



# CITY OF ATWATER

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## SPECIAL MEETING CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

### ACTION MINUTES

September 11, 2017

#### CALL TO ORDER:

*The City Council of the City of Atwater and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency met in Special Session this date at 7:20 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor/Board Chair Price presiding.*

**MOTION:** *Mayor/Board Chair Price moved to amend the agenda to include the Pledge of Allegiance to the Flag and an Invocation, and to allow for Public Comment in which any person may comment on any item, both on and not on the agenda. The motion was seconded by Mayor Pro Tem/Board Vice Chair Vineyard and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.*

#### PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Mayor/Board Chair Price.*

#### INVOCATION:

*The Invocation was led by Police Chaplain McClellan.*

ROLL CALL: (City Council, Governing Board)

**Present:** *City Council Members/Board Members Creighton, Raymond, Vierra, Mayor Pro Tem/Board Vice Chair Vineyard, Mayor/Board Chair Price*

**Absent:** *None*

**Staff Present:** *Interim City Manager/Executive Director Bramble, City Attorney Terpstra, CAL FIRE Battalion Chief Schmitz, CAL FIRE Battalion Chief Wight, Human Resources Director Del Real, Police Chief Joseph, Recreation Supervisor Rahn, Grants Manager Waterman, Chief Building Official Pereida, City Clerk/Board Secretary Hyler III, Recording Secretary Bengtson-Jennings*

ANNOUNCEMENT:

*City Attorney Terpstra announced a typographical correction to the agenda, that the Special Closed Session meeting was noticed for 4:30 PM and not 5:00 PM. He added that Closed Session items were not concluded; therefore, the City Council will resume the Special Closed Session meeting noticed for 5:00 PM upon conclusion of this Special meeting.*

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

*Merced County District 3 Supervisor McDaniel announced that the County's final budget will be presented tomorrow morning after the regular Board of Supervisors' meeting. He reported on his recent trip to Washington DC wherein he met with Senate and House representatives to discuss grant programs, specifically in regard to transportation, and to talk about other issues such as water.*

PUBLIC COMMENT:

*Notice to the public was read.*

*CAL FIRE Division Chief Lawson introduced the City's newest Battalion Chief, CAL FIRE Battalion Chief Wight.*

*DARRYL DAVIS, Merced Branch NAACP President, commended Police Chief Joseph for instituting racial training in the Police Department.*

*LORI JOHNSON, Atwater, spoke regarding her personal water bill issues.*

*ERIC LEE, Atwater, spoke of people "giving back to the community" and making a difference in Atwater such as Art Uribe (A-1-A Preston's Lock Shop) who*

***planted trees and landscaped in front of his place of business, Matt Anderson (Anderson Flooring) who landscaped the area in front of his business and fixed a broken sprinkler head at the old library, Gary Brice (Atwater VFW) who provided a home for the Police Cadets and cleaned up the area in front of the VFW Hall; and Joe Castiglione (G & G Construction Co.) who spread his wood shaving pile throughout the downtown area. He encouraged the community to offer suggestions to make things better as opposed to presenting complaints.***

***RICHARD JOHNSON, Atwater, spoke of his personal frustrations.***

***No one else came forward to speak.***

**CONSENT CALENDAR:**

***City Clerk/Board Secretary Hyler III announced a correction to agenda item #13 regarding Love on our Downtown Local Business & Volunteer Appreciation Day. The event will be held on Saturday, October 14, 2017 from 9:00 AM to 4:00 PM.***

***Agenda item #4 under Resolutions, "Approving the annual Local Transportation Fund (LTF) claim," was removed from the consent calendar for separate discussion and possible action.***

***Agenda item #13 under Annual Petitions, "Request from LOVE Atwater for assistance with Love on our Downtown Local Business & Volunteer Appreciation Day event," was removed from the consent calendar for separate discussion and possible action.***

