



CITY OF ATASCADERO CITY COUNCIL AGENDA

HYBRID MEETING INFORMATION:

In accordance with City Council Resolution No. 2022-068 and the requirements of AB 361, the City Council Meeting will be available via teleconference for those who wish to participate remotely. The City Council meeting will also be held in the City Council Chambers and in-person attendance will be available at that location.

HOW TO OBSERVE THE MEETING REMOTELY:

To participate remotely, residents can livestream the meeting on [Zoom](#), SLO-SPAN.org, on Spectrum cable Channel 20 in Atascadero, and listen live on KPRL Radio 1230AM and 99.3FM. The video recording of the meeting will repeat daily on Channel 20 at 1:00 am, 9:00 am, and 6:00 pm and will be available through the City's website and on the City's YouTube Channel. To participate remotely using the Zoom platform please visit https://us02web.zoom.us/webinar/register/WN_ZwJ7a031S3KXauEym9ehaA.

HOW TO SUBMIT PUBLIC COMMENT:

Individuals who wish to provide public comment in-person may attend the meeting in the City Council Chambers. Individuals who wish to participate remotely may call **(669) 900-6833** (Meeting ID: 889 2347 9018) to listen and provide public comment via phone or via the [Zoom](#) platform using the link above.

If you wish to comment but not via a live platform, please email public comments to cityclerk@atascadero.org. Such email **comments must identify the Agenda Item Number in the subject line of the email**. The comments will be forwarded to the City Council and made a part of the administrative record. ***To ensure distribution to the City Council prior to consideration of the agenda, the public is encouraged to submit comments no later than 12:00 p.m. the day of the meeting.*** Those comments, as well as any comments received after that time, but before the close of the item, will be distributed to the City Council, posted on the City's website, and will be made part of the official public record of the meeting. ***Please note, email comments 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 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/agendas.

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. 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 made a part of 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 by appointment during City Hall business hours.



CITY OF ATASCADERO CITY COUNCIL

AGENDA

Tuesday, October 11, 2022

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

<u>City Council Regular Session:</u>	6:00 P.M.
<u>City Council Closed Session:</u>	Immediately following the conclusion of the City Council Regular Session

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

PLEDGE OF ALLEGIANCE: Mayor Pro Tem Newsom

ROLL CALL: Mayor Moreno
Mayor Pro Tem Newsom
Council Member Bourbeau
Council Member Dariz
Council Member Funk

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:

1. Proclamation declaring October 9-15, 2022 as Fire Prevention Week
2. Proclamation declaring October 2022 as Domestic Violence Action Month

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 – September 27, 2022

- Recommendation: Council approve the September 27, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

2. Grant of Easement to Pacific Gas and Electric Company to Relocate Existing Electrical Facilities for the Santa Lucia Road Bridge Replacement Project

- Fiscal Impact: None.
- Recommendation: Council authorize the City Manager to execute Grants of Easement to Pacific Gas and Electric Company to relocate existing facilities for the Santa Lucia Road Bridge Replacement Project. [Public Works]

3. Virtuai Meetings – AB 361 Requirements

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

1. Local and Regional Economic Development Update

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. Comments will be allowed for the entire 30-minute period so if the final speaker has finished before the 30 minute period has ended and a member of the public wishes to make a comment after the Council has commenced another item, the member should alert the Clerk within the 30 minute period of their desire to make a comment and the Council will take up that comment upon completion of the item which was commenced. 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.)

B. PUBLIC HEARINGS:

1. Accessory Dwelling Unit Text Amendments (AMC Title 9)

- Fiscal Impact: No fiscal impact will occur with continuing the public hearing to the next regular Council meeting.
- Recommendation: Council continue the public hearing to the October 25, 2022, regular City Council meeting to allow additional time for drafting and reviewing proposed changes/clarifications to the draft Ordinances reviewed by

Council on September 13, 2022, regarding accessory dwelling unit text amendments to the Atascadero Municipal Code Title 9. [Community Development]

C. MANAGEMENT REPORTS: None.

D. 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. Regional Economic Action Coalition (REACH)
4. SLO Council of Governments (SLOCOG)
5. SLO Regional Transit Authority (RTA)

Mayor Pro Tem Newsom

1. City / Schools Committee
2. Design Review Committee
3. League of California Cities – Council Liaison
4. Visit SLO CAL Advisory Committee

Council Member Bourbeau

1. City of Atascadero Finance Committee
2. City / Schools Committee
3. Integrated Waste Management Authority (IWMA)
4. SLO County Water Resources Advisory Committee (WRAC)

Council Member Dariz

1. Air Pollution Control District
2. California Joint Powers Insurance Authority (CJPIA) Board
3. City of Atascadero Finance Committee
4. Community Action Partnership of San Luis Obispo (CAPSLO)

Council Member Funk

1. Atascadero Basin Ground Water Sustainability Agency (GSA)
2. Design Review Committee
3. Homeless Services Oversight Council

E. 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

F. RECESS TO CLOSED SESSION FOLLOWING CONCLUSION OF CITY COUNCIL REGULAR SESSION

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

4. CLOSED SESSION – ADJOURNMENT

Announcement(s) of any reportable action(s) taken in Closed Session that occur(s) after the adjournment of Regular Session will be made at the beginning of the next Regular City Council meeting as Closed Session is not recorded or videotaped.

