



## COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

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### ACTION MINUTES

**May 15, 2019**

CALL TO ORDER:

*The Community Development and Resources Commission of Atwater met in Regular Session this date at 6:02 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chairperson Murphy III presiding.*

PLEDGE OF ALLEGIANCE:

*The Pledge of Allegiance was led by Chairperson Murphy III.*

INVOCATION:      *The Invocation was given by Police Chaplain McClellan.*

ROLL CALL:

**Present:**              *Commissioners Krotik, McWatters, Bergman, Vice Chairperson Daugherty, Chairperson Murphy III*

**Absent:**                *Mead*

**Staff Present:**      *General Services Manager/Chief Building Official Pereida, VVH Senior Planner Thompson, City Attorney White, Recreation Supervisor Rahn, Lopez, Deputy City Clerk/Executive to the City Manager Martin*

SUBSEQUENT NEED ITEMS: *Request from Don Borgwardt of Yosemite Church for a Special Outdoor Event under Petitions/Communications.*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

**MOTION:** *Vice Chairperson Daugherty moved to approve the agenda as amended. The motion was seconded by Commissioner Bergman and the vote was: Ayes: Daugherty, Krotik, McWatters, Bergman, Murphy III; Noes: None; Absent: Mead. The motion passed.*

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

***One person spoke regarding a potential development on his property that straddles the City limit and County lines.***

***VVH Senior Planner Thompson advised that staff has been working with the County of Merced and LAFCO on a realignment petition for a minor property line adjustment. He advised the speaker that staff will continue to work on his behalf.***

APPROVAL OF MINUTES:

Regular Meeting of March 20, 2019

***MOTION: Commissioner Krotik moved to approve minutes as listed. The motion was seconded by Commissioner McWatters and the vote was: Ayes: Daugherty, Krotik, McWatters, Bergman, Murphy III; Noes: None; Absent: Mead. The motion passed.***

Regular Meeting of April 17, 2019

***MOTION: Commissioner Krotik moved to approve minutes as listed. The motion was seconded by Commissioner McWatters and the vote was: Ayes: Daugherty, Krotik, McWatters, Bergman, Murphy III; Noes: None; Absent: Mead. The motion passed.***

Special Meeting of April 24, 2019

***MOTION: Commissioner Krotik moved to approve the minutes as amended for clarification. The Deputy City Attorney erred in advising that a quorum was not present thereby failing the motion to recommend approval to the City Council regarding Item #1, Petitions and Communications; an application from the Atwater Pentecost Association. The motion regarding item #1 on the April 24, 2019 agenda should have passed. The motion was seconded by Commissioner McWatters and the vote was: Ayes: Daugherty, Krotik, McWatters, Bergman, Murphy III; Noes: None; Absent: Mead. The motion passed.***

PETITIONS AND COMMUNICATIONS:

Request from Don Borgwardt, Yosemite Church, for a special outdoor event; showing a monthly "Movie in the Park" at Ralston Park beginning in June and ending in September 2019. Three of the movies are planned for Ralston Park and one movie is planned in Veterans' Park. Street barricades are requested from the City of Atwater on Third Street for traffic suspension between Grove Avenue and Elm Avenue from 7:00 PM to 10:00 PM for the Ralston Park movies.

***MOTION: Commissioner Bergman moved to recommend that the City Council approve the request from Yosemite Church to hold monthly movies in the park beginning in June and ending in September 2019; and approving the use of street barricades between Grove Avenue and Elm Avenue from 7:00 PM to 10:00 PM for the Ralston Park movies. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Daugherty, Krotik, McWatters, Bergman, Murphy III; Noes: None; Absent: Mead. The motion passed.***

Request from Atwater Elementary School District regarding Seamless Summer Feeding Program.

***Lisa Lugwig, Atwater Elementary School District Food Service Supervisor, requested the recommendation from the Commission to the City Council to approve the Seamless Summer Feeding Program to be held at various city locations.***

***MOTION: Commissioner Bergman moved to approve the request for the CDRC to recommend that the City Council approve the request from Atwater Elementary School District, Nutritional Services Department, contingent upon receipt of current certificate of liability coverage, to hold their annual Seamless Summer Feeding Program at Heller Park, Ralston Park, Veterans Park and Atwater High School from June 10, 2019 to August 2, 2019, to provide free meals to children (age 18 and under) in the community. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: McWatters, Krotik, Bergman, Daugherty, Murphy III; Noes: None; Absent: Mead. The motion passed.***

**PUBLIC HEARINGS:**

Resolution making an environmental finding that the project is categorically exempt under CEQA; and approving Conditional Use Permit No. 563-19 and Site Plan No. 718-19 for Dabout located at 301 Business Parkway (A.P.N. 056-330-037)

