

CITY OF ATWATER CITY COUNCIL

Council Chambers
750 Bellevue Road
Atwater, California

Agenda

May 14, 2018

5:00 PM

CALL TO ORDER:

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(a): Name of case: City of Atwater v Shell Oil Company, individually and Db a Shell Chem lcal company, Case No. CGC05441058
- Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(2)(d): Number of cases: (4)
- Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment. Titles: Interim City Manager, Interim Police Chief, Interim City Attorney, City Attorney
- Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: Interim City Manager Waterman, Interim 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

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** ____

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:

Certificates:

• **Firefighter and Reserve Firefighter of the Year**

Staff's Recommendation: That Mayor Price and CAL FIRE Battalion Chief Wight recognize Firefighter of the Year Blaine Lopes and Reserve Firefighter of the Year Diego Mortera.

• **Police Officers and Public Safety Dispatcher of the Year**

Staff's Recommendation: That Mayor Price and Interim Police Chief Echevarria recognize Police Officers of the Year Matthew Vierra (Detective) and Donald Wisdom III and Public Safety Dispatcher of the Year Kathy Mathis.

• **Atwater PAL Cadet Program**

Staff's Recommendation: That Mayor Price recognize the City of Atwater Cadets and Advisors for their achievements in the 5th Annual Cadet/Explorer Competition.

• **City Track Meet Champions**

Staff's Recommendation: That Mayor Price and Recreation Supervisor Rahn recognize the 2018 City Track Meet Champions, Peggy Heller School.

PRESENTATIONS:

• **Monthly verbal report by Merced County District 3 Supervisor McDaniel**

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At any time any person may comment on any item which is not on the agenda. Please state your name and address for the record. 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) **April 23, 2018**
b) **May 14, 2018**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. a) **Special meeting, September 19, 2017**
b) **Adjourned meeting, September 27, 2017**
c) **Regular meeting, March 12, 2018**
d) **Special meeting, March 26, 2018**
e) **Regular meeting, March 26, 2018**
f) **Adjourned meeting, March 28, 2018**
g) **Special meeting, April 3, 2018**
h) **Special meeting, April 5, 2018**
i) **Regular meeting, April 9, 2018**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

3. **Special meeting, February 28, 2018**

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

- 4. Approving annual Local Transportation Fund Claim to be filed with Merced County Association of Governments for FY 2018-19** (Interim City Manager Waterman)

Staff's Recommendation: Adoption of Resolution No. 3024-18 approving the annual Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for FY 2018-19 in the amount of \$114,102, and authorizes and directs the Interim City Manager and Finance Director to execute the Claim Form on behalf of the City.

- 5. Approving the 2016 Regional Transportation Impact Fee (RTIF) Update Study; and Rescinding Resolution No. 2032-05 which approved the Regional Transportation Impact Fee (RTIF) Study and authorized implementation of the RTIF Program** (Interim City Manager Waterman)

Staff's Recommendation: Adoption of Resolution No. 3032-18 approving the 2016 Regional Transportation Impact Fee (RTIF) Update Study dated December 15, 2016, including the project list included therein; and adoption of Resolution No. 3033-18 rescinding Resolution No. 2032-05 which approved the Regional Transportation Impact Fee (RTIF) Study and authorized implementation of the RTIF Program.

- 6. Approving FY 2018-19 Annual SB 1 Road Repair and Rehabilitation Project List** (Interim City Manager Waterman)

Staff's Recommendation: Adoption of Resolution No. 3027-18 approving Project List for FY 2018-19 funded by SB 1 (Road Repair and Accountability Act).

- 7. Approving Budget Amendment No. 13 regarding FY 2017-18 Affordable Housing Consulting Services** (Interim City Manager Waterman)

Staff's Recommendation: Adoption of Resolution No. 3028-18 approving Budget Amendment No. 13 amending FY 2017-18 Budget regarding Affordable Housing Consulting Services.

- 8. Approving banking services with Chase Bank** (Deputy City Manager/Finance Director Deol)

Staff's Recommendation: Adoption of Resolution No. 3031-18 approving banking services with Chase Bank.

- 9. Authorizing and directing the Interim City Manager to execute any agreements or documents relating to Systemic Safety Analysis Report Program (Interim City Manager Waterman)**

Staff's Recommendation: Adoption of Resolution No. 3019-18 authorizing and directing the Interim City Manager, or his/her designee, to execute any agreements or documents relating to Systemic Safety Analysis Report Program (SSARP) Project SSARPL-5254(027) on behalf of the City.