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.



CITY OF ATASCADERO CITY COUNCIL

DRAFT MINUTES

Tuesday, September 27, 2022

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 6:00 p.m. and 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: Treasurer Gere Sibbach

Staff Present: City Manager Rachelle Rickard, Administrative Services Director Jeri Rangel, Community Development Director Phil Dunsmore, Fire Chief Casey Bryson, Acting Police Chief Jason Carr, Public Works Director Nick DeBar, City Attorney Brian Pierik, Deputy City Manager/City Clerk Lara Christensen, Deputy Director of Economic and Community Development Loreli Cappel, Senior Planner Kelly Gleason, and Deputy City Manager – IT Luke Knight

APPROVAL OF AGENDA:

MOTION: By Council Member Bourbeau 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.

A. CONSENT CALENDAR:

1. City Council Draft Action Minutes – September 13, 2022

- Recommendation: Council approve the September 13, 2022 Draft City Council Regular Meeting Minutes. [City Clerk]

2. August 2022 Accounts Payable and Payroll

- Fiscal Impact: \$5,542,928.81.
- Recommendation: Council approve certified City accounts payable, payroll and payroll vendor checks for August 2022. [Administrative Services]

3. June 2022 Investment Report

- Fiscal Impact: None.
- Recommendation: Council receive and file the City Treasurer's report for quarter ending June 30, 2022. [City Treasurer]

Council Member Dariz and Council Council Member Bourbeau removed Items #4 and #5, respectively, from the Consent Calendar for separate discussion and vote.

**MOTION: By Council Member Bourbeau and seconded by Mayor Pro Tem Newsom to approve Consent Calendar Items #1-3.
*Motion passed 5:0 by a roll-call vote.***

4. Ordinance Adopting Standards for the Implementation of SB 9: Urban Dwelling Lots and Urban Lot Splits

- Fiscal Impact: It is estimated that this State-required action will have a significant negative fiscal impact on the City. For any applications submitted, standard fees will be charged, and the State recognizes that this law imposes an unfunded State-mandated local program.
- Recommendation: Council:
 1. Adopt, on second reading, by title only, Draft Ordinance A amending Title 9: Planning and Zoning, to add Chapter 18: Urban Dwelling Units; and
 2. Adopt, on second reading, by title only, Draft Ordinance B amending Title 11: Subdivisions, establishing standards for Urban Lot Splits. [Community Development]

Council Member Dariz noted that he had recused himself, for a potential conflict, from the discussion of Consent Calendar Item #4 when it came before Council on September 13, 2022, and would recuse himself again for this action.

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

1. **Adopt, on second reading, by title only, Ordinance No. 657 amending Title 9: Planning and Zoning, to add Chapter 18: Urban Dwelling Units; and**
2. **Adopt, on second reading, by title only, Ordinance No. 658 amending Title 11: Subdivisions, establishing standards for Urban Lot Splits.**

Motion passed 4:0 by a roll-call vote. Dariz recused.

5. Contract for Animal Care and Control Services for Fiscal Years 2022-2025

- Fiscal Impact: \$368,054.
- Recommendation: Council authorize the City Manager to execute a three-year contract with the County of San Luis Obispo for the continued provision of Animal Control Services from July 1, 2022 to June 30, 2025, in the amount of \$368,054 for the first year, with annual adjustments based on the service levels provided to the City for each year thereafter. [City Manager]

Council Member Bourbeau noted attending the opening of the new Animal Shelter with Mayor Moreno and Council Member Dariz. He inquired regarding the County Title 9 Ordinance update and the City's ability to adopt additional regulations. City Manager Rickard responded to his questions.

MOTION: By Council Member Funk and seconded by Mayor Pro Tem Newsom to authorize the City Manager to execute a three-year contract with the County of San Luis Obispo for the continued provision of Animal Control Services from July 1, 2022 to June 30, 2025, in the amount of \$368,054 for the first year, with annual adjustments based on the service levels provided to the City for each year thereafter. (Contract No. 2022-015)

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

UPDATES FROM THE CITY MANAGER:

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

COMMUNITY FORUM:

The following persons spoke in-person, by telephone or through the webinar: Sierra Steele

Mayor Moreno closed the COMMUNITY FORUM period.

