

CITY OF ATWATER CITY COUNCIL

Agenda

Council Chambers
750 Bellevue Road
Atwater, California

September 24, 2018

CALL TO ORDER:

5:00 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(2)(d): Number of cases: (6)**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(a): Name of case: Frank Johnson v. City of Atwater, Case No. 18CV-03533**
- **Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: 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**
- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: City Manager Waterman**

Property Location: 001-134-015

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:

- **Joint Special Meeting of September 10, 2018**
- **Regular Meeting of September 24, 2018**

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. September 24, 2018

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. August 27, 2018 Regular meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

- 3. a) June 20, 2018**
- b) July 18, 2018**
- c) August 15, 2018**

Staff's Recommendation: Acceptance of minutes as listed.

CALL FOR BIDS/RFPS:

4. Juniper Avenue Pedestrian and Bike Path Project (General Services Manager/Chief Building Official Pereida)

Staff's Recommendation: Approval of plans and specifications and authorizes advertising and call for bids for Juniper Avenue Pedestrian and Bike Path Project, City Project No. 14-3; Bid Call No. 666-14.

AGREEMENTS:

5. Approving Amendment No. 1 to Refuse Services Agreement with Allied Waste Services of North America, LLC to expand scope of services to include Locking Bin Services (Finance Director Deol)

Staff's Recommendation: Approval of Amendment No. 1 to Refuse Services Agreement, in a form approved by the City Attorney, with Allied Waste Services of North America, LLC (Republic Services, Inc.) to expand scope of services to include Locking Bin Services; and authorizes and directs the City Manager to execute the Amendment on behalf of the City.

PETITIONS AND COMMUNICATIONS:

6. **Request from Atwater Elementary School District and Atwater Caring About Kids Community Council for assistance with annual Red Ribbon Walk and Drug Store Project** (Christy Lobao, Director of Special Programs)

Staff's Recommendation: Approval of request from Atwater Elementary School District and Atwater Caring About Kids Community Council for assistance with annual Red Ribbon Walk on Friday, October 19, 2018; to assist in escorting approximately 600 students and community members to walk in support of a Drug-Free Atwater at 11:30 AM beginning at Ralston Park, down Third Street to Broadway Avenue, right on Broadway Avenue to Fifth Street, right on Fifth Street to Grove Avenue, right on Grove Avenue and back to Ralston Park; to approve road closure on Third Street between Fir and Grove Avenues from 11:15 AM to 1:00 PM; and to provide extra trash cans at Ralston Park; and

Approval of request from Atwater Elementary School District and Atwater Caring About Kids Community Council for assistance with annual Drug Store Project (an all-day drug prevention event) on Friday, October 26, 2018 at Mitchell K6 School with the use of School Resource Officers.

7. **Request from Atwater High School Leadership Class for assistance with annual Homecoming Parade** (Lexi Valencia, ASB Vice President)

Staff's Recommendation: Approval of request from Atwater High School Leadership Class for assistance with annual Homecoming Parade on Friday, October 5, 2018 at 3:30 PM beginning on Mitchell Avenue, left onto Winton Way, and continue to Atwater High School on Fruitland Avenue.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

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

FUNDING AND BUDGET MATTERS:

10. **Treasurer's Report for the month of August, 2018** (City Treasurer Heller)

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

Motion to approve staff's recommendation as presented.

CITY ATTORNEY REPORTS/UPDATES:

11. Possible amendment to Chapter 5.60 of Atwater Municipal Code, Section 5.60.040 “Cannabis Dispensaries”

Staff’s Recommendation: That the City Council, by motion, provide staff with direction regarding cannabis dispensaries.

12. Resolution adopting City Officials’ Handbook

Staff’s Recommendation: Motion to adopt Resolution No. 3060-18 adopting the City Officials’ Handbook establishing rules, procedures, and guidelines for City Officials in conducting City-related business; or

Motion to approve staff’s recommendation as presented.

PUBLIC HEARINGS:

13. Resolution approving Rate Study and adopting new rates for water and wastewater services (Finance Director Deol)

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

Close the public hearing and receive the City Clerk’s findings to determine if the City received protests from a majority of property owners pursuant to the requirements of Proposition 218; and if appropriate

Motion to adopt Resolution No. 3061-18 approving Raftelis’ Comprehensive Water and Wastewater Cost of Service Study dated August 8, 2018 and adopting new rates for water and wastewater services; or

Motion to approve staff’s recommendation as presented.

CITY COUNCIL MATTERS:

City Council comments

CONTINUATION OF CLOSED SESSION:

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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