***MOTION: Mayor Pro Tem/Board Vice Chair Vineyard moved to approve the consent calendar as amended. The motion was seconded by City Council Member/Board Member Raymond and the vote was: Ayes: Creighton, Vineyard, Vierra, Raymond, Price; Noes: None; Absent: None. The motion passed.***

**WARRANTS:**

1. September 11, 2017

***ACTION: Approval of warrants as listed.***

**MINUTES: (City Council)**

2. Regular meeting, August 28, 2017

***ACTION: Approval of minutes as listed.***

RESOLUTIONS:

3. Approving an Amended Recognized Obligation Payment Schedule 2017-18B for January 2018 through June 2018 (Interim City Manager/Executive Director Bramble)

***ACTION: Adoption of Successor Agency Resolution No. SA 2017-7 approving an Amended Recognized Obligation Payment Schedule 2017-18B for January 2018 through June 2018.***

4. Approving the annual Local Transportation Fund (LTF) claim (Grants Manager Waterman)

***This item was removed from the consent calendar for separation discussion and possible action.***

5. Approving Resolution repealing and re-enacting the City of Atwater Reserve Firefighter Program (CAL FIRE Battalion Chief Wight)

***ACTION: Adoption of Resolution No. 2970-17 repealing and re-enacting the City of Atwater Reserve Firefighter Program.***

AGREEMENTS:

6. Approval of an agreement with Atwater Elementary School District regarding the School Resource Officer program (Police Chief Joseph)

***ACTION: Approval of an agreement, in a form approved by the City Attorney, with the Atwater Elementary School District regarding the School Resource Officer Program; and authorizes and directs the Interim City Manager to execute the agreement on behalf of the City.***

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Waiving the second reading and adopting Ordinance No. CS 985 amending Chapter 5.40 "Massage Therapy" of the Atwater Municipal Code (Deputy City Attorney Henderson)

***ACTION: Waives the second reading and adopts Ordinance No. CS 985 amending Chapter 5.40 "Massage Therapy" of the Atwater Municipal Code.***

8. Waiving the second reading and adopting Ordinance No. CS 988 establishing an expedited, streamlined permitting process for electric vehicle charging stations (Chief Building Official Pereida)

***ACTION: Waives the second reading and adopts Ordinance No. CS 988 amending Chapter 15 "Building and Construction" of Chapter 15 "General Provisions" of the Atwater Municipal Code to include Article 19 "Expedited Electric Vehicle Charging Station Permitting."***

**INFORMATION ITEMS ONLY (NO ACTION REQUIRED):**

9. Police Department activities and projects for the month of August, 2017 (Police Chief Joseph)
10. Police Volunteer activities for the month of August, 2017 (Police Volunteer Vineyard)
11. Fire Department activities and projects for the month of August, 2017 (CAL FIRE Battalion Chief Wight)
12. Water Well Levels for the months of July and August, 2017 (Acting Public Works Director Shaw)

**ANNUAL PETITIONS:**

13. Request from LOVE Atwater for assistance with Love on our Downtown Local Businesses & Volunteer Appreciation Day event (Gloria Perez, LOVE Atwater Project Coordinator)

***This item was removed from the consent calendar for separation discussion and possible action.***

14. Request from Atwater Chamber of Commerce for assistance with Annual Fall Festival (Greg McDaniel, Director at Large)

***ACTION: Approval of request from Atwater Chamber of Commerce for assistance with the Annual Fall Festival to include street closures, on Grove Avenue west of 3<sup>rd</sup> Street to the Atwater Medical Center parking lot, on Saturday, September 23, 2017 from 8:00 AM to 5:00 PM.***

**RESOLUTIONS:**

Approving the annual Local Transportation Fund (LTF) claim (Grants Manager Waterman)

***Grants Manager Waterman spoke regarding the annual Local Transportation Fund claim for Fiscal Year 2017-18 wherein staff identified a priority project located at Mitchell Avenue between Winton Way and Heights Avenue where grinding and pavement overlay is needed and funding could be best utilized.***

***MOTION:*** City Council Member Creighton moved to adopt Resolution No. 2982-17 approving the annual Local Transportation Fund (LTF) claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2017-18 and authorize the Interim City Manager to execute the claim form on behalf of the City of Atwater; and to adopt Resolution No. 2983-17 approving Budget Amendment No. 2 regarding FY 2017-18 Local Transportation Fund. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vineyard, Vierra, Creighton, Price; Noes: Raymond; Absent: None. The motion passed.