B. PUBLIC HEARINGS: None.

C. MANAGEMENT REPORTS:

1. Objective Design Standards Project Update

- Fiscal Impact: State funding from the Local Early Action Planning (LEAP) and Regional Early Action Planning (REAP) will assist in funding this effort; further funding will need to be identified for an additional study session and consultant participation in the adoption process.
- Recommendations: Council to provide direction on key Objective Design Standard policy items. [Community Development]

Community Development Director Dunsmore briefed the Council on the report and turned the presentation over to the Consultant, Genevieve Sharrow with MIG, who led the Council through an exercise to provide direction on key Objective Design Standards.

PUBLIC COMMENT:

The following persons spoke on this item: None

Mayor Moreno closed the Public Comment period.

The City Council discussed and provided feedback to staff and the Consultant on key Objective Design Standards policy items.

Mayor Moreno recessed the Meeting at 8:16 p.m.

Mayor Moreno reconvened the Meeting at 8:26 p.m. with all present.

2. Contract Award for North County Broadband Strategic Plan Project

- Fiscal Impact: \$100,000 of SB 1090 funds previously allocated by Council.
- Recommendations: Council:
 1. Authorize the City Manager to execute a contract for \$200,000 with Teleworx to provide consultant services for the preparation of the North County Broadband Strategic Plan Project; and
 2. Authorize the City Manager to draft and sign a Side Letter Agreement between the City of Atascadero and the City of El Paso de Robles to formalize the process for the cities to collaborate, share cost, and co-manage the North County Broadband Strategic Plan Project. [Community Development]

Deputy Director of Economic and Community Development Cappel gave the presentation and answered questions from the Council.

PUBLIC COMMENT:

The following persons spoke on this item: Maria Kelly

Mayor Moreno closed the Public Comment period.

**MOTION: By Council Member Funk and seconded by Mayor Pro Tem Newsom to authorize the City Manager to draft and sign a Side Letter Agreement No. 2022-017 between the City of Atascadero and the City of El Paso de Robles to formalize the process for the cities to collaborate, share cost, and co-manage the North County Broadband Strategic Plan Project.
*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. County Mayors Round Table
2. Regional Economic Action Coalition (REACH)

Mayor Pro Tem Newsom

1. City / Schools Committee
2. Design Review Committee
3. Central Coast Community Energy Policy Committee

Mayor Pro Tem Newsom also reported attending the Elk's 35th Anniversary Dinner.

Council Member Bourbeau

1. City of Atascadero Finance Committee

Council Member Dariz

1. Air Pollution Control District
2. Community Action Partnership of San Luis Obispo (CAPSLO)

Council Member Funk

1. Homeless Services Oversight Council

E. INDIVIDUAL DETERMINATION AND / OR ACTION: None

F. ADJOURN

Mayor Moreno recessed the Meeting at 9:53 p.m.

MINUTES PREPARED BY:

Lara K. Christensen
City Clerk

APPROVED:



Atascadero City Council

Staff Report – Public Works Department

Grants of Easement to Pacific Gas and Electric Company to Relocate Existing Electrical Facilities for the Santa Lucia Road Bridge Replacement Project

RECOMMENDATION:

Council authorize the City Manager to execute Grants of Easement to Pacific Gas and Electric Company to relocate existing electrical facilities for the Santa Lucia Road Bridge Replacement Project.

DISCUSSION:

As part of the Santa Lucia Road Bridge Replacement project, construction of the bridge conflicts with an existing Pacific Gas and Electric (PG&E) overhead main line and widening of the bridge approach roadway requires relocation of two existing power poles. To resolve the conflicts, the City acquired portions of three adjacent private parcels during the project right-of-way acquisition phase with the intention of granting PG&E easements over these parcels to allow for relocation of their facilities.

The placement of public utilities typically resides within a street right-of-way and does not require an easement. However, these facilities will be located within easements on separate properties (portions of original adjacent private parcels) acquired for this purpose. Since these facilities will be located within parcels owned in fee by the City and not within a street right-of-way, PG&E requires the City grant a utility easement to PG&E. City Public Works staff has coordinated the easement limits with PG&E and has reviewed the documents.

