

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

March 11, 2019

5:00 PM

CALL TO ORDER:

ROLL CALL:

Ambriz ____, **Cale ____**, **Raymond ____**, **Vierra ____**, **Creighton ____**

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: City Manager Waterman, City Attorney White, and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Mid-Managers Unit**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (2)**
- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: City Manager Waterman**

Property Locations:

APN 002-213-005

APN 002-213-006

APN 002-213-007

APN 002-213-008

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:



INVOCATION:

Invocation by Pastor Rich Miller

ROLL CALL:

Ambriz ____ , Cale ____ , Raymond ____ , Vierra ____ , Creighton ____

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:

• **Certificate of Recognition – Anthony Cannella**

Staff's Recommendation: That Mayor Creighton present a certificate of recognition to former District 12 Senator, Anthony Cannella, for his many years of dedicated support to the people and the City of Atwater.

• **Certificate of Recognition – Louise Farley**

Staff's Recommendation: That Mayor Creighton present a certificate of recognition to former District Representative for Anthony Cannella, Louise Farley, for providing outstanding professional service to the people of the 12th Senatorial District.

PRESENTATIONS:

• **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. You may state your name and address for the record; however, it is not required. 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 three (3) minutes.

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. March 11, 2019

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

- 2. a) February 11, 2019 – Regular meeting**
- b) February 21, 2019 – Special meeting**
- c) February 25, 2019 – Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

- 3. a) September 19, 2018 – Regular meeting**
- b) October 17, 2018 – Regular meeting**
- c) January 16, 2019 – Regular meeting**
- d) February 6, 2019 – Special meeting**

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (Audit and Finance Committee)

4. November 13, 2018 – Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

- 5. Approving and ratifying Side Letter of Agreement with AFSCME representing Mid-Managers Bargaining Unit (City Manager Waterman and Human Resources Director Del Real)**

Staff's Recommendation: Adoption of Resolution No. 3074-19 approving and ratifying Side Letter of Agreement, in a form approved by the City Attorney, between the City of Atwater and American Federation of State, County, and Municipal Employees, Local 2703, Council 57, AFL-CIO representing the Mid-Managers Bargaining Unit, pertaining to certain terms and conditions of employment; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 6. Amending Chapter 13 "Order of Business" of the City Officials' Handbook (City Manager Waterman)**

Staff's Recommendation: Adoption of Resolution No. 3066-19 amending Chapter 13 "Order of Business" of the City Officials' Handbook.

- 7. Amending regular meeting date, time, and place and officers for the Audit and Finance Committee Meetings (Finance Director Deol)**

Staff's Recommendation: Adoption of Resolution No. 2073-19 amending Resolution No. 1345-96 regarding the regular meeting date, time, and place and officers for Audit and Finance Committee meetings.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 8. Approving a Development Agreement by and between the City of Atwater and Dabout, Inc. regarding Cannabis Business Pilot Program; property locations: 301 Business Parkway, 288 Business Parkway, 308 Business Parkway, 591 Business Parkway, and 571 Business Parkway, Atwater (City Attorney White)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1004 approving a Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Dabout, Inc. regarding Cannabis Business Pilot Program, Tracking No. 06-262-18, property locations: 301 Business Parkway, 288 Business Parkway, 308 Business Parkway, 591 Business Parkway, and 571 Business Parkway, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 9. Approving a Development Agreement by and between the City of Atwater and Medallion Wellness, Inc. regarding Cannabis Business Pilot Program; property location: 341 Business Parkway, Atwater (City Attorney White)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1005 approving a Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Medallion Wellness, Inc. regarding Cannabis Business Pilot Program, Tracking No. 08-262-18, property location: 341 Business Parkway, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 10. Approving a Development Agreement by and between the City of Atwater and Top Management and Distribution, Inc. regarding Cannabis Business Pilot Program; property location: 231 Business Parkway, Atwater (City Attorney White)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1006 approving a Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Top Management and Distribution, Inc. regarding Cannabis Business Pilot Program, Tracking No. 13-262-18, property location: 231 Business Parkway, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

REPORTS AND PRESENTATIONS FROM STAFF:

- 11. Approving Tow Service Agreement template for Fiscal Year 2018-19 and authorizing execution of Agreements with qualified tow operator businesses (Police Chief Salvador)**

Staff's Recommendation: Motion to approve the terms and conditions of City of Atwater 2018-19 Tow Service Agreement template, in a form approved by the City Attorney; and to authorize and direct the City Manager, or his/her designee, and the City Attorney to prepare and execute Tow Service Agreements with qualified tow operator businesses; or

Motion to approve staff's recommendation as presented.

CITY COUNCIL MATTERS:

Discussion and possible action regarding establishing an ad hoc committee for the purpose of recommending options for honoring Greg McDaniel

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding establishing an ad hoc committee for the purpose of recommending options for honoring Greg McDaniel.

City Council comments

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

Adjourn to the Atwater Community Center, 760 E. Bellevue Road, Atwater, on Wednesday, March 13, 2019 at 9:00 AM to hold a visioning/goal setting workshop

Staff's Recommendation: Motion to adjourn the regular City Council meeting of March 11, 2019 to the Atwater Community Center, 760 E. Bellevue Road, Atwater, on Wednesday, March 13, 2019 at 9:00 AM to hold a visioning/goal setting workshop.

CERTIFICATION:

I, Lucy Armstrong, 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.



LUCY ARMSTRONG
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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