

# CITY OF ATWATER CITY COUNCIL AGENDA

Council Chambers  
750 Bellevue Road  
Atwater, California

**October 9, 2017**

REGULAR SESSION: (Council Chambers)

**6:00 PM**



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Police Chaplain McClellan**

ROLL CALL:

**Creighton** \_\_\_\_, **Raymond** \_\_\_\_, **Vierra** \_\_\_\_, **Vineyard** \_\_\_\_, **Price**\_\_

SUBSEQUENT NEED ITEMS: (The City Clerk shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the City Council present at the meeting.)

APPROVAL OF AGENDA AS POSTED OR AS AMENDED: (This is the time for the City Council to remove items from the agenda or to change the order of the agenda.)

**Staff's Recommendation:** Motion to approve agenda as posted or as amended.

PRESENTATIONS:

- **Introduction of Merced County Association of Governments (MCAG) Executive Director Patrick Pittenger and presentation of the Regional Transportation Plan** (MCAG Senior Planner, Matt Fell)
- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**

COMMENTS FROM THE PUBLIC:

## **NOTICE TO THE PUBLIC**

At this time any person may comment on any item which is not on the agenda. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda.

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of five (5) minutes.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

CONSENT CALENDAR:

NOTICE TO THE PUBLIC

Background information has been provided on all matters listed under the Consent Calendar, and these items are considered to be routine. All items under the Consent Calendar are normally approved by one motion. If discussion is requested on any item, that item will be removed from the Consent Calendar for separate action.

WARRANTS:

**1. October 9, 2017**

**Staff's Recommendation:** Approval of warrants as listed.

MINUTES: (City Council)

**2. Regular meeting, September 25, 2017**

**Staff's Recommendation:** Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

**3. Regular meeting, August 16, 2017**

**Staff's Recommendation:** Approval of minutes as listed.

AGREEMENTS:

**4. Approving an Agreement with Merced Union High School District regarding School Resource Officers**

**Staff's Recommendation:** Approval of Agreement, in a form approved by the City Attorney, with Merced Union High School District regarding School Resource Officers; and authorizing and directing the City Manager to execute the Agreement on behalf of the City.

PUBLIC IMPROVEMENTS:

**5. Accepting the two (2) new Title 23, Tier 4 Dump Trucks project as complete (Grants Manager Waterman)**

**Staff's Recommendation:** Acceptance of work done under contract with Fred M. Boerner Motor Co., Huntington Park, California to manufacture and deliver two (2) new Title 23, Tier 4 Dump Trucks, City Project No. 14-11, Bid Call No. 676-17; authorizes the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes final payment in the amount of \$214,750.18.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 6. Waiving the second reading and adopting Ordinance No. CS 989 amending Chapter 2.10, "General Municipal Elections" of Title 2, "Administration and Personnel," of the Atwater Municipal Code," to transition from an at-large election system to a district-based system for City Council members (Interim City Manager Bramble)**

**Staff's Recommendation:** Waives the second reading and adopts Ordinance No. CS 989 amending Chapter 2.10, "General Municipal Elections" of Title 2, "Administration and Personnel," of the Atwater Municipal Code," to transition from an at-large election system to a district-based system for City Council members.

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6205).

- 7. Claim No. 2017-13**

**Staff's Recommendation:** After consideration and investigation, it is staff's recommendation that Claim No. 2017-13 be rejected.

- 8. Claim No. 2017-14**

**Staff's Recommendation:** After consideration and investigation, it is staff's recommendation that Claim No. 2017-14 be rejected.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

- 9. Police Department activities and projects for the month of September, 2017 (Police Chief Joseph)**
- 10. Fire Department activities and projects for the month of September, 2017 (CAL FIRE Battalion Chief Wight)**
- 11. Water Well Levels for the months of September, 2017 (Acting Public Works Director Shaw)**

INTERIM CITY MANAGER REPORTS/UPDATES:

**12. Verbal report regarding Purchasing Manual**

PUBLIC HEARINGS:

**13. Waiving the first reading and introducing Ordinance No. CS 982 amending the City of Atwater Municipal Code Title 8, Chapter 8.60, ‘Medical Marijuana’; Title 17, Chapter 17.06, to address commercial marijuana operations in the context of crop cultivation and industry, industrial operation; and Title 17, Chapter 17.75, of the City’s Development Code to add a new Section 17.75.120 pertaining to the standards for commercial marijuana operations**

**Recommendation:** Open the public hearing and take any testimony given; and

Motion to waive the first reading and introduce Ordinance No. CS 982 amending the Atwater Municipal Code Title 8, Chapter 8.60, “Medical Marijuana”; Title 17, Chapter 17.06, to address commercial marijuana operations in the context of crop cultivation and industry, industrial operation; and Title 17, Chapter 17.75, of the City’s Development Code to add a new Section 17.75.120 pertaining to the standards for commercial marijuana operations.

**14. Waiving the first reading and introducing Ordinance No. CS 990 amending Chapter 5.54 “Fireworks,” of Title 5, “Business Taxes, Licenses, and Regulations” of the Atwater Municipal Code**

**Recommendation:** Open the public hearing and take any testimony given; and

Motion to waive the first reading and introduce Ordinance No. CS 990 amending Chapter 5.54 “Fireworks,” of Title 5, “Business Taxes, Licenses, and Regulations” of the Atwater Municipal Code.

**15. Appealing the decision of the Community Development and Resources Commission to deny issuance of Conditional Use Permit No. 549-17 (1485 Broadway Avenue)**

**Recommendation:** Open the public hearing and take any testimony given; and

Motion to adopt Resolution No. 2986-17, granting the appeal and: (a) overturning the decision of the Community Development and Resources Commission (“CDRC”) to deny the application for Conditional Use Permit No. 549-17 on behalf of 89 Cent Plus Store located at 1485 Broadway Avenue (“Store”) to permit the sale of alcoholic beverages, and (b) making a determination that the public convenience or necessity would be met by

issuance of a Type 20 license at the Store; or adopting Resolution No. 2987-17, denying the appeal and upholding the decision of the CDRC to deny the application for Conditional Use Permit No. 549-17 and to deny the Applicant's request for a determination by the City Council that the public convenience or necessity would be met by issuance of a Type 20 license at the Store.

**CITY COUNCIL MATTERS:**

**16. City Council comments**

**ADJOURNMENT:**

**CERTIFICATION:**

I, Don Hyler III, City Clerk/Board Secretary of the City of Atwater, do hereby certify that a copy of the foregoing agenda was posted at City Hall a minimum of 72 hours prior to the meeting.

  
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DON HYLER III, CITY CLERK  
BOARD SECRETARY

**SB 343 NOTICE**

*In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.*

*If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.*



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