FISCAL IMPACT:

None

ATTACHMENTS:

1. Grant of Easement for a portion of APN 054-261-006 (formerly Bergquist)
2. Grant of Easement for a portion of APN 054-261-015 (formerly Wells)
3. Grant of Easement for a portion of APN 054-261-001 (formerly Mehring)

DRAFT RESOLUTION

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ATASCADERO, CALIFORNIA, APPROVING GRANTS OF EASEMENT DEEDS TO PACIFIC GAS AND ELECTRIC COMPANY FOR ELECTRICAL FACILITY RELOCATIONS ASSOCIATED WITH THE SANTA LUCIA ROAD BRIDGE REPLACEMENT PROJECT

WHEREAS, the proposed layout for the Santa Lucia Road Bridge Replacement Project (“Project”) over Atascadero Creek requires that Pacific Gas and Electric Company (“PG&E”) relocate existing overhead electrical transmission lines to accommodate construction; and

WHEREAS, the City and its agent, Hamner, Jewell & Associates, previously negotiated compensation amounts for acquisition of a portion of three parcels owned by William Mehring (APN 054-261-001), Thomas Bergquist (APN 054-261-006) and John and Lorraine Wells (APN 054-261-015) for the purpose of a new transmission line alignment; and

WHEREAS, the relocated PG&E transmission lines will not be within the public road right-of-way and require separate easements to allow for maintenance and repair of constructed facilities; and

WHEREAS, Easement Deeds have been prepared by PG&E for the establishing easements within the limits of the previously acquired portions of properties; and

WHEREAS, proposed Easement Deeds been reviewed by the City Council at its meeting on October 11, 2022.

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

SECTION 1. Recitals. The foregoing Recitals are true and correct and are hereby incorporated by this reference.

SECTION 2. Approval. The City Council hereby approves the grant of Easement Deeds within the portions of property owned in fee by the City on APN 054-261-001, APN 054-261-006 and APN 054-261-015.

SECTION 3. CEQA. The City Council hereby finds that the Guidelines of the California Environmental Quality Act (CEQA) (Section 15061.(3), (b)) exempts activities that are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Approving Easement Grant Deeds for utility line relocation will not have any significant adverse environmental impacts associated with this Resolution.

SECTION 4. The City Manager is hereby authorized and directed to take all appropriate actions and execute Right-of-way Agreements and other documents which the City Manager may deem necessary or advisable in order to effectuate the purposes of this Resolution.

ITEM NUMBER: A-2
DATE: 10/11/22
ATTACHMENT: 1

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara Christensen, City Clerk

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____
Recording Fee \$ _____
Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

Signature of declarant or agent determining tax

LD# 2228-12-

EASEMENT DEED

THE CITY OF ATASCADERO, a California municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the City of Atascadero, County of San Luis Obispo, State of California, described as follows:

(APN: 054-261-001) (Ptn.)

The parcel of land described in the deed from William Dunbrack Mehring, Trustee of the William Dunbrack Mehring Revocable Living Trust dated June 1, 2016 to The City of Atascadero, a California municipal corporation dated January 7, 2021 and recorded as Document Number 2021-039677, San Luis Obispo County Records.

The easement area is described as follows:

A strip of land of the uniform width of 5 feet lying contiguous to and northerly of the northerly boundary line of the city street known as Santa Lucia Road (50 feet wide) and extending from the westerly boundary line of said lands easterly 82.1 feet (measured along said southerly boundary line).

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor acknowledges that they have read the "Grant of Easement Disclosure Statement", Exhibit "A", attached hereto and made a part hereof.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

This document may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

THE CITY OF ATASCADERO, a California
municipal corporation

By.

I hereby certify that a resolution was adopted on the ____ day of _____, 20____, by the _____ authorizing the foregoing grant of easement.

By _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____ Notary Public,
Insert name

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____

Pacific Gas and Electric Company



EXHIBIT "A"

GRANT OF EASEMENT DISCLOSURE STATEMENT

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Gas and Electric Company (PG&E) to accommodate a utility service extension to PG&E's applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by PG&E to grant this easement.
- The granting of this easement is an accommodation to PG&E's applicant requesting the extension of PG&E utility facilities to the applicant's property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, PG&E is not authorized to purchase any such easement.
- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area and **may be used to install additional utility facilities**. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E's contractors perform this work on your property, if available, or granting permission to PG&E's applicant or the applicant's contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized PG&E's applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant's contractor, to work on your property. Upon completion of the applicant's installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.

Attach to LD: 2228-12-
Area, Region or Location: 4
Land Service Office: San Luis Obispo
Line of Business: Electric Distribution (43)
Business Doc Type: Easements
MTRSQ: 22.28.12.20.31,
FERC License Number: N/A
PG&E Drawing Number: S-2812469
Plat No.: AY137-C03
LD of Affected Documents: N/A
LD of Cross Referenced Documents: N/A
Type of interest: Electric Underground Easements (4), Utility Easement (86)
SBE Parcel: N/AN/A
% Being Quitclaimed: N/A
Order or PM: 3516939
JCN: N/A
County: San Luis Obispo
Utility Notice Number: N/A
851 Approval Application No: N/A ;Decision: N/A
Prepared By: a7ho
Checked By: l3b0
Approved By:
Revised by:

RECORDING REQUESTED BY AND RETURN TO:

***PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177***

Location: City/Uninc _____
Recording Fee \$ _____
Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

Signature of declarant or agent determining tax

LD# 2228-12-

EASEMENT DEED

THE CITY OF ATASCADERO, a California municipal corporation,

hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the City of Atascadero, County of San Luis Obispo, State of California, described as follows:

(APN: 054-261-006) (Ptn.)

