



# CITY OF ATASCADERO CITY COUNCIL

## MINUTES

Tuesday, May 10, 2022

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

City Council Regular Session:

6:00 P.M.

City Council Closed Session:

Immediately following  
the conclusion of the City  
Council Regular Session

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

Mayor Moreno called the meeting to order at 6:01 p.m. and Council Member Funk led the Pledge of Allegiance.

### ROLL CALL:

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

Absent: None

Others Present: None

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Police Chief Bob Masterson, Public Works Director Nick DeBar, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Public Works Analyst Ryan Betz, IT Manger Luke Knight, and IT Support Specialist Charles Alexander

### APPROVAL OF AGENDA:

**MOTION:** By Council Member Bourbeau and seconded by Mayor Pro Tem Newsom to:

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

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

## PRESENTATIONS:

### 1. Proclamation declaring May as National Foster Care Awareness Month

The City Council presented a Proclamation to Mikayla Anderson and Rosario Depew, SLO County Social Services, proclaiming May as National Foster Care Awareness Month.

## A. CONSENT CALENDAR:

### 1. City Council Draft Action Minutes – April 26, 2022

- Recommendation: Council approve the April 26, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

### 2. Department of Defense Firefighter Property (FFP) Program

- Fiscal Impact: There is no cost to participate in the program. There will be costs to ship, deliver or pick up property received. Any costs associated with acquiring property will be budgeted.
- Recommendation: Council adopt Draft Resolution authorizing the City Manager to enter into a cooperative agreement between the State of California Department of Forestry and Fire Protection (CAL FIRE) in order to allow the City to take custody and use excess Department of Defense (DOD) property for use in providing fire and emergency medical services, including disaster relief activities. [Fire & Emergency Services]

### 3. Apple Valley Assessment Districts

- Fiscal Impact: Annual assessments for 2022/2023 will total \$38,500 for road/drainage system maintenance and \$63,000 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Apple Valley. Contributions of \$11,000 for half the cost of the park will be made from the City's General Fund, and an equal revenue source will be recognized from contributions made by the developer.
- Recommendation: Council:
  1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023.
  2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley).
  3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 01 (Apple Valley) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.

4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 01 (Apple Valley) for fiscal year 2022/2023. [Administrative Services]

**4. De Anza Estates Assessment Districts**

- **Fiscal Impact:** Annual assessments for 2022/2023 will total \$30,562 for road/drainage system maintenance and \$15,875 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in De Anza Estates. The City General Fund will contribute \$1,400 for the fiscal year 2022/2023 for half of the maintenance costs of the trails and open space.
- **Recommendation:** Council:
  1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023.
  2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates).
  3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 03 (De Anza Estates) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.
  4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
  5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023.
  6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 03 (De Anza Estates) for fiscal year 2022/2023. [Administrative Services]

**5. Las Lomas (Woodridge) Assessment Districts**

- **Fiscal Impact:** Annual assessments for 2022/2023 will total \$99,189 for road/drainage system maintenance and \$70,452 for landscape and lighting maintenance. These amounts will be assessed to the owners of parcels in Las Lomas (Woodridge). The City General Fund will contribute \$2,600 for the fiscal year 2022/2023 for 25% of the maintenance costs of the trails and open space.
- **Recommendation:** Council:
  1. Adopt Draft Resolution A initiating proceedings for the levy and collection of annual assessments for Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023.

2. Adopt Draft Resolution B accepting and preliminarily approving the Engineer's Annual Levy Report regarding the Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge).
3. Adopt Draft Resolution C declaring the City's intention to levy and collect annual assessments within Atascadero Street and Storm Drain Maintenance District No. 02 (Woodridge) in fiscal year 2022/2023, and to appoint a time and place for the public hearing on these matters.
4. Adopt Draft Resolution D initiating proceedings for annual levy of assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023 pursuant to the provisions of Part 2 of Division 15 of the California Streets and Highways Code.
5. Adopt Draft Resolution E for preliminary approval of the Annual Engineer's Levy Report for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023.
6. Adopt Draft Resolution F declaring the City's intention to levy and collect assessments for the Atascadero Landscaping and Lighting Maintenance District No. 02 (Woodridge) for fiscal year 2022/2023. [Administrative Services]

**6. Adoption of Atascadero Transit's Updated Title VI Plan 2022-2025**

- Fiscal Impact: None. However, the City benefits from FTA capital and operating assistance funding and this funding could be withheld should the City fail to submit a Title VI Plan.
- Recommendation: Council adopt Atascadero Transit's updated Title VI Plan for 2022-2025. [Public Works]

**7. Centennial Plaza Planned Development (ZCH) 22-0022**

- Fiscal Impact: None
- Recommendation: Council adopt on second reading, by title only, Draft Ordinance approving a Zoning Map Amendment adding a Planned Development overlay zone, based on findings. [Community Development]

**8. Virtual Meetings – AB 361 Requirements**

- Fiscal Impact: None
- Recommendation: Council adopt the Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings. [City Manager]

