

# CITY OF ATWATER

## CITY COUNCIL AGENDA

Council Chambers  
750 Bellevue Road  
Atwater, California

**January 11, 2016**

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.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**
- 1. **Verbal report regarding the City's ongoing regulatory compliance activities**  
(Kathryn Gies, West Yost Associates Engineering Manager)



**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:**

2.     **a) December 28, 2015**  
       **b) January 11, 2016**

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

**MINUTES:** (City Council)

3.     **Regular meeting, December 14, 2015**

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

**MINUTES:** (Commissions)

4.     **Community Development and Resources, November 18, 2015**

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

REPORTS:

**5. Monthly review of local drought emergency (City Attorney Terpstra)**

**Staff's Recommendation:** Reaffirms the facts and findings in Resolution No. 2823-15 declaring the existence of a local drought emergency.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

**6. Waiving the second reading and adopting Ordinance No. CS 971 amending Title 5 "Business Taxes, Licenses, and Regulations," to add Chapter 5.62 "Donation Bins" to the Atwater Municipal Code (City Attorney Terpstra)**

**Staff's Recommendation:** Waives the second reading and adopts Ordinance No. CS 971 amending Title 5 "Business Taxes, Licenses, and Regulations," to add Chapter 5.62 "Donation Bins" to the Atwater Municipal Code.

AGREEMENTS:

**7. Approving agreement with Atwater Little League for improvement and usage of Osborn Park Fields (Recreation Supervisor Barton)**

**Staff's Recommendation:** Approval of agreement between the City of Atwater and the Atwater Little League for the improvement and usage of Michael Freddy Raymond Field, Darren Herschler Field, Osborn Field, Miyake Field, and the T-Ball field located within Osborn Park, and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

**8. Police Department activities and projects for the month of December, 2015 (Police Lieutenant Joseph)**

**9. Police Volunteer activities for the month of December, 2015 (Police Volunteer Vineyard)**

**10. Fire Department activities and projects for the month of December, 2015 (CAL FIRE Battalion Chief Pimentel)**

**11. Public Works Department activities and projects for the month of December, 2015 (Interim Public Works Director Faretta)**

**PUBLIC HEARINGS:**

- 12. Waiving the first reading and introducing Ordinance No. CS 969 amending Title 8 “Health and Safety” to add Chapter 8.50 to the Atwater Municipal Code imposing an express ban on marijuana cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries in the City (City Attorney Terpstra)**

**Staff’s Recommendation:** Open the public hearing and take any testimony given regarding Ordinance No. CS 969; and

Motion to waive the first reading and introduce Ordinance No. CS 969 amending Title 8 “Health and Safety” to add Chapter 8.50 “Medical Marijuana” to the Atwater Municipal Code; or

Motion to approve staff’s recommendation as presented.

**CITY MANAGER REPORTS:**

- 13. Verbal update regarding the “In God We Trust” sign in front of City Hall**

**Staff’s Recommendation:** That the City Council provide staff with possible direction regarding the “In God We Trust” sign in front of City Hall.

**REPORTS AND PRESENTATIONS FROM STAFF:**

- 14. Verbal report regarding Traffic and Pedestrian Safety List Prioritization (Community Development Director McBride)**
- 15. Restructuring CalPERS Side Fund Benefit Pension for the Miscellaneous and Safety Plans (Finance Director Deol)**

**Staff’s Recommendation:** That the City Council select a preferred restructure for refinancing CalPERS Side Fund obligations; and to authorize the release of Request for Proposal to solicit a Bond Counselor to negotiate with potential financial institutions and prepare associated legal documents to facilitate the transaction.

**CITY COUNCIL MATTERS:**

- 16. Discussion and possible action to consider placement of “In GOD We Trust” on the City Water Tower**

**Staff’s Recommendation:** That the City Council provide staff with possible direction regarding placement of “In GOD We Trust” on the City Water Tower.

**17. Discussion and possible action regarding revisiting one City Council meeting a month**

**Staff's Recommendation:** That the City Council provide staff with direction, by motion, regarding one City Council meeting a month.

**18. Approval of Annual 2016 Regular Meeting Schedule Calendar**

**Staff's Recommendation:** Motion to approve the 2016 Regular Meeting Schedule Calendar; when regular meetings are cancelled, to authorize the Mayor and City Manager to sign any documents required to maintain essential City Services. Said documents shall be reviewed by the City Attorney and be scheduled for ratification of the entire City Council at the next regularly scheduled City Council meeting; or

Motion to approve staff's recommendation as presented.

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

**CLOSED SESSION:**

**Continuation of Closed Session if necessary**

**ADJOURNMENT:**

**In memory of Richard Trindade**

**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.

/s/ *Jeanna Del Real*

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JEANNA DEL REAL, CMC  
CITY CLERK

**AB 23 NOTICE:**

*Pursuant to Government Code Section 54952.3, City Council is not receiving additional compensation for serving as members of the Successor Agency to the Atwater Redevelopment Agency.*

**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 or 357-6204. You may also send the request by email to [jdelreal@atwater.org](mailto:jdelreal@atwater.org).*