The parcel of land described in the deed from Thomas J. Bergquist to The City of Atascadero, a California municipal corporation dated March 19, 2021 and recorded as Document Number 2021-036384, San Luis Obispo County Records.

The easement area is described as follows:

A strip of land of the uniform width of 5 feet lying contiguous to and northerly of the northerly boundary line of the city street known as Santa Lucia Road (50 feet wide) and extending from the easterly boundary line of the city street known as Llano Road (40 feet wide) easterly approximately 116 feet (measured along said northerly boundary line) to the easterly boundary line of said lands.

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor acknowledges that they have read the "Grant of Easement Disclosure Statement", Exhibit "A", attached hereto and made a part hereof.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

This document may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

THE CITY OF ATASCADERO, a California municipal corporation

By.

I hereby certify that a resolution was adopted on the ____ day of _____, 20____, by the _____ authorizing the foregoing grant of easement.

By _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____ Notary Public,
Insert name

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public (Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____



EXHIBIT “A”

GRANT OF EASEMENT DISCLOSURE STATEMENT

This Disclosure Statement will assist you in evaluating the request for granting an easement to Pacific Gas and Electric Company (PG&E) to accommodate a utility service extension to PG&E’s applicant. **Please read this disclosure carefully before signing the Grant of Easement.**

- You are under no obligation or threat of condemnation by PG&E to grant this easement.
- The granting of this easement is an accommodation to PG&E’s applicant requesting the extension of PG&E utility facilities to the applicant’s property or project. Because this easement is an accommodation for a service extension to a single customer or group of customers, PG&E is not authorized to purchase any such easement.
- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area and **may be used to install additional utility facilities**. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E’s contractors perform this work on your property, if available, or granting permission to PG&E’s applicant or the applicant’s contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized PG&E’s applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant’s contractor, to work on your property. Upon completion of the applicant’s installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.

Attach to LD: 2228-12-
Area, Region or Location: 4
Land Service Office: San Luis Obispo
Line of Business: Electric Distribution (43)
Business Doc Type: Easements
MTRSQ: 22.28.12.20.31,
FERC License Number: N/A
PG&E Drawing Number: S-2812469
Plat No.: AY137-C03
LD of Affected Documents: N/A
LD of Cross Referenced Documents: N/A
Type of interest: Electric Underground Easements (4), Utility Easement (86)
SBE Parcel: N/AN/A
% Being Quitclaimed: N/A
Order or PM: 3516939
JCN: N/A
County: San Luis Obispo
Utility Notice Number: N/A
851 Approval Application No: N/A ;Decision: N/A
Prepared By: a7ho
Checked By: l3b0
Approved By:
Revised by:

RECORDING REQUESTED BY AND RETURN TO:

PACIFIC GAS AND ELECTRIC COMPANY
245 Market Street, N10A, Room 1015
P.O. Box 770000
San Francisco, California 94177

Location: City/Uninc _____
Recording Fee \$ _____
Document Transfer Tax \$ _____

- This is a conveyance where the consideration and Value is less than \$100.00 (R&T 11911).
- Computed on Full Value of Property Conveyed, or
- Computed on Full Value Less Liens & Encumbrances Remaining at Time of Sale
- Exempt from the fee per GC 27388.1 (a) (2); This document is subject to Documentary Transfer Tax

(SPACE ABOVE FOR RECORDER'S USE ONLY)

Signature of declarant or agent determining tax

LD# 2228-12-

EASEMENT DEED

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hereinafter called Grantor, hereby grants to PACIFIC GAS AND ELECTRIC COMPANY, a California corporation, hereinafter called Grantee, the right from time to time to excavate for, construct, reconstruct, replace (of initial or any other size), remove, maintain, inspect, and use facilities and associated equipment for public utility purposes, including, but not limited to electric, gas, and communication facilities, together with a right of way therefor, on, over, and under the easement area as hereinafter set forth, and also ingress thereto and egress therefrom, over and across the lands of Grantor situated in the City of Atascadero, County of San Luis Obispo, State of California, described as follows:

(APN: 054-261-015) (Ptn.)

The parcel of land described in the deed from John P. Wells and Lorraine H. Wells, Co-Trustees of The Wells Family Trust, dated May 6, 2013 and John P. Wells, Special Administrator of the Estate of Delbert W. Flanagan, deceased, to The City of Atascadero, a California municipal corporation dated March 19, 2021 and recorded as Document Number 2021-039679, San Luis Obispo County Records.

