

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

February 25, 2019

5:00 PM

CALL TO ORDER:

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: City Manager Waterman, City Attorney White, and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association; AFSCME Local 2703 – Miscellaneous Unit, Clerical Unit, and Mid-Management Unit; and Unrepresented**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Lori Johnson and Richard Johnson v. City of Atwater, et al. Case No. 19CV-00272**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (2)**

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Alfred Perez



ROLL CALL:

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

MAYOR OR 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 MATTERS:

- **Certificate of Recognition – Atwater High School Girls' Varsity Basketball Team**

Staff's Recommendation: That Mayor Creighton and City Council Member Cale present a certificate of recognition to the Atwater High School Girls' Varsity Basketball Team for their CCC championship.

- **Certificate of Appreciation – Interim Police Chief Bessinger**

Staff's Recommendation: That Mayor Creighton and City Manager Waterman present a certificate of appreciation to outgoing Interim Police Chief Bessinger for his service to the City.

- **Oath of Office – Police Chief Salvador**

Staff's Recommendation: That Mayor Creighton administer the ceremonial oath of office to the newly appointed Police Chief, Michael Salvador.

The City Council will recess following Ceremonial Matters

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 three (3) minutes.

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. **February 25, 2019**

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. **January 31, 2019**

Staff's Recommendation: Acceptance of report as listed.

RESOLUTIONS:

3. **Authorizing grant application submittal to San Joaquin Valley Air Pollution Control District for the Public Benefit Grant Program (Police Chief Salvador)**

Staff's Recommendation: Adoption of Resolution No. 3072-19 authorizing grant application submittal to the San Joaquin Valley Air Pollution Control District for the Public Benefit (New Alternative Fuel Vehicle Purchase) Grant Program; and authorizes and directs the City Manager to execute all documents on behalf of the City.

AGREEMENTS:

4. **Accepting State Office of Homeland Security Grant Program funds for equipment and training (CAL FIRE Battalion Chief Slate)**

Staff's Recommendation: Authorizes and directs the City Manager to accept the California Governor's Office of Emergency Services FY17 Homeland Security Grant Program funds in the amount of \$18,000 for the purchase of communications equipment; and authorizes and directs the City Manager to execute all documents related to the grant award on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

5. **Approving the Aegle Commodities, Inc. Development Agreement regarding Cannabis Business Pilot Program; property location: 240 Airpark Road, Atwater (City Attorney White)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1002 approving a Development Agreement, in a form approved by the City Attorney, with Aegle Commodities, Inc., Cannabis Business Pilot Program, Tracking No. 04-262-18, property location: 240 Airpark Road, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

6. **Approving the Bang Mingo, LLC Development Agreement regarding Cannabis Business Pilot Program; property location: 1780 Bell Lane, Atwater (City Attorney White)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1003 approving a Development Agreement, in a form approved by the City Attorney, with Bang Mingo, LLC, Cannabis Business Pilot Program, Tracking No. 12-262-18, property location: 1780 Bell Lane, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

PETITIONS AND COMMUNICATIONS:

7. **Request from Valley Children's Hospital for annual Kids Day fundraiser (Darrellyn Colldar)**

Staff's Recommendation: Approval of request from Valley Children's Hospital to hold their 32nd annual Kids Day fundraiser (newspaper sales) at various locations within the City limits on March 5, 2019 from 5:00 AM – 3:00 PM.

8. **Request from Atwater Youth Baseball, Softball & T-ball for assistance with Opening Day ceremonies (Michael Barnett, President)**

Staff's Recommendation: Approval of request from Atwater Youth Baseball, Softball & T-ball (AYBS&T) for assistance with Opening Day ceremonies on March 23, 2019 from 6:00 AM – 12:00 PM; to set out barricades and "No Parking" signs; to help control traffic and parking; and to assist with the "Procession of Players" beginning at Broadway and Fifth Street and ending at Memorial Park.

PETITIONS AND COMMUNICATIONS:

9. **Request from Castle Family Health Center for letter of support regarding funding through a New Access Point Grant (Edward Lujano, CEO)**

Staff's Recommendation: Motion to approve request from Castle Family Health Center for a letter of support regarding application for funding through a New Access Point Grant (HRSA-19-080) by the federal Health Resources and Services Administration/Bureau of Primary Health Care; or

Motion to approve staff's recommendation as presented.

