Community Forum

Re: Safety for the Residents, and Potential Residents Living in and Outside of Oak Ridge Estates

Begin reading the following (432 words):

Safety of the Residents of 3F Meadows driving San Marcos and Los Altos roads is rapidly degrading.

First, construction traffic for the housing development, called Oak Ridge Estates, is increasing along with residential and visitor traffic.

Second, Cenegal Road is not open for use as the second exit to handle increased traffic. And let's face it, Cenegal Road is not a safe road and will probably only be used as an emergency exit. This has been verbally stated by several City Council members, past and present. Therefore, the bulk of traffic will use San Marcos and Los Altos Roads.

This leads to the third point which is safety: San Marcos and Los Altos are designated rural hillside local roads. This means they are rated to handle 500 average daily trips. In addition, many blind curves, sharp drop-off points and the lack of guardrails only make for a very unsafe drive even at 500 daily trips. There has already been a partial slide of a hill on one of the blind curves of San Marcos road. Concrete median barriers have been placed to stop a complete slide of the hill. At 24" wide, these barriers shrink the width of our already narrow road.

I must digress a bit to clarify that Los Altos was changed to a "Rural Hillside Collector" road, which is able to handle a greater volume of traffic. However, no upgrades have been made to Los Altos to qualify it as a collector road--just the name. So much for safety and holding the developer accountable.

Something so simple as taking my dogs for a walk becomes a whole process. Now I have to drive out of my neighborhood several miles to walk safely. Adding guardrails, striping the pavement and adding speed platforms would go a long way to improving safety on Los Altos and San Marcos roads. As of this date, no safety measures have been taken. If anything these roads are in a state of further disrepair. Patching the worst areas of the roads is small consolation and only a band-aid fix.

As I understand it, this development would not be approved today because of the inadequate roads and increased fire hazard. For many residents, much of what we own is tied up in our homes. What are we supposed to do? Our safety, our bucolic way of life, and our home values are going away.

Many of us living here in 3F meadows would gladly work with the City to find a suitable compromise. Our lives literally depend on it. Will you work for us?