The easement area is described as follows:

A strip of land of the uniform width of 10 feet lying contiguous to and northerly of the northerly boundary line of the city street known as Santa Lucia Road (50 feet wide) and extending from the westerly boundary line of the city street known as Llano Road (40 feet wide) westerly 25 feet (measured along said southeasterly boundary line).

Grantor further grants to Grantee the right, from time to time, to trim or to cut down, without Grantee paying compensation, any and all trees and brush now or hereafter within said easement area, and shall have the further right, from time to time, to trim and cut down trees and brush along each side of said easement area which now or hereafter in the opinion of Grantee may interfere with or be a hazard to the facilities installed hereunder, or as Grantee deems necessary to comply with applicable state or federal regulations.

Grantor also grants to Grantee the right to use such portion of said lands contiguous to said easement area as may be reasonably necessary in connection with the excavation, construction, reconstruction, replacement, removal, maintenance and inspection of said facilities.

Grantor hereby covenants and agrees not to place or construct, nor allow a third party to place or construct, any building or other structure, or store flammable substances, or drill or operate any well, or construct any reservoir or other obstruction within said easement area, or diminish or substantially add to the ground level within said easement area, or construct any fences that will interfere with the maintenance and operation of said facilities.

Grantor acknowledges that they have read the "Grant of Easement Disclosure Statement", Exhibit "A", attached hereto and made a part hereof.

The legal description herein, or the map attached hereto, defining the location of this utility distribution easement, was prepared by Grantee pursuant to Section 8730 (c) of the Business and Professions Code.

This document may be executed in multiple counterparts, each of which shall be deemed an original, but all of which, together, shall constitute one and the same instrument.

The provisions hereof shall inure to the benefit of and bind the successors and assigns of the respective parties hereto, and all covenants shall apply to and run with the land.

Dated: _____, _____.

THE CITY OF ATASCADERO, a California
municipal corporation

By.

I hereby certify that a resolution was adopted on the ____ day of _____, 20____, by the _____ authorizing the foregoing grant of easement.

By _____

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____)

On _____, before me, _____ Notary Public,
Insert name

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

CAPACITY CLAIMED BY SIGNER

- Individual(s) signing for oneself/themselves
- Corporate Officer(s) of the above named corporation(s)
- Trustee(s) of the above named Trust(s)
- Partner(s) of the above named Partnership(s)
- Attorney(s)-in-Fact of the above named Principal(s)
- Other _____

Pacific Gas and Electric Company



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- You are under no obligation or threat of condemnation by PG&E to grant this easement.
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- By granting this easement to PG&E, the easement area may be used to serve additional customers in the area and **may be used to install additional utility facilities**. Installation of any proposed facilities outside of this easement area will require an additional easement.
- Removal and/or pruning of trees or other vegetation on your property may be necessary for the installation of PG&E facilities. You have the option of having PG&E's contractors perform this work on your property, if available, or granting permission to PG&E's applicant or the applicant's contractor to perform this work. Additionally, in order to comply with California fire laws and safety orders, PG&E or its contractors will periodically perform vegetation maintenance activities on your property as provided for in this grant of easement in order to maintain proper clearances from energized electric lines or other facilities.
- The description of the easement location where PG&E utility facilities are to be installed across your property must be satisfactory to you.
- The California Public Utilities Commission has authorized PG&E's applicant to perform the installation of certain utility facilities for utility service. In addition to granting this easement to PG&E, your consent may be requested by the applicant, or applicant's contractor, to work on your property. Upon completion of the applicant's installation, the utility facilities will be inspected by PG&E. When the facility installation is determined to be acceptable the facilities will be conveyed to PG&E by its applicant.

By signing the Grant of Easement, you are acknowledging that you have read this disclosure and understand that you are voluntarily granting the easement to PG&E. Please return the signed and notarized Grant of Easement with this Disclosure Statement attached to PG&E. The duplicate copy of the Grant of Easement and this Disclosure Statement is for your records.

Attach to LD: 2228-12-
Area, Region or Location: 4
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Business Doc Type: Easements
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FERC License Number: N/A
PG&E Drawing Number: S-2812469
Plat No.: AY137-C03
LD of Affected Documents: N/A
LD of Cross Referenced Documents: N/A
Type of interest: Electric Underground Easements (4), Utility Easement (86)
SBE Parcel: N/AN/A
% Being Quitclaimed: N/A
Order or PM: 3516939
JCN: N/A
County: San Luis Obispo
Utility Notice Number: N/A
851 Approval Application No: N/A ;Decision: N/A
Prepared By: a7ho
Checked By: l3b0
Approved By:
Revised by:



Atascadero City Council

Staff Report - City Manager

Virtual Meetings – AB 361 Requirements

RECOMMENDATION:

Council adopt Draft Resolution making findings consistent with the requirements of AB 361 to continue to allow for the conduct of virtual meetings.

