

# CITY OF ATWATER CITY COUNCIL

## Agenda

Council Chambers  
750 Bellevue Road  
Atwater, California

**November 13, 2018**

CALL TO ORDER:

**5:00 PM**

ROLL CALL:

**Creighton \_\_\_\_\_, Raymond \_\_\_\_\_, Vierra \_\_\_\_\_, Vineyard \_\_\_\_\_, Price \_\_\_\_\_**

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**
- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: City Manager Waterman**

**Property Locations: a portion of APN 056-241-005 (approx. 5.68 acres)  
APN 056-241-005  
APN 056-330-016  
APN 056-330-034**

REGULAR SESSION: (Council Chambers)

**6:00 PM**

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Police Chaplain Mead**



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.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**
- 1. **State of the Art on Agricultural Preservation: CALAFCO White Paper** (Bill Nicholson, Executive Officer, LAFCO of Merced County)

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:

**2. November 13, 2018**

**Staff's Recommendation:** Approval of warrants as listed.

MINUTES: (City Council)

**3. September 24, 2018 – Regular meeting**

**Staff's Recommendation:** Approval of minutes as listed.

TREASURER'S REPORT:

**4. October 31, 2018**

**Staff's Recommendation:** Acceptance of report as listed.

CALL FOR BIDS/RFPS:

**5. Approving solicitation of Request for Proposals for heating ventilation and air conditioning (HVAC) repair and preventative maintenance services (Interim Public Works Director Shaw)**

**Staff's Recommendation:** Approval of solicitation of Request for Proposals for heating ventilation and air conditioning (HVAC) repair and preventative maintenance services.

AGREEMENTS:

**6. Awarding contract for Juniper Avenue Pedestrian and Bike Path Infill Project (General Services Manager Pereida)**

**Staff's Recommendation:** Awards a General Construction Contract, in a form approved by the City Attorney, for Juniper Avenue Pedestrian and Bike Path Infill Project, City Project No. 14-3, to Taylor Backhoe Service of Merced, California, in the amount of \$148,112.86; and authorizes and directs the City Manager to execute the Contract on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

**7. Waiving the second reading and adopting 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:** Adoption of 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.

8. **Waiving the second reading and adopting 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:** Adoption of 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.

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

**Staff's Recommendation:** Adoption of 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.

PETITIONS AND COMMUNICATIONS:

10. **Request from Atwater Chamber of Commerce for assistance with annual Christmas Parade** (Alice Gilbertson, Committee Member)

**Staff's Recommendation:** Approval of request from Atwater Chamber of Commerce for assistance with their annual Christmas Parade scheduled for Friday, December 7, 2018 starting at 7:00 PM beginning in front of Foster Freeze, traveling south on Winton Way, east on Broadway Avenue, and ending at the Bloss House; to block roads and for use of electricity boxes along the route.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

11. **Fire Department activities and projects for the month of October, 2018** (CAL FIRE Battalion Chief Suarez)

PETITIONS AND COMMUNICATIONS:

12. **Request from Atwater Elementary School District for exemption from Atwater Municipal Code Section 13.13, "Water Conservation Program"** (Linda Levesque, Assistant Superintendent of Business Services, Atwater Elementary School District)

**Staff's Recommendation:** That the City Council, by motion, provide staff with direction regarding Atwater Elementary School District's request for exemption from Atwater Municipal Code Section 13.13, "Water Conservation Program."

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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