***VVH Senior Planner provided an overview of the application. He clarified that though the Commission has been presented with a checklist for site plan approval for cannabis, the City of Atwater had not adopted standards for site plans and site plan submittals. Staff created a checklist so that applicants can provide a well-rounded site plan, with a site plan number for use on all their tenant improvements for approval of their Conditional Use Permit. This application for Conditional Use Permit is for a manufacturing facility and have completed the Development Agreement and gone through the approval process of the Community Development and Resources Commission and the City Council.***

***Chairperson Murphy III opened the Public Hearing. No one came forward to speak.***

***Chairperson Murphy III closed the Public Hearing.***

***MOTION: Commissioner Bergman moved to adopt Resolution No. CDRC 097-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" exemptions and approving Conditional Use Permit No. 563-19 and Site Plan No. 718-19. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: Bergman, McWatters, Daugherty, Krotik, Murphy III; Noes: None; Absent: Mead. The motion passed.***

Resolution No. CDRC 084-19 making the finding that the project is categorically exempt under CEQA and recommending that the City Council adopt Ordinance No. CS 1007 approving the Sycamore Manufacturing Industries' development agreement regarding

the Cannabis Business Pilot Program; Property Location 1715 Sycamore Avenue (A.P.N. 001-146-003)

***VVH Senior Planner provided an overview of the application. He clarified that applicant had previously applied and received an approval recommendation from the CDRC for their cannabis manufacturing application but suspended the original plan in favor of developing a new business model that now includes manufacturing, growing and retail sales which is what is before you tonight.***

***Chairperson Murphy III opened the Public Hearing. No one came forward to speak.***

***Chairperson Murphy III closed the Public Hearing.***

***MOTION: Vice Chairperson Daugherty moved to adopt Resolution No. CDRC 084-19 making the finding that the project is categorically exempt under the California Environmental Quality Act (CEQA) guidelines section 15301 "Existing Facilities" and recommending that the City Council adopt Ordinance No. CS 1007 for the approval of the Sycamore Manufacturing industries' Development Agreement.***

**REPORTS AND PRESENTATIONS FROM STAFF:**

Recommend to the City Council to approve the T-Mobile West, LLC Site Lease Agreement at Osborn Park

***VVH Senior Planner provided an overview of the request from T-Mobile West to locate cellular equipment by removing an existing pole and replacing it with a new pole at Osborn Park.***

***Michael Taylor, Smart Link, clarified that T-Mobile West would be removing an existing light pole and replacing it with a new pole in order to place equipment.***

***MOTION: Commissioner Krotik moved to recommend to City Council the approval of the T-Mobile West, LLC Site Lease Agreement at Osborn Park. The motion was seconded by Vice Chairperson Daugherty and the vote was: Ayes: McWatters, Bergman, Krotik, Daugherty, Murphy III; Noes: None; Absent: Mead. The motion passed.***

**COMMISSIONER MATTERS:**

***Commissioner McWatters asked the City Attorney if her pending appointment to the County of Merced Redevelopment Oversight Committee presented any conflict of interest regarding her participation as a CDRC Commissioner.***

***City Attorney White advised that it did not appear to present a conflict, however, he urged Commissioner McWatters to advise the City of any activities that may involve the City of Atwater in the event that she may need to recuse herself from the decision making process.***

**Vice Chairperson Daugherty expressed concern for granting a liquor license for a property that may sit vacant for a year. He also asked about the out of use store at Buhach and Bellevue Roads; can the Commission recall the liquor license since it has been sitting for so long.**

**VVH Senior Planner advised that there are three recourses available to the Commission to govern a liquor license with a Conditional Use Permit: any Conditional Use Permit may be pulled for review at any time, there is a provision that a license must be used within a specific time frame or it can be revoked, and that consideration may be given to the impacts to the community as a reason for revoking a Conditional Use Permit. He also advised that with regard to the store at Buhach and Bellevue Roads, the Commission could recall the Conditional Use Permit for review.**

**Commissioner Krotik asked about the property behind the Savemart store since in the phase two portion of the agreement the developer has decided not go forward with development at that property. He has heard that the developer may gift that property to the City and is that something that is a staff decision or does it have to go to City Council for a public hearing. He thanked Commissioner Mead for her help at the recent animal rescue event.**

**VVH Senior Planner advised that since there is no longer a nexus for the improvements of the property no longer exists, and part of the planned improvements would have required that the City of Atwater purchase that basin. The cost of purchasing would likely be far greater than the relinquishing of the security bonds to the developer. Because it involved a real estate negotiation that was reviewed by the City Manager in closed session with the City Council it would not require a public hearing.**

**Commissioner Bergman had no comments.**

**Chairperson Murphy III expressed his frustration with not receiving answers from staff regarding the repairs need at 6<sup>th</sup> Street and Laurel Avenue. General Services Manager/Chief Building Official Pereida responded that he would get a definitive answer to him.**

**ADJOURNMENT:**

**Chairperson Murphy III adjourned the meeting at 7:00 PM.**

  
James Murphy III, Chairperson

By: Lesa Rasmussen,  
P-M Transcription Services