



# COMMUNITY DEVELOPMENT AND RESOURCES COMMISSION

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## ACTION MINUTES

**September 20, 2017**

CALL TO ORDER:

*The Community Development and Resources Commission of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Chair Brice presiding.*

PLEDGE OF ALLEGIANCE:

*The pledge of allegiance was led by Chair Brice.*

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

ROLL CALL:

**Present:** Commissioners Dash, Daugherty, Murphy III, Reed, Warchol,  
Chair Brice

**Absent:** Commissioner McWatters

**Staff Present:** Interim City Manager Bramble, Deputy City Attorney Ruppel,  
Senior Planner Hendrix, Police Chief Joseph, Recording  
Secretary Waterman

SUBSEQUENT NEED ITEMS:

*Recording Secretary Waterman announced a request to amend the agenda to add two (2) subsequent need items from Atwater Elementary School District, Ramona Giesbrecht. These items were presented after the posting of the agenda.*

*Commissioner McWatters arrived at 6:02*

APPROVAL OF AGENDA AS POSTED OR AMENDED:

**MOTION:** *Commissioner Dash moved to approve the agenda as amended. The motion was seconded by Murphy III, and the vote was: Ayes: Dash, Daugherty, Murphy III, Reed, Warchol, Brice; Noes: None; Abstain: McWatters; Absent: None. The motion passed.*

CEREMONIAL MATTERS: *None*

PUBLIC COMMENT:

*Notice to the public was read.*

***MAYOR PRO TEM JIM VINEYARD, Atwater, addressed the Commission and stated that he helped form the CDRC Commission by incorporating the previous Traffic, Planning, Park & Recreation Committees for financial reasons and to incorporate the best minds from all those committees to work together as one. He commented that there has been a statement to "either utilize the CDRC Commission more, or eliminate it". Eliminating the commission would put a burden on the City Council, and he urged the Commission to do their job, ask questions and research information given. He also asked that the Commission start looking at the General Plan, the Sign Ordinance and all ordinances. He stated that the Commission is not being utilized fully and urged them to do more.***

*No one else came forward to speak at this time.*

APPROVAL OF MINUTES:

Regular Meeting of August 16, 2017

***MOTION: Commissioner Reed moved to approve the minutes as listed. The motion was seconded by Commissioner Daugherty, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Abstain: None; Absent: None. The motion passed.***

PETITIONS AND COMMUNICATIONS:

Request from Atwater Elementary School District for assistance with their Annual Red Ribbon Week activities on Friday, October 27, 2017

***Michelle Bush, Assistant Superintendent of Human Resources at Atwater Elementary School District spoke on behalf of the Annual Red Ribbon Week activities and requested support from the City of Atwater.***

***The dates listed on the Letter of Request were incorrect, and this item was continued after the request from Ramona Geisbrecht to give Ms. Busch time to confirm the correct dates of the activities.***

Request from Ramona Geisbrecht for the use of Ralston Park on Saturday, October 14, 2017 from 12:00 PM to 3:00 PM to lead a Rosary to pray for the Nation

***Ms. Geisbrecht addressed the Commission asking for approval to hang a banner, advertize, and utilize Ralston Park to lead a Rosary which will be done nationwide, she stated no food will be served and is not associated with any Church.***

**MOTION: Commissioner Murphy III moved to approve request from Ramona Geisbrecht for the use of Ralston Park on Saturday, October 14, 2017 from 12:00 PM to 3:00 PM to lead a Rosary to pray for the Nation, and refer this item to the City Council for their approval. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: None. The motion passed.**

Request from Atwater Elementary School District for assistance with their Annual Red Ribbon Week activities on Friday, October 27, 2017

***Michelle Bush clarified the dates of Red Ribbon Week will be October 23-27, 2017 with the request for Red Ribbon Walk and parade to be held on Friday, October 27, 2017 and the Drug Store Project being held on October 27, 2017.***

**MOTION: Commissioner McWatters moved to approve request from Atwater Elementary School District for assistance with their annual Red Ribbon Week activities on Friday, October 27, 2017, and refer this item to the City Council for their approval. The motion was seconded by Commissioner Reed, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: None. The motion passed.**

**PUBLIC HEARINGS:**

CDRC Resolution No. 040-17 approving Conditional Use Permit No. 548-17 (Type 20 Alcohol License @ NW Corner of Buhach Road and Juniper Avenue)

***Chair Brice opened the Public Hearing.***

***KAMAL DHALIWAL, Applicant and Owner ARCO AM/PM Station, spoke in favor of the project and encouraged the Commission to move forward with approving the CUP. She also stated that they have strict window advertising requirements, and patrons will not be able to purchase and drink any alcohol on the property.***

***SAMMY CARTER, residing in the neighborhood located near the project, had no objections.***

***BETTY CARTER, spoke against the project, stating that it is not a good idea to sell alcohol so close to the School across the street.***

***No one else came forward to speak, and Chair Brice closed the Public Hearing for this item.***

**MOTION: Commissioner Reed moved to adopt Resolution No. 040-17 approving Conditional Use Permit No. 548-17. The motion was seconded by Commissioner Warchol, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice; Noes: None; Absent: None. The motion passed.**

CDRC Resolution No. 041-17 approving Conditional Use Permit No. 549-17 (Type 20 Alcohol License @ 1485 Broadway Avenue)

