

CITY OF ATWATER

CITY COUNCIL AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

May 23, 2016

CALL TO ORDER:

5:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL:

Bergman____, Raymond ____, Rivero____, Vineyard ____, Price____

CLOSED SESSION:

Adjourn to Conference Room A

- a. **Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (1)**
- b. **Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiator: Deputy City Attorney Henderson and Human Resources Director Del Real, Bargaining Unit: Atwater Police Officers Association**

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain McClellan

ROLL CALL:

Bergman____, Raymond ____, Rivero____, Vineyard ____, Price____



MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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.

CEREMONIAL MATTERS:

- **Police Officer of the Year**

Staff's Recommendation: That Mayor Price and Police Lieutenant Joseph present the certificate of recognition to Police Officer of the Year, Matthew Vierra.

- **City Track Meet Champions**

Staff's Recommendation: That Mayor Price and Recreation Supervisor Barton present the plaque to Track Coach/Teacher Joe Rivero in recognition of the 2016 City Track Meet Champions, Peggy Heller School.

PRESENTATIONS:

Merced County Mosquito Abatement District perspective on Zika Virus (Allan Inman, Manager-Entomologist/Mike Nelson, Board Trustee)

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. May 23, 2016

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. Regular meeting, May 9, 2016

Staff's Recommendation: Approval of minutes as listed.

AGREEMENTS:

3. Reimbursement Agreement with Lee Hancock for Saratoga Place Apartment Project (Community Development Director McBride)

Staff's Recommendation: Approval of Reimbursement Agreement, in a form approved by the City Attorney, with Lee Hancock for the Saratoga Place Apartment Project; and authorizes and directs the City Manager to execute the agreement on behalf of the City.

4. Professional Services Agreement with EMC Planning Group, Inc., for CEQA consulting services for Saratoga Place Apartment Project (Community Development Director McBride)

Staff's Recommendation: Approval of Professional Services Agreement, in a form approved by the City Attorney, with EMC Planning Group, Inc., for California Environmental Quality Act (CEQA) consulting services for the Saratoga Place Apartment Project; and authorizes and directs the City Manager to execute the agreement on behalf of the City.

PETITIONS AND COMMUNICATIONS:

5. Request from White Pines Court Neighborhood for block party

Staff's Recommendation: Approval of request to close White Pines Court between 4:00 PM and 12:00 AM on Monday, July 4, 2016 for annual block party.

6. Request from CAL FIRE/Atwater City Fire Department for MDA "Boot Drive"

Staff's Recommendation: Approval of request from CAL FIRE/Atwater City Fire Department for annual Muscular Dystrophy Association (MDA) "Boot Drive" from 7:00 AM to 2:00 PM on Saturday, May 28, 2016.

FUNDING AND BUDGET MATTERS:

7. Treasurer's Report for the month of April, 2016 (City Treasurer Heller)

Staff's Recommendation: Motion to approve the Treasurer's Report for the month of April, 2016; or

Motion to approve staff's recommendation as presented.

CITY ATTORNEY REPORTS/UPDATES:

8. Adopting City Council Agenda Policy

Staff's Recommendation: Motion to adopt Resolution No. 2887-16 adopting City Council Agenda Policy; or

Motion to approve staff's recommendation as presented.

9. Waiving the first reading and introducing Ordinance No. CS 973 amending Chapter 2.08 of the Atwater Municipal Code relating to City Council Meetings

Staff's Recommendation: Motion to waive the first reading and introduce Ordinance No. CS 973 amending Chapter 2.08 to adopt Rosenberg's Rules of Order; or

Motion to approve staff's recommendation as presented.

10. Reviewing proposed amendments to Chapter 8.50 of the Atwater Municipal Code regarding commercial marijuana cultivation, processing, delivery, and dispensing and personal cultivation of medical marijuana

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding requested revisions to draft Ordinance No. CS 974 regarding an express ban on commercial marijuana cultivation, processing, delivery originating from within the City limits, and dispensing of medical marijuana and regulating the personal cultivation of medical marijuana in the City of Atwater.

PUBLIC HEARINGS:

- 11. Waiving the first reading and introducing Ordinance No. CS 972 amending Title 13, "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code** (Water Division Manager/Chief Operator Shaw)

Staff's Recommendation: Open the Public Hearing and take any testimony given regarding Ordinance No. CS 972; and

Motion to waive the first reading and introduce Ordinance No. CS 972 amending Title 13, "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 12. Granting an Exemption to Castle Vista Senior Community from the watering schedule set forth in Section 13.13.030(B) of Atwater Municipal Code** (Water Division Manager/Chief Operator Shaw)

Staff's Recommendation: Motion to adopt Resolution No. 2886-16 exempting Castle Vista Senior Community from the water schedule set forth in Section 13.13.030(B) of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

- 13. Approving agreement with Yosemite Church for certain improvements and usage of Atwater Community Center** (Recreation Supervisor Barton)

Staff's Recommendation: Motion to approve an agreement, in a form approved by the City Attorney, with Yosemite Church for improvements to and usage of the Atwater Community Center and monthly fees for use of the Atwater Community Center on Sundays; and authorizes and directs the City Manager to execute the agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 14. Verbal update regarding effectiveness and fiscal impact of the Vacant Building Sales Tax Rebate Program** (Finance Director Deol)

CITY COUNCIL MATTERS:

- 15. Letter of support for Castle Family Health Center's application for funding through a New Access Point (HRSA-17-009)**

Recommendation: Motion to approve letter of support regarding application for funding through a New Access Point (HRSA-17-009) by the federal Health Resources and Services Administration/Bureau of Primary Health Care; or

Motion to approve recommendation as presented.

16. City Council comments and requests for future agenda items

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

Adjourn to Wednesday, May 25, 2016 at 4:00 PM in the City Council Chambers to hold a Budget Workshop for Fiscal Year 2016/17

CERTIFICATION:

I, Jeanna Del Real, City Clerk 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.



JEANNA DEL REAL, CMC
CITY CLERK

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.



In compliance with the Federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission, or Committee meeting due to a disability, please contact the City Clerk's Office at least 48 business hours in advance of the meeting at 357-6205. You may also send the request by email to jdelreal@atwater.org.