FUNDING AND BUDGET MATTERS:

- 10. Resolution approving Budget Amendment No. 3 amending Fiscal Year 2018-19 Budget regarding Revenue and Expenditure Adjustments based on Mid-Year Analysis (Finance Director Deol)**

Staff's Recommendation: Motion to adopt Resolution No. 3071-19 approving Budget Amendment No. 3 amending Fiscal Year 2018-19 Budget regarding revenue and expenditure adjustments based on mid-year budget analysis; or

Motion to approve staff's recommendation as presented.

PUBLIC HEARINGS:

- 11. Ordinance approving a Development Agreement by and between the City of Atwater and Dabout, Inc. regarding Cannabis Business Pilot Program; property locations: 301 Business Parkway, 288 Business Parkway, 308 Business Parkway, 591 Business Parkway, and 571 Business Parkway, Atwater (City Attorney White)**

Staff's Recommendation: Open the public hearing and receive any testimony given; close the public hearing; and

Motion to waive the first reading and introduce Ordinance No. CS 1004 approving a Development Agreement, in a form approved by the City Attorney, between the City of Atwater and Dabout, Inc. regarding Cannabis Business Pilot Program, Tracking No. 06-262-18, property locations: 301 Business Parkway, 288 Business Parkway, 308 Business Parkway, 591 Business Parkway, and 571 Business Parkway, Atwater; and authorizing and directing the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 12. Ordinance approving a Development Agreement by and between the City of Atwater and Medallion Wellness, Inc. regarding Cannabis Business Pilot Program; property location: 341 Business Parkway, Atwater (City Attorney White)**

Staff's Recommendation: Open the public hearing and receive any testimony given; close the public hearing; and

Motion to waive the first reading and introduce Ordinance No. CS 1005 approving a Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Medallion Wellness, Inc. regarding Cannabis Business Pilot Program, Tracking No. 08-262-18, property location: 341 Business Parkway, Atwater; and authorizing and directing the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 13. Ordinance approving a Development Agreement by and between the City of Atwater and Top Management Distribution, Inc. regarding Cannabis Business Pilot Program; property location: 231 Business Parkway, Atwater (City Attorney White)**

Staff's Recommendation: Open the public hearing and receive any testimony given; close the public hearing; and

Motion to waive the first reading and introduce Ordinance No. CS 1006 approving a Development Agreement, in a form approved by the City Attorney, with Top Management Distribution, Inc., Cannabis Business Pilot Program, Tracking No. 13-262-18, property location: 231 Business Parkway, Atwater; and authorizing and directing the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 14. Ordinance approving a Development Agreement by and between the City of Atwater and Sycamore Manufacturing, Inc. regarding Cannabis Business Pilot Program; property location: 1715 Sycamore Avenue, Atwater (City Attorney White)**

Staff's Recommendation: Open the public hearing and receive any testimony given; close the public hearing; and

Motion to waive the first reading and introduce Ordinance No. CS 1007 approving a Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Sycamore Manufacturing, Inc., regarding Cannabis Business Pilot Program, Tracking No. 07-262-18, property location: 1715 Sycamore Avenue, Atwater; and authorizing and directing the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

CITY ATTORNEY REPORTS:

- 15. Resolution imposing a business license tax of fifteen percent (15%) of the gross receipts of any cannabis-related business that has not entered into a development agreement with the City**

Staff's Recommendation: Motion to adopt Resolution No. 3069-19 imposing a business license tax of fifteen percent (15%) of the gross receipts of any cannabis-related business that has not entered into a development agreement with the City; or

Motion to approve staff's recommendation as presented.

CITY COUNCIL MATTERS:

16. Discussion and possible action regarding the Community Development and Resources Commission

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding the Community Development and Resources Commission and select one of the following options:

OPTION 1: Keep the Community Development and Resources Commission as is; or

OPTION 2: Dissolve the Community Development and Resources Commission and create a Planning Commission with the City Council assuming the Parks and Recreation and Traffic duties; or

OPTION 3: Dissolve the Community Development and Resources Commission and revert back to a Planning Commission, a Parks and Recreation Committee, and a Traffic Committee; or

Motion to approve staff's recommendation as presented in Option 1, 2, or 3.

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.



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