**ANNUAL PETITIONS:**

Request from LOVE Atwater for assistance with Love on our Downtown Local Businesses & Volunteer Appreciation Day event (Gloria Perez, LOVE Atwater Project Coordinator)

***Mayor Pro Tem Vineyard announced that Atwater Girl Scout Troop 3048 is a co-sponsor of the event and they should be recognized as such.***

***MOTION:*** Mayor Pro Tem Vineyard moved to approve the request from LOVE Atwater and Atwater Girl Scout Troop 3048 for assistance with the Love on our Downtown Local Businesses & Volunteer Appreciation Day event to include street closures as follows: from Drakeley Avenue to Broadway Avenue and from Winton Way to 2<sup>nd</sup> Street on Saturday, October 14, 2017 from 9:00 AM to 4:00 PM. The motion was seconded by Mayor Price and the vote was: Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: Absent: None. The motion passed.

**INTERIM CITY MANAGER REPORTS/UPDATES:**

Presentation and referring Title 8 and Title 17 of the Atwater Municipal Code regarding medical and commercial marijuana to the Community Development and Resources Commission

***Interim City Manager Bramble spoke regarding the proposed changes to the medical and commercial marijuana ordinance and the reason for referring this item back to the Community Development and Resources Commission.***

***GARY BRICE, Community Development and Resources Commission Chair, spoke regarding the confusion surrounding the document and the process of presenting and adopting said ordinance.***

***ERIC LEE, Atwater, voiced his concerns in regard to the number of permits allowed, as proposed.***

***ZACK DRIVON, Stockton attorney for local policy reform advocacy and consulting in the cannabis industry, echoed Mr. Lee's comments and spoke of several other barriers to entry for businesses.***

**LINDA DASH, Community Development and Resources Commissioner, stated her opinion concerning the number of permits allowed.**

**MOTION: Mayor Pro Tem Vineyard moved to refer Ordinance No. CS 982 back to the Community Development and Resources Commission for final recommendation. The motion was seconded by Mayor Price and the vote was: Ayes: Raymond, Creighton, Vineyard, Price; Noes: Vierra; Absent: None. The motion passed.**

**MOTION: Mayor Price moved to move agenda item #19 under Public Hearings, "Waiving the first reading and introducing Ordinance No. CS 982," up on the agenda, to be heard ahead of agenda item #17 (first of the public hearing items). The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.**

Verbal report regarding Parking Enforcement Plan

**Interim City Manager Bramble presented a proposed Parking Enforcement Plan in which Police Volunteers may help provide parking enforcement services as well as take reports concerning minor traffic accidents.**

**PUBLIC HEARINGS:**

Waiving the first reading and introducing Ordinance No. CS 982: (1) Amending Title 8, Chapter 8.52, pertaining to medical marijuana; (2) Amending the definitions section of Title 17, Chapter 17.06, addressing commercial marijuana operations in the context of crop cultivation and industry, industrial operation; and (3) Amending Title 17, Chapter 17.75, of the City's development code to add a new section, Section 17.75.120 pertaining to the standards for commercial marijuana operations in the city of Atwater Municipal Code (Interim City Manager Bramble)

**Interim City Manager Bramble stated that he will continue his research to determine whether development agreements can be instituted into this process.**

**City Attorney Terpstra emphasized the reason for referring this item back to the Community Development and Resources Commission for final recommendation at their next meeting, which is to keep on track according to the timeline.**

