

# CITY OF ATWATER

## CITY COUNCIL AGENDA

Council Chambers  
750 Bellevue Road  
Atwater, California

**July 25, 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

**Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (2)**

REGULAR SESSION: (Council Chambers)

**6:00 PM**

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Police Chaplain Lee**

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.

**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. July 25, 2016**

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

**MINUTES:** (City Council)

- 2. a) Regular meeting, July 11, 2016  
b) Adjourned meeting, July 18, 2016**

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

**RESOLUTIONS:**

- 3. Approving Fiscal Year 2015/2016 Regional Surface Transportation Program Exchange Funds (Interim Public Works Director Faretta)**

**Staff's Recommendation:** Adoption of Resolution No. 2904-16 authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2015/2016.

4. **Approving Annual Local Transportation Fund Claim for FY 2016-17** (Interim Public Works Director Faretta)

**Staff's Recommendation:** Adoption of Resolution No. 2912-16 approving the annual Local Transportation Fund (LTF) claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2016-2017.

AGREEMENTS:

5. **Amendment No. 8 to Professional Services Agreement with West Yost Associates for engineering services related to the permitting and regulatory requirements pertaining to the former Wastewater Treatment Facility, the existing Regional Wastewater Treatment Plant and the Bert Crane Road Landfill** (Interim Public Works Director Faretta)

**Staff's Recommendation:** Approval of amendment No. 8 to the Professional Services Agreement, in a form approved by the City Attorney, between the City of Atwater and West Yost Associates of Davis, California in an amount not to exceed \$254,100 during Fiscal Year 2016-2017, to provide technical assistance for engineering services related to the permitting and regulatory requirements associated with the City's former Wastewater Treatment Facility (WWTF), existing Regional Wastewater Treatment Plant (RWWTP) and the Bert Crane Road Landfill; and authorizes and directs the Mayor to execute the amendment on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

6. **Waiving the second reading and adopting Ordinance No. CS 974 amending Chapter 8.50 to 8.60 of the Atwater Municipal Code regarding commercial marijuana cultivation, processing, delivery, and dispensing and regarding personal cultivation of medical marijuana** (City Attorney Terpstra)

**Staff's Recommendation:** Waives the second reading and adopts Ordinance No. CS 974 amending Chapter 8.50 to 8.60 of the Atwater Municipal Code imposing an express ban on commercial cultivation, processing, delivery originating from within City limits, and dispensing of medical marijuana and regulating the personal cultivation of medical marijuana in the City.

PETITIONS AND COMMUNICATIONS:

**7. Request from New Life Community Church for use of Ralston Park**

**Staff's Recommendation:** Approval of request from New Life Community Church for use of Ralston Park on Sunday, October 1, 2016 from 7:00 AM to 1:00 PM to hold a worship service to celebrate their 16<sup>th</sup> birthday.

FUNDING AND BUDGET MATTERS:

**8. Treasurer's Report for the month of June, 2016 (City Treasurer Heller)**

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

Motion to approve staff's recommendation as presented.

PUBLIC HEARINGS:

**9. Waiving the first reading and introducing Ordinance No. CS 975 establishing Chapter 12.34 of the Atwater Municipal Code relating to use of City property (Community Development Director McBride)**

**Staff's Recommendation:** Open the public hearing and take any testimony given regarding Ordinance No. CS 975; and

Motion to waive the first reading and introduce Ordinance No. CS 975 establishing Chapter 12.34 of the Atwater Municipal Code authorizing the use of City owned property to the greatest extent possible to provide for necessary public services and to maximize public benefit; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

**10. Financial Update – Fiscal Year Ended June 30, 2016 (Finance Director Deol)**

**Staff's Recommendation:** Motion to accept the report on the City's financial status as of June 30, 2016; or

Motion to approve staff's recommendation as presented.

**11. Approving modification of enforcement of the Atwater Municipal Code pertaining to Automatic Fire Sprinkler requirements (CAL FIRE Battalion Chief Pimentel)**

**Staff's Recommendation:** Motion to adopt Resolution No. 2911-16 approving the modification of enforcement of the Atwater Municipal Code (AMC) pertaining to Automatic Fire Sprinkler requirements; or

Motion to approve staff's recommendation as presented.

CITY COUNCIL MATTERS:

**12. City Council comments and requests for future agenda items**

CLOSED SESSION:

**Continuation of Closed Session if necessary**

ADJOURNMENT:

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.

  
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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.*



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