**Chair Brice opened the Public Hearing.**

**RAJESHWAR RANDHAWA, Applicant and Owner 89 Cent Plus Store, spoke in favor of the project, discussed his reasons for requesting the permit, and asked that the Commission approve the requested CUP.**

**No one else came forward to speak, and Chair Brice closed the Public Hearing for this item.**

**MOTION: Commissioner Daugherty moved to adopt Resolution No. 041-17 approving Conditional Use Permit No. 549-17. The motion was seconded by Commissioner Dash, and the vote was: Ayes: Dash, Daugherty, Noes: McWatters, Murphy III, Reed, Warchol, Brice; Absent: None. The motion failed.**

CDRC Resolution No. 042-17 approving Conditional Use Permit No. 550-17 (Type 20 Alcohol License @ 1870 Bellevue Road)

**Applicant asked for a continuation due to a conflict with tonight's meeting.**

**Chair Brice opened the Public Hearing.**

**No one came forward to speak, and Chair Brice closed the Public Hearing for this item.**

**MOTION: Commissioner Reed moved to re-open the Public Hearing for this item. The motion was seconded by Commissioner Murphy III, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice, Noes: None; Absent: None. The motion passed.**

**Chair Brice re-opened the Public Hearing.**

**MOTION: Commissioner Reed moved to continue the Public Hearing for CDRC Resolution No. 042-17 approving Conditional Use Permit No. 550-17 to the next regular meeting of October 18, 2017. The motion was seconded by Commissioner Warchol, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Reed, Warchol, Brice, Noes: None; Absent: None. The motion passed.**

Ordinance CS 982 Commercial Marijuana Operations

**Interim City Manager Bramble addressed the Commission and provided an update of items discussed at the City Council informational session held on September 11, 2017 regarding the consideration of an ordinance relating to medical/commercial marijuana. Items raised by the CDRC were discussed, which included the number of industrial operational permits allowed, and whether it should be a limited or unlimited amount; the security plan and whether there should be a 24 hour armed guard at each facility; that the educational funding for school districts be seriously considered; and there was a question as to whether there should be a provision for a Development Agreement for each facility.**

**Chair Brice opened the Public Hearing.**

**ZACK DRIVON, Attorney practicing out of Stockton California, offered himself as a resource to the City regarding State Regulations and Ordinances. He addressed specific items discussed by the Commission and commented that placing caps on the number of permits allowed would limit revenue to the City, that Public Safety and appropriate zoning was key and should be reviewed on a case by case basis. SB 94 identifies regulatory structures. Developer Agreement would be a great way to address revenue, tax, youth education, and security. He suggested allowing the businesses located in these industrial parks to share in the cost of 24 hour guards, or surveillance coverage as to enhance, not burden the Police Department.**

**JIM VINEYARD, Mayor Pro Tem offered his personal opinion, suggested adding something that allows the City Council flexibility at its discretion to adjust the number of permits allowed.**

**ROBERT RIECHEL, Atwater, thanked the Commission for their efforts in moving forward with this Ordinance. He commented on the Business Park Zoning which is flexible, and stated that he owns property on Sycamore that would be a perfect use for this area.**

**MICHELLE BUSH, thanked Commissioner Reed for his passion in keeping education at the forefront of the decisions be discussed. Any partnerships created and resources to educate our youth and families would be a benefit.**

**ERIC LEE, Atwater, thanked the Commission for doing a great job and look forward to this being a positive for Atwater.**

**No one else came forward to speak, and Chair Brice closed the Public Hearing for this item.**

**Deputy City Attorney Ruppel clarified that the motion will include the Development Agreement and would include the following items upon the Commission's recommendation; taking the cap off the number of permits allowed, incorporating the Development Agreement, surveillance and/or patrols as approved by the Chief of Police, allowing him the discretion to require one or both.**

**MOTION: Commissioner Daugherty moved to adopt Resolution No. 043-17 recommending approval of Ordinance No. CS 982 to the City Council as amended, incorporating the following changes: removing the cap on the number of licenses allowed; incorporating a Development Agreement; and amending the Security Provision to read "and/or". The motion was seconded by Commissioner McWatters, and the vote was: Ayes: Dash, Daugherty, McWatters, Murphy III, Warchol, Brice, Noes: Reed; Absent: None. The motion passed.**

**REPORTS AND PRESENTATIONS FROM STAFF: None**

**DISCUSSION ITEMS: None**

COMMISSIONER MATTERS:

Comments from Community Development and Resources Commissioners

***Commissioner Dash had no comments, but would like to see the CDRC review the Garage Sale Ordinance.***

***Commissioner Daugherty commented that he would like to see Shaffer and Juniper fixed, the signal lights have bad loops that should be addressed.***

***Commissioner Reed announced that he lives on Fruitland and asked if speed humps could be considered on Fruitland to reduce speeders.***

***Vice Chair Murphy III quested if the residue from the fire on Bell, and asked if the burned trees and signal box located by Panda Express will be removed.***

***Commissioner McWatters had no comments.***

***Commissioner Warchol expressed concern regarding Yard Sales being used as a commercial enterprise.***

***Chair Brice had no additional comments.***

ADJOURNMENT:

***The meeting adjourned at 7:35 PM.***



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Gary Brice, Chairperson



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Lori Waterman, CMC  
Recording Secretary