**Mayor Price opened the public hearing for this item.**

**GARY BRICE, Community Development and Resources Commission Chair, spoke regarding pending legislature that could change the state's marijuana guidelines, and he voiced his concerns with the Commission's "lack of information" necessary to make a recommendation.**

**DWIGHT LARKS, Gustine, encouraged the City Council to take into consideration the health and welfare of the citizens of Atwater, and he voiced his opinion that there is no credible value for cannabis consumers according to the proposed ordinance.**

**No one else came forward to speak and Mayor Price closed the public hearing.**

**MOTION: Mayor Pro Tem Vineyard moved to refer Ordinance No. CS 982 back to the Community Development and Resources Commission for a final recommendation taking into consideration public comments, to request the Community Development and Resources Commission to expedite the review, and to bring the Commission's recommendation back for City Council discussion and possible action no later than the second regular City Council meeting in October. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vineyard, Vierra, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.**

**City Clerk Hyler III stepped down from the dais due to a family emergency at 9:05 PM. Deputy City Clerk Waterman took his place for the remainder of the meeting.**

Third Public Hearing regarding composition of voting districts for District-based Councilmember Elections (Interim City Manager Bramble)

**Douglas Johnson, National Demographic Corporation, spoke regarding the criteria for forming voting districts, and he presented possible voting district maps for Atwater.**

**Mayor Price opened the public hearing for this item.**

**No one came forward to speak and Mayor Price closed the public hearing.**

**MOTION: Mayor Pro Tem Vineyard moved to set the public hearing date to review the final maps creating the voting district maps for District-based Councilmember elections for Monday, September 25, 2017; to direct the City Manager to post all four (4) maps at City Hall and in common places throughout the City, as well as on the City's website; to solicit input from the public at the Town Hall Meeting of September 19, 2017; and to direct the City Manager to provide the final maps to Atwater civic organizations and the Atwater School District. The motion was seconded by Mayor Price and the vote was: Ayes: Vineyard, Creighton, Vierra, Price; Noes: Raymond; Absent: None. The motion passed.**

Waiving the first reading and introducing Ordinance No. CS 987 amending Chapter 3.04 "Purchasing System" of the Atwater Municipal Code (Deputy City Attorney Ruppel)



**City Attorney Terpstra announced that Ordinance No. CS 987 amending Chapter 3.04 "Purchasing System" of the Atwater Municipal Code is on the agenda for first reading and introduction only.**

**Mayor Price opened the public hearing for this item.**

**No one came forward to speak and Mayor Price closed the public hearing.**

**MOTION: City Council Member Vierra moved to continue this item to the next regular City Council meeting of September 25, 2017. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Raymond, Vineyard, Vierra, Creighton, Price; Noes: None; Absent: None. The motion passed.**

**CITY COUNCIL MATTERS:**

City Council comments

**City Council Member Raymond thanked Linda Dash and everyone who helped with tonight's Patriot Day and National Day of Service and Remembrance event, and he wished his grandmother a Happy Birthday.**

**City Council Member Vierra had nothing to report.**

**Mayor Pro Tem Vineyard echoed City Council Member Raymond's comments concerning the 911 event, and he welcomed CAL FIRE Battalion Chief Wight.**

**City Council Member Creighton thanked everyone who participated in the 911 ceremony and he spoke of the great showing of support for the fallen.**

**Mayor Price asked citizens to clean up leaves around their homes as Fall and Winter approach so that they do not clog City drains.**

**CLOSED SESSION:**

**Continuation of Closed Session from the 5:00 PM Special meeting was necessary.**

**ADJOURNMENT:**

**Mayor Price adjourned the meeting to Conference Room A at 9:30 PM, to resume Closed Session from the 5:00 PM Special meeting.**

  
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DON HYLER III  
CITY CLERK/BOARD SECRETARY

*Lori Waterman*

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LORI WATERMAN, CMC  
DEPUTY CITY CLERK

By: Kim Bengtson-Jennings  
Recording Secretary