DISCUSSION:

On March 4, 2020, Governor Newsom declared a state of emergency due to the novel coronavirus COVID-19. That declaration is still in effect. Since March 12, 2020, Executive Orders from the Governor relaxed various Brown Act meeting requirements relating to teleconferencing rules, temporarily suspending the Brown Act provisions requiring the physical presence of council, board and commission members at public meetings. The most recent extension of those Orders expired on September 30, 2021.

On Friday, September 17, 2021, the Governor signed AB 361. AB 361 amends Government Code section 54953 to provide more clarity on the Brown Act's rules and restrictions surrounding the use of teleconferencing to conduct meetings. The newly enacted Government Code Section 54953(e) creates alternate measures to protect the ability of the public to appear before local legislative bodies.

With the passage of AB 361, local agencies are allowed to continue to conduct virtual meetings during a declared state of emergency, provided local agencies comply with specified requirements. The City Council previously adopted Resolution No. 2021-066 on September 28, 2021, finding that the requisite conditions exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with AB 361. (Government Code Section 54953(e).) AB 361 requires the City Council to reconsider the circumstances of the state of emergency not later than 30 days after teleconferencing for the first time pursuant to AB 361 and every 30 days thereafter in order to continue to conduct remote teleconference meetings. The City Council previously adopted Resolution No. 2021-069 on October 26, 2021; Resolution No. 2021-073 on November 23, 2021; Resolution No. 2021-074 on December 14, 2021; Resolution No. 2022-001 on January 11, 2022; Resolution No. 2022-003 on February 8, 2022; Resolution No. 2022-010 on March 8, 2022; Resolution No. 2022-010 on April 12, 2022; Resolution No. 2022-032 on May 10, 2022; Resolution No. 2022-038 on May 26, 2022; Resolution No. 2022-044 on June 14, 2022; Resolution No. 2022-064 on July 12, 2022; Resolution No. 2022-066 on August 9, 2022; and Resolution No. 2022-068 on

September 13, 2022, making the requisite findings to continue remote teleconferencing. Circumstances have not changed since the Council's adoption of Resolution No. 2022-066.

In order to continue remote teleconferencing, the City Council must make the following findings (Gov. Code § 52953(e)(3)):

- The City Council has reconsidered the circumstances of the state of emergency.
- Any of the following circumstances exist:
 - The state of emergency continues to directly impact the ability of the members to meet safely in person.
 - State or local officials continue to impose or recommend measures to promote social distancing.

Social distancing is the term used for measures that reduce physical contact between infectious and susceptible people during a disease outbreak. While local and state mask mandates have been lifted, and the San Luis Obispo County local health emergency has been terminated, there are still some remaining social distancing measures in place to reduce the spread of COVID.

- The California Department of Public Health continues to strongly recommend masks for all persons, regardless of vaccine status, in indoor public settings and businesses.
- The City remains subject to the State Occupational Safety and Health Administration (CalOSHA) regulations which, among other requirements, continues to obligate an employer to provide training to employees on COVID-19 transmission and risk reduction, including "The fact that particles containing the virus can travel more than six feet, especially indoors, so physical distancing, face coverings, increased ventilation indoors, and respiratory protection decrease the spread of COVID-19, but are most effective when used in combination." (CCR Section 3205(c)5(D).)
- CDC continues to have quarantine and isolation recommendations for those that have tested positive for COVID, those that have symptoms of COVID and for those that have been exposed to COVID. These isolation and quarantine requirements continue to often prevent employees and community members from attending meetings in person.

Should the Draft Resolution not be adopted, and the City Council (or an individual Council Member) elects to attend virtually, the City must comply with the provisions of Government Code Section 54953(3)(b):

- Agendas shall be posted at all teleconferencing locations
- Each teleconference location shall be identified on the agenda
- Each teleconference location shall be accessible to the public
- At least a quorum of the Council shall participate from locations within the boundaries of the City
- The public shall be provided an opportunity to address the Council directly at each teleconference location

Adoption of the Draft Resolution does not prohibit the conduct of a traditional or hybrid meeting in accordance with state and local regulations. At Council's direction on March 8, 2022, and because CDC measures are still in place that could prevent a member of the public from participating in the meeting in person, if the Draft Resolution were not adopted, hybrid City Council meetings will continue to be conducted, allowing public participation both virtually and in-person. At this time, there is not staff available to conduct all advisory body meetings (such as Planning Commission, Design Review Committee, ATBID, CSTOC) in a hybrid fashion and adoption of the Draft Resolution allows these meetings to continue to be conducted virtually. If the Draft Resolution was not adopted, these advisory bodies would need to return to the traditional in-person meeting model, effective immediately.

FISCAL IMPACT:

None.

