

CITY OF ATWATER

CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

August 26, 2019

CALL TO ORDER:

5:00 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to General Services Conference Room

- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Richard Johnson et al. vs. City of Atwater et al., Case No. 19CV-00272**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Samuel Joseph vs. City of Atwater, Case No. 18CV-04981**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Thomas E. Niederreuther vs. City of Atwater, Case No. 1:19-CV-00779-DAD-BAM**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: City of Atwater vs. Shell Oil Company et al., Case No. SCVSS120627**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (3)**
- **Pursuant to Government Code Section 54957, Public Employee Annual Performance Evaluation; Title: City Manager**
- **Pursuant to Government Code Section 54957.6, Conference with Labor Negotiators: Mayor Creighton and Interim City Attorney Sanchez; Unrepresented employee: City Manager**

REGULAR SESSION: (Council Chambers)

6:00 PM



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Tyson Tolbert

ROLL CALL:

Ambriz _____, Cale _____, Raymond _____, Vierra _____, Creighton _____

MAYOR OR INTERIM 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:

- **Oath of Office – Reserve Police Officer Charles Lord-Huff**

Staff's Recommendation: That Mayor Creighton administer the oath of office to the newly appointed Reserve Police Officer, Charles Lord-Huff.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**

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. August 26, 2019

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

- 2. a) July 8, 2019 – Regular meeting**
- b) July 22, 2019 – Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

3. July 17, 2019 – Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

TREASURER'S REPORT:

4. July 31, 2019

Staff's Recommendation: Acceptance of report as listed.

RESOLUTIONS:

- 5. Amending Fiscal Year 2018-19 Appropriations Limitation (City Manager Waterman)**

Staff's Recommendation: Adoption of Resolution No. 3108-19 amending Fiscal Year 2018-19 Appropriations Limitation.

- 6. Approving City of Atwater's Title VI Program (General Services Manager Pereida)**

Staff's Recommendation: Adoption of Resolution No. 3099-19 approving the City of Atwater's Title VI Program.

PUBLIC IMPROVEMENTS:

- 7. Accepting Juniper Avenue Pedestrian and Bike Path Infill Project Improvements (General Services Manager Pereida)**

Staff's Recommendation: Accepts work done under contract for Juniper Avenue Pedestrian and Bike Path Infill Project, City Project No. 14-3; authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$7,595.39.

8. Accepting Buhach Road Sidewalk Infill Project Improvements (General Services Manager Pereida)

Staff's Recommendation: Accepts work done under contract for Buhach Road Sidewalk Infill Project, City Project No. 14-4; authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$7,187.78.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

9. Waiving second reading and adopting ordinance approving WB Pharms, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and dispensary on property located on Sycamore Avenue, west of Winton Way, Atwater (General Services Manager Pereida)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1011 approving WB Pharms, LLC Development Agreement, in a form approved by the Interim City Attorney, regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and dispensary on property located on Sycamore Avenue, west of Winton Way, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

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) 357-6204).

10. Claim No. 2019-4

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2019-4 be rejected.

ANNUAL PETITIONS AND COMMUNICATIONS:

11. Request from Atwater High School Leadership Class for assistance with annual Football Homecoming Parade (Alyssa Carrillo, ASB President)

Staff's Recommendation: Approval of request from Atwater High School Leadership Class for assistance with their annual Football Homecoming Parade, contingent upon receipt of current liability certificate, on Friday, September 20, 2019 at 3:30 PM beginning on Mitchell Avenue, left onto Winton Way, and continue to Atwater High School located at 2201 W. Fruitland Avenue.

12. Request from Saint Anthony/Immaculate Conception Church for assistance with annual “Our Lady of Guadalupe” procession (Baudelio Valencia)

Staff’s Recommendation: Approval of request from Saint Anthony/Immaculate Conception Church for assistance with their annual “Our Lady of Guadalupe” procession on Thursday, December 12, 2019 starting at 3:00 PM beginning at Ralston Park, to Juniper Avenue, and on to Saint Anthony Church; to assist with road closure on Third Street between Fir and Juniper Avenues and Juniper Avenue between Third Street and Winton Way from 3:00 – 5:30 PM.

PUBLIC HEARINGS:

- **Ordinance approving Cannable, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary on property located at 741 Enterprise Court, Atwater (General Services Manager Pereida)**

Staff’s Recommendation: Re-open the public hearing and take any testimony given;

Continue the public hearing to the regular City Council meeting of September 9, 2019.

- **Ordinance approving zone change for property located north of Bell Lane and east of Truckee Drive to Business Park (B-P) (Senior Planner Thompson, VVH)**

Staff’s Recommendation: Open the public hearing and take any testimony given; and

Continue the public hearing to the regular City Council meeting of September 9, 2019.

- **Ordinance approving zone ordinance text amendment to provide for supportive housing and transitional housing uses within Residential Zone Districts (Senior Planner Thompson, VVH)**

Staff’s Recommendation: Open the public hearing and take any testimony given; and

Continue the public hearing to the regular City Council meeting of September 9, 2019.

CITY MANAGER'S REPORTS/UPDATES:

- **Discussion and possible action regarding City Clerk logistics and operations**

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding City Clerk logistics and operations.

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. Please limit comments to a maximum of three (3) minutes.

CITY COUNCIL MATTERS:

City Council comments

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

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.



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 a minimum of three (3) business days in advance of the meeting at (209) 357-6204. You may also send the request by email to kjennings@atwater.org.