

CITY OF ATWATER

CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

November 12, 2019

CALL TO ORDER:

5:00 PM

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, Interim City Attorney Sanchez, and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Miscellaneous Unit**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Julia Coronado vs. City of Atwater, Case No. 19CV-02044**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (1)**

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Jim Davis

ROLL CALL:

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

MAYOR OR INTERIM 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:

- **Buhach Colony High School Varsity Football Team**

Staff's Recommendation: That Mayor Creighton present a certificate of recognition to the Buhach Colony High School Varsity Football Team for their Bloss Bowl win and their perfect 10-0 season.

PRESENTATIONS:

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

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. **November 12, 2019**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2.
 - a) **October 14, 2019 – Regular meeting**
 - b) **October 28, 2019 – Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

CALL FOR BIDS:

3. **Approving plans and specifications and authorizing advertising and call for bids for Drying Beds Expansion Project** (General Services Manager Pereida and Public Works Director Haddix)

Staff's Recommendation: Approval of plans and specifications and authorizes advertising and call for bids for Drying Beds Expansion Project, Project No. 19-3, Bid Call No. 685-19.

RESOLUTIONS:

4. **Amending City of Atwater Classification Plan and adopting Salary Schedule regarding Public Works Department organizational restructure and minimum wage increase** (City Manager Waterman, Human Resources Director Del Real, and Public Works Director Haddix)

Staff's Recommendation: Adoption of Resolution No. 3123-19 amending City of Atwater Classification Plan and adopting Salary Schedule B-20 regarding Public Works Department organizational restructure and minimum wage increase effective December 26, 2019.

5. **Acknowledging receipt of annual City of Atwater Fire Inspection Compliance Report** (CAL FIRE Battalion Chief Slate)

Staff's Recommendation: Adoption of Resolution No. 3122-19 acknowledging receipt of annual City of Atwater Fire Inspection Compliance Report as mandated by California Senate Bill 1205.

AGREEMENTS:

6. **Approving amendment to Memorandum of Understanding with Merced County Office of Education regarding School Resource Officer Program for Fiscal Year 2018-19** (Human Resources Director Del Real)

Staff's Recommendation: Approval of Amendment No. 1, in a form approved by the Interim City Attorney, to Memorandum of Understanding between the City of Atwater and Merced County Office of Education regarding School Resource Officer Program for Fiscal Year 2018-19; and authorizes and directs the City Manager to execute the Amendment on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. **Waiving second reading and adopting ordinance amending and restating Chapter 3.45 "Atwater Public Safety Transactions and Use Tax" of the Atwater Municipal Code** (City Manager Waterman)

Staff's Recommendation: Waives second reading and adopts Ordinance No. CS 1024 amending and restating Chapter 3.45 "Atwater Public Safety Transactions and Use Tax" of the Atwater Municipal Code.

OTHER ACTIONABLE ITEMS:

- 8. Approving modifications to broadcasting platform for public meetings**
(Project Manager Lamerson)

Staff's Recommendation: Approval of modifications to existing broadcasting platform for public meetings; and authorizes and directs the City Manager to take all necessary actions to implement broadcasting modifications.

PUBLIC HEARINGS:

- 9. Waiving second reading and adopting ordinance repealing and re-enacting Title 15 "Buildings and Construction" of the Atwater Municipal Code, which adopts by reference the 2019 California Building Code based on the 2018 International Building Code, the 2019 California Residential Code based on the 2018 International Residential Code, the 2019 California Green Building Standards Code, the 2019 California Electrical Code based on the 2017 National Electrical Code, the 2019 California Mechanical Code based on the 2018 Uniform Mechanical Code, the 2019 California Plumbing Code based on the Uniform Plumbing Code, the 2019 California Fire Code based on the 2018 International Fire Code, the 2019 California Administrative Code, and the 1997 Uniform Code for the abatement of dangerous buildings** (General Services Manager Pereida)

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

Close the public hearing;

Motion to waive the second reading and adopt Ordinance No. CS 1019 repealing and re-enacting Title 15 "Buildings and Construction" of the Atwater Municipal Code, which adopts by reference the 2019 California Building Code based on the 2018 International Building Code, the 2019 California Residential Code based on the 2018 International Residential Code, the 2019 California Green Building Standards Code, the 2019 California Electrical Code based on the 2017 National Electrical Code, the 2019 California Mechanical Code based on the 2018 Uniform Mechanical Code, the 2019 California Plumbing Code based on the Uniform Plumbing Code, the 2019 California Fire Code based on the 2018 International Fire Code, the 2019 California Administrative Code, and the 1997 Uniform Code for the abatement of dangerous buildings; or

Motion to approve staff's recommendation as presented.

- 10. Waiving first reading and introducing ordinance amending Development Agreement by and between the City of Atwater and Medallion Wellness, Inc. regarding Cannabis Business Pilot Program for cannabis cultivation, manufacturing, dispensary, and distribution on property located at 341 Business Parkway, Atwater (Interim City Attorney Sanchez)**

Staff's Recommendation: Open the public hearing and receive any testimony given regarding Ordinance No. CS 1025;

Close the public hearing;

Motion to waive the first reading and introduce Ordinance No. CS 1025 approving First Amendment to the Development Agreement, in a form approved by the Interim City Attorney, by and between the City of Atwater and Medallion Wellness, Inc. regarding Cannabis Business Pilot Program for cannabis cultivation, manufacturing, dispensary, and distribution on property located at 341 Business Parkway, Atwater; and to authorize and direct the City Manager to execute the Amendment on behalf of the City; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 11. Verbal update regarding Code Enforcement activities (Code Enforcement Manager Garcia)**

CITY MANAGER'S REPORTS/UPDATES:

- 12. Verbal update regarding California State Auditor's Fiscal Health Analysis**

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. Please limit comments to a maximum of three (3) minutes.

CITY COUNCIL MATTERS:

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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