ATTACHMENT:

Draft Resolution

DRAFT RESOLUTION

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF ATASCADERO, CALIFORNIA,
PROCLAIMING THE CONTINUING NEED TO MEET BY
TELECONFERENCE PURSUANT TO
GOVERNMENT CODE SECTION 54953(e)**

WHEREAS, all meetings of the City of Atascadero legislative bodies are open and public as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963); and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, Government Code section 54953(e) was added by AB 361, signed by Governor Newsom on September 17, 2021; and

WHEREAS, on March 4, 2020, Governor Newsom declared a State of Emergency as a result of the COVID-19 pandemic; and

WHEREAS, on March 17, 2020, the City of Atascadero declared a State of Emergency as a result of the COVID-19 pandemic; and

WHEREAS, such State of Emergency remains in effect; and

WHEREAS, COVID-19 continues to threaten the health and lives of City of Atascadero residents; and

WHEREAS, subsequent variants are highly transmissible in indoor settings and breakthrough cases are more common; and

WHEREAS, state officials have imposed or recommended measures to promote social distancing to include the wearing of masks indoors, regardless of vaccination status; and

WHEREAS, the City Council previously adopted Resolution No. 2021-066 on September 28, 2021; Resolution No. 2021-069 on October 26, 2021; Resolution No. 2021-073 on November 23, 2021; Resolution No. 2021-074 on December 14, 2021; Resolution No. 2022-001 on January 11, 2022; Resolution No. 2022-003 on February 8, 2022; Resolution No. 2022-006 on March 8, 2022; Resolution No. 2022-010 on April 12, 2022; Resolution No. 2022-032 on May 10, 2022; Resolution No. 2022-038 on May 26, 2022; Resolution No. 2022-064 on July 12, 2022; Resolution No. 2022-066 on August 9, 2022; and Resolution No. 2022-068 on September 13, 2022, finding that the requisite conditions exist and continue to exist for the legislative bodies of the City of Atascadero to conduct remote teleconference meetings in compliance with Government Code Section 54953(e); and

WHEREAS, Government Code Section 54953(e) requires that the City Council must reconsider the circumstances of the state of emergency every 30 days in order to continue to conduct remote teleconference meetings in compliance with AB 361.

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

SECTION 1. Recitals. The above recitals are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. Findings. The City Council does hereby find that:

1. The City Council has reconsidered the circumstances of the state of emergency declared as a result of the COVID-19 pandemic.
2. The state of emergency continues to directly impact the ability of the members to meet safely in person.
3. State or local officials continue to impose or recommend measures to promote social distancing.

SECTION 3. Compliance with Government Code Section 54953(e). The City Council and other legislative bodies will continue to meet by teleconference in accordance with Government Code section 54953(e).

SECTION 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) 30 days from the date of adoption of this Resolution, or (ii) such time the City Council adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the legislative bodies of the City of Atascadero may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED at a regular meeting of the City Council held on the ___th day of _____, 2022.

CITY OF ATASCADERO

Heather Moreno, Mayor

ATTEST:

Lara K. Christensen, City Clerk



Atascadero City Council

Staff Report – Community Development Department

Accessory Dwelling Unit Text Amendments (AMC Title 9)

RECOMMENDATION:

Council continue the public hearing to the October 25, 2022, regular City Council meeting to allow additional time to review and coordinate proposed changes/clarifications to the draft Ordinances reviewed by Council on September 13, 2022, regarding accessory dwelling unit text amendments to Atascadero Municipal Code Title 9.

DISCUSSION:

The City Council reviewed proposed amendments to the City's Municipal Code regarding accessory dwelling units (ADUs) on September 13, 2022. The item was continued to October 11, 2022, in order to finalize the code language on a few topic areas. Council requested staff bring back the ordinance for introduction with changes/clarifications. Additional changes were also suggested to clean up typographical errors.

Following Council's direction, staff has been reviewing the requested changes/clarifications and working with the City Attorney's Office to ensure compliance with State law. Staff is requesting additional time to review and coordinate the proposed changes/clarifications and recommends continuing the public hearing for this item to the next regular Council meeting.

A public hearing was legally noticed on September 1, 2022, and September 29, 2002, in the Atascadero News for the September 13, 2022 and October 11, 2022 City Council meetings to discuss the proposed amendments to Title 9 of the Municipal Code. Continuing the public hearing to the next Council meeting on October 25, 2022 will allow staff additional time to ensure proposed amendments have been properly reviewed by City staff and the City Attorney and comply with State law.

FISCAL IMPACT:

No fiscal impact will occur with continuing the public hearing to the next regular Council meeting.

The addition of ADUs and JADUs in accordance with State law—without fees or other mechanisms in place to ensure that services and infrastructure can be provided to serve the residents of the new units—will have a significant long-term negative fiscal impact to the City, its infrastructure, and its capacity to serve its citizens.

ATTACHMENTS:

None