

CITY OF ATWATER CITY COUNCIL

Agenda

Council Chambers
750 Bellevue Road
Atwater, California

October 22, 2018

REGULAR SESSION: (Council Chambers)



6:00 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain McClellan

ROLL CALL:

Creighton ____ , Raymond ____ , Vierra ____ , Vineyard ____ , Price ____

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.

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 five (5) minutes.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

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. a) **October 8, 2018**
b) **October 22, 2018**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. **September 10, 2018 – Joint Special meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

3. **September 19, 2018 – Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

TREASURER'S REPORT:

4. **September 30, 2018**

Staff's Recommendation: Acceptance of report as listed.

CALL FOR BIDS/RFPS:

5. **Traffic Signal Synchronization and Raised Median Project** (General Services Manager Pereida)

Staff's Recommendation: Approval of plans and specifications and authorizes advertising and call for bids for Traffic Signal Synchronization and Raised Median Project, City Project No. 14-2; Bid Call No. 665-14.

REPORTS:

6. **Housing Element Annual Progress Reports for calendar years 2014 to 2017**
(Senior Planner Thompson, VVH)

Staff's Recommendation: Receives and files the Housing Element Annual Progress Reports (APRs) for calendar years 2014 to 2017; and directs the City Manager to submit APRs to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

PETITIONS AND COMMUNICATIONS:

7. **Request from Saint Anthony/Immaculate Conception Church for assistance with annual procession** (Baudelio Valencia)

Staff's Recommendation: Approval of request from Saint Anthony/Immaculate Conception Church, contingent upon receipt of current liability certificate, for assistance with their annual procession on Wednesday, December 12, 2018, starting at 3:00 PM beginning at Ralston Park, to Juniper Avenue, and on to Saint Anthony Church; to approve road closure on Third Street between Fir and Juniper Avenues and Juniper Avenue between Third Street and Winton Way from 3:00 – 5:00 PM.

8. **Request from Valley Christian Chapel for assistance with annual Harvest Festival** (Glenn Summerton)

Staff's Recommendation: Approval of request from Valley Christian Chapel for assistance with their annual Harvest Festival on Wednesday, October 31, 2018, to block off Third Street between Broadway Avenue and Cedar Avenue from 5:30 – 9:00 PM.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

9. **Police Department activities and projects for the month of September, 2018**
(Interim Police Chief Bessinger)
10. **Fire Department activities and projects for the month of September, 2018**
(CAL FIRE Battalion Chief Wight)

PUBLIC HEARINGS:

11. **Waiving first reading and introducing Ordinance No. CS 999 approving Zoning Text Amendment 18-2 amending Chapter 17.42.030, "Conditional Uses," of Atwater Municipal Code as it relates to cannabis businesses and other use regulations** (Senior Planner Thompson, VVH)

Staff's Recommendation: Open the public hearing and take any testimony given regarding Ordinance No. CS 999; and

Motion to waive the first reading and introduce Ordinance No. CS 999 approving Zoning Text Amendment 18-2 amending Chapter 17.42.030, "Conditional Uses," of the Atwater Municipal Code as it relates to cannabis businesses and other use regulations; or

Motion to approve staff's recommendation as presented.

- 12. Waiving the first reading and introducing Ordinance No. CS 1000 approving Zoning Text Amendment 18-1 amending Chapter 17.40.020 and Chapter 17.42.020 of Atwater Municipal Code regarding Emergency Shelters (Senior Planner Thompson, VVH)**

Staff's Recommendation: Open the public hearing and take any testimony given regarding Ordinance No. CS 1000; and

Motion to waive the first reading and introduce Ordinance No. CS 1000 approving Zoning Text Amendment 18-1 amending Chapter 17.40.020 and Chapter 17.42.020 of the Atwater Municipal Code regarding Emergency Shelters; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 13. Waiving the first reading and introducing Ordinance No. CS 1001 amending the City of Atwater's Cannabis Business Pilot Program related to cannabis dispensaries (City Attorney White)**

Staff's Recommendation: Motion to waive the first reading and introduce Ordinance No. CS 1001 amending Title 5, "Business Taxes, Licenses, and Regulations," Chapter 5.60, "Cannabis Business Pilot Program," of the Atwater Municipal Code regarding cannabis dispensaries; or

Motion to approve staff's recommendation as presented.

- 14. Selecting candidates to participate in the Cannabis Business Pilot Program and authorizing initiation of Phase II in the RFP process (Senior Planner Thompson (VVH), General Services Manager Pereida, and City Manager Waterman)**

Staff's Recommendation: Motion to select two of the three staff recommended dispensary candidates for the Cannabis Business Pilot Program and approve the two candidates to move forward to Phase II in the Request for Proposal (RFP) process; **OR**

In the event the City Council approves the introduction of Ordinance No. CS 1001 (Agenda item #13 above) which removes the number of permissible dispensaries:

Motion to approve all three staff recommended dispensary candidates to move forward to Phase II in the RFP process.

Motion to approve three staff recommended non-dispensary candidates to move forward to Phase II in the RFP process; and to authorize and direct the City Manager to initiate Phase II in the RFP process to include negotiating draft Development Agreements.

CITY COUNCIL MATTERS:

City Council comments

ADJOURNMENT:

CERTIFICATION:

I, Don Hyler III, 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.



DON HYLER III, 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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