AGREEMENTS:

- 10. Approving Measure V Recipient Funding Agreement with Merced County Association of Governments (Interim City Manager Waterman)**

Staff's Recommendation: Approval of Measure V Recipient Funding Agreement, in a form approved by the Interim City Attorney, between Merced County Association of Governments (MCAG) and the City of Atwater; and authorizes and directs the Interim City Manager to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 11. Waiving the second reading and adopting Ordinance No. CS 997 amending certain sections in Title 8 "Health and Safety" of the Atwater Municipal Code relating to personal cultivation of cannabis and medical marijuana (Interim City Attorney White)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 997 amending Title 8 "Health and Safety" of the Atwater Municipal Code, repealing and replacing Chapter 8.52 "Personal Cultivation of Cannabis," and repealing Chapter 8.60 "Medical Marijuana" in its entirety.

- 12. Waiving the second reading and adopting Ordinance No. CS 995 amending certain sections in Title 17 "Zoning" relating to cannabis regulations (Interim City Attorney White)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 995 amending Title 17 "Zoning" of the Atwater Municipal Code, amending Chapter 17.40 "Light Industrial Zone," Section 17.40.030 "Conditional Uses" and Chapter 17.42 "Industrial Zone," Section 17.42.030 "Conditional Uses" and repealing Chapter 17.75 "Specific Uses, Section 17.75.120 "Marijuana Cultivation, Nursery, Manufacturing, Testing, Transportation and Distribution" in its entirety.

13. **Waiving the second reading and adopting Ordinance No. CS 996 repealing and replacing Chapter 5.60 of the Atwater Municipal Code relating to Cannabis Business Pilot Program** (Interim City Attorney White)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 996 repealing Chapter 5.60 "Outdoor Cultivation of Marijuana" of the Atwater Municipal Code in its entirety and replacing it with "Cannabis Business Pilot Program."

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

14. **Police Department activities and project for the month of April 2018** (Interim Police Chief Echevarria)
15. **Police Volunteer activities for the month of April 2018** (Police Volunteer Vineyard)
16. **Fire Department activities and projects for the month of April 2018** (CAL FIRE Battalion Chief Wight)
17. **Water Well Levels for the month of April 2018** (Interim Public Works Director Shaw)
18. **California State Auditor's High Risk Local Government Agency Audit Program** (Interim City Attorney White)

PETITIONS AND COMMUNICATIONS:

19. **Request from Atwater Pentecost Association for assistance with annual procession**

Staff's Recommendation: Motion to approve or deny request from Atwater Pentecost Association for assistance with their Annual Festival procession on Sunday, June 24, 2018, leaving Atwater Pentecost Club (APC) at 8:45 AM down Third Street, right on Broadway Avenue, right on Winton Way, and proceeding to Saint Anthony's Church and returning to APC down Winton Way, left on Grove Avenue, and right on Third Street.

FUNDING AND BUDGET MATTERS:

20. **Treasurer's Report for the month of March 2018** (City Treasurer Heller)

Staff's Recommendation: Motion to approve the Treasurer's Report for the month of March 2018; or

Motion to approve staff's recommendation as presented.

21. **Resolution approving the adoption of the Public Agencies Post-Employment Benefits Trust Program to be administered by Public Agency Retirement Services (PARS) and U.S. Bank; and approving Agreement for Administrative Services with Phase II Systems (PARS) for Trust Administrator to the Trust** (Deputy City Manager/Finance Director Deol and Human Resources Director Del Real)

Staff's Recommendation: Motion to adopt Resolution No. 3030-18 authorizing the establishment and participation in the PARS Post-Employment Benefits Trust Program to be administered by Public Agency Retirement Services (PARS) and U.S. Bank, appointing the Finance Director as the City's Plan Administrator, and authorizing the Interim City Manager to execute the documents to implement the Program; to approve an Agreement for Administrative Services with Phase II Systems, doing business as Public Agency Retirement Services and PARS, in a form approved by the Interim City Attorney, for Trust Administrator to the Trust; and to authorize and direct the Interim City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

INTERIM CITY MANAGER REPORTS/UPDATES:

22. **Approving Agreement for City Attorney Services with Churchwell White, LLP**

Staff's Recommendation: Motion to approve an Agreement for City Attorney Services with Churchwell White, LLP, Sacramento, California and to authorize and direct the Mayor to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

INTERIM CITY ATTORNEY REPORTS/UPDATES:

23. **Approving First Amendment to Interim City Manager Employment Agreement**

Staff's Recommendation: Motion to approve a First Amendment to Interim City Manager Employment Agreement, in a form approved by the Interim City Attorney, with Lori Waterman; and to authorize and direct the Mayor to execute the Amendment on behalf of the City; or

Motion to approve staff's recommendation as presented.

24. Discussion regarding options to address the Power Purchase Agreement with CGY Atwater I LLC

Staff's Recommendation: That the City Council, by motion, provide direction to staff regarding any next steps necessary to address concerns with the cost of the existing agreement.

CITY COUNCIL MATTERS:

City Council comments

CLOSED SESSION:

Continuation of Closed Session if necessary

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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