**MOTION: By Council Member Bourbeau and seconded by Council Member Dariz to approve the Consent Calendar. (#A-2: Resolution No. 2022-012) (#A-3: Resolution Nos. 2022-013 through 2021-018) (#A-4: Resolution Nos. 2021-019 through 2021-024) (#A-5: Resolution Nos. 2021-025 through 2021-030) (#A-6: Resolution No. 2021-031) (#A-7: Ordinance No. 655) (#A-8: Resolution No. 2022-032.  
*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 persons spoke during Community Forum: Geoff Auslen and Maggie Payne  
***Mayor Moreno closed the COMMUNITY FORUM period.***

**B. PUBLIC HEARINGS:**

**1. Weed Abatement – Hearing of Objections**

- Fiscal Impact: None.
- Recommendation: Council:
  1. Hear all objections to the proposed removal of vegetative growth and/or refuse and allow or overrule any objections, and,
  2. Authorize the Fire Chief to proceed and perform the work of abatement. [Fire & Emergency Services]

Ex Parte Communications

No Council Members had anything to report.

Fire Chief Bryson gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: Geoff Auslen

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

**MOTION: By Council Member Funk and seconded by Mayor Pro Tem Newsom to authorize the Fire Chief to proceed and perform the work of abatement.  
*Motion passed 5:0 by a roll-call vote.***

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

- Fiscal Impact: Approving staff recommendations will generate an estimated \$650,000 in additional revenue from sewer service charges collected in FY22/23.
- Recommendation: Council:
  1. Conduct a public hearing to receive all written and verbal testimony regarding the proposed wastewater (sewer) rates and consider the results of protest proceedings in accordance with Proposition 218.
  2. Adopt one of the following resolutions certifying the protest results:
    - A. For a non-majority protest – Draft Resolution A certifying that the number of valid written protests were not received from property owners

representing a majority of the parcels subject to the proposed rate increase.

**OR**

- B. For a majority protest – Draft Resolution B certifying that the number of valid written protests were received from property owners representing a majority of the parcels subject to the proposed rate increase.
3. If no majority protest exists, adopt Draft Resolution C approving proposed wastewater rates effective July 1, 2022. [Public Works]

Ex Parte Communications

No Council Members had anything to report.

Public Works Analyst Betz gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: None

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

**MOTION:** By Council Member Bourbeau and seconded by Council Member Funk to adopt Resolution No. 2022-033 certifying that the number of valid written protests were not received from property owners representing a majority of the parcels subject to the proposed rate increase and adopt Resolution No. 2022-034 approving proposed wastewater rates effective July 1, 2022.  
***Motion passed 5:0 by a roll-call vote.***

**C. MANAGEMENT REPORTS:**

**1. AB 481 – Military Equipment Policy**

- Fiscal Impact: None.
- Recommendations: Council introduce for first reading, by title only, a Draft Ordinance adopting a Military Equipment Policy in accordance with Assembly Bill 481. [Police Department]

Police Chief Masterson gave the report and answered questions from the Council.

**PUBLIC COMMENT:**

The following persons spoke on this item: None

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

**MOTION:** By Council Member Dariz and seconded by Mayor Pro Tem Newsom to introduce for first reading, by title only, a Draft Ordinance adopting a Military Equipment Policy in accordance with Assembly Bill 481.

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF  
ATASCADERO, CALIFORNIA, ADOPTING A MILITARY EQUIPMENT USE POLICY IN  
ACCORDANCE WITH AB 481**

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

**D. 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. City Selection Committee
2. County Mayors Round Table
3. SLO Council of Governments (SLOCOG)

Council Member Bourbeau

1. Integrated Waste Management Authority (IWMA)

Council Member Funk

1. Homeless Services Oversight Council

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

**F. RECESS REGULAR MEETING TO CLOSED SESSION**

Mayor Moreno recessed the Regular Meeting at 6:53 p.m. and called the Closed Session Meeting to order.

**COUNCIL CLOSED SESSION:**

1. **CLOSED SESSION -- PUBLIC COMMENT**
2. **COUNCIL LEAVES TO BEGIN CLOSED SESSION**
3. **CLOSED SESSION -- CALL TO ORDER**
  - a. **Conference with Real Property Negotiators**  
(Govt. Code 54956.8)  
Real Property: 5970 El Camino Real (APN 030181031)  
Agency Negotiator: Rachelle Rickard, City Manager  
Negotiating Parties: Fred C. Pflum Revocable Trust  
Subject of Negotiations: Purchase price and/or terms of payment
  - b. **Conference with Legal Counsel – Anticipated Litigation**  
Significant exposure to litigation pursuant to Government Code  
Section 54956.9(d)(2): 1 potential case – California Voting Rights Act

**4. CLOSED SESSION – ADJOURNMENT**

**G. ADJOURN**

Following Closed Session, the meeting was adjourned at 7:28 pm; no reportable action.

**MINUTES PREPARED BY:**



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Lara K. Christensen  
City Clerk

**APPROVED:** May 24, 2022.