

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

December 9, 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 – 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 Jared Burris

ROLL CALL: (City Council/Governing Board)

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 Band**

Staff's Recommendation: That Mayor Creighton present a certificate of recognition to the Buhach Colony High School Band for their many accomplishments this school year.

- **Introduction of CAL FIRE Battalion Chief/Fire Marshall Andrew Overbay**

PRESENTATIONS:

- **Homelessness in the City of Atwater** (Police Chief Salvador)

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) **November 20, 2019**
b) **December 9, 2019**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. a) **October 30, 2019 – Adjourned meeting**
b) **November 12, 2019 – Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

3. October 16, 2019 – Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (Audit and Finance Committee)

4. September 23, 2019 – Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

TREASURER'S REPORTS:

- 5. a) September 30, 2019**
- b) October 31, 2019**

Staff's Recommendation: Approval of reports as listed.

RESOLUTIONS:

- 6. Approving Professional Services Agreement with RSG, Inc. for Successor Agency consulting services for Fiscal Year 2020-21 (Finance Director Jacobs-Hunter)**

Staff's Recommendation: Adoption of Resolution No. SA 2019-6 approving a Professional Services Agreement, in a form approved by the Interim City Attorney, with RSG, Inc. in the amount not to exceed \$25,000 for Successor Agency consulting services for FY 2020-21; and authorizes and directs the Executive Director to execute the Agreement on behalf of the City.

AGREEMENTS:

- 7. Approving CARFAX® For Police Program Terms and Conditions and Enrollment Form ("Agreement") between the City of Atwater and CARFAX regarding accident data services (Police Chief Salvador)**

Staff's Recommendation: Approval of CARFAX® For Police Program Terms and Conditions and Enrollment Form, which collectively form the "Agreement," in a form approved by the Interim City Attorney, between the City of Atwater and CARFAX for accident data services; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 8. Approving Professional Services Agreement with Mid Valley IT for augmented information technology support services (Project Manager Lamerson)**

Staff's Recommendation: Approval of Professional Services Agreement, in a form approved by the Interim City Attorney, between Mid Valley IT and the City of Atwater in the amount not to exceed \$72,000 annually for augmented information technology support services, and authorizes and directs the City Manager to execute the Agreement on behalf of the City; and authorizes and directs the City Manager to terminate any applicable existing information technology support agreements.

- 9. Approving Memorandum of Understanding with Marines: Central California Veterans regarding use of office space at the Atwater Community Center (City Manager Waterman)**

Staff's Recommendation: Approval of Memorandum of Understanding, in a form approved by the Interim City Attorney, with Marines: Central California Veterans for use of office space at the Atwater Community Center; and authorizes and directs the City Manager to execute the Memorandum of Understanding on behalf of the City.

- 10. Approving Agreement for Special Services with the County of Merced regarding animal shelter operations (Police Chief Salvador)**

Staff's Recommendation: Approval of Agreement for Special Services, in a form approved by the Interim City Attorney, between the City of Atwater and the County of Merced regarding animal shelter operations; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 11. Accepting 2019/20 Office of Traffic Safety grant award regarding Regional Collision Response and Extrication Improvement Program; declaring Genesis Extrication Equipment a sole source item; and approving the purchase of equipment (CAL FIRE Battalion Chief Slate)**

Staff's Recommendation: Accepts 2019/20 Office of Traffic Safety grant for the Regional Collision Response and Extrication Improvement Program, and authorizes and directs the City Manager to sign any and all documents related to the grant on behalf of the City; declares Genesis Extrication Equipment a sole source item; approves a purchase agreement (purchase order) for the purchase of extrication equipment with Municipal Emergency Services, San Diego, California, in the amount of \$37,774.61; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 12. Waiving second reading and adopting 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: Waives the second reading and adopts 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 authorizes and directs the City Manager to execute the Amendment on behalf of the City.

OTHER ACTIONABLE ITEMS:

- 13. Accepting 2020 Regular Meeting Schedule which cancels the second City Council meeting of the month in November and December 2020** (City Clerk Armstrong)

Staff's Recommendation: Accepts the 2020 Regular Meeting Schedule which cancels the second meeting of the month in November and December 2020; and authorizes and directs the Mayor and/or the City Manager to sign any documents required to maintain essential City services. Said documents shall be reviewed by the City Attorney and be scheduled for ratification of the entire City Council at the next regularly scheduled City Council meeting.

PUBLIC HEARINGS:

- 14. Adopting resolution adopting City of Atwater 2015 Urban Water Management Plan, City of Atwater Sewer System Management Plan, City of Atwater Storm Drain Master Plan, City of Atwater Water Master Plan, and City of Atwater Sewer Master Plan** (Mark Reitz, AECOM, and Public Works Director Haddix)

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

Close the public hearing;

Motion to adopt Resolution No. 3125-19 as amended, adopting City of Atwater Sewer System Management Plan and 2015 Urban Water Management Plan; or

Motion to approve staff's recommendation as presented.

- 15. Adopting resolution supporting execution of Groundwater Sustainability Plan by Merced Irrigation-Urban Groundwater Sustainability Agency** (Public Works Director Haddix)

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

Close the public hearing;

Motion to adopt Resolution No. 3124-19 supporting execution of Groundwater Sustainability Plan by Merced Irrigation-Urban Groundwater Sustainability Agency; or

Motion to approve staff's recommendation as presented.

- 16. Waiving the first reading and introducing an ordinance making the environmental finding and amending Title 17 "Zoning" of the Atwater Municipal Code to allow mobile food vendors use in the M-1 Light Industrial, M-2 Industrial, and B-P Business Park Zones (Senior Planner Thompson, VVH)**

Staff's Recommendation: Open the public hearing and receive any testimony given regarding Ordinance No. CS 1026;

Close the public hearing;

Motion to make the finding that the Zone Ordinance Text Amendment is categorically exempt under the California Environmental Quality Act ("CEQA") Guidelines, Section 15061(b)(3) "Common Sense" exemption; and

Motion to waive the first reading and introduce Ordinance No. CS 1026 making the environmental finding and amending Title 17 "Zoning" Chapter 17.06 "Definitions" and Chapters 17.40 and 17.42 under Sections 17.40.030 and 17.42.030 "Conditional Uses" of the Atwater Municipal Code to allow mobile food vendors under conditional use permit within the (M-1) Light Industrial, (M-2) Industrial, and (B-P) Business Park Zones; or

Motion to approve staff's recommendation as presented.

- 17. Waiving the first reading and introducing an ordinance making the environmental finding and approving zone change from Planned Development (PD-34) to Thoroughfare Commercial (TC) for property located north of Clover Avenue and east of Buhach Road (APNs 005-120-030, 032, 042, 050, 054, 055) (Senior Planner Thompson, VVH)**

Staff's Recommendation: Open the public hearing and receive any testimony given regarding Ordinance No. CS 1027;

Close the public hearing;

Motion to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act ("CEQA") Guidelines, Section 15305, Class 5 "Minor Alterations in Land Use Limitations; and

Motion to waive the first reading and introduce Ordinance No. CS 1027 making the environmental finding and approving Zone Change No.19-3 changing the zoning designation of APNs 005-120-030, 032, 042, 050, 054, 055 from Planned Development (PD-34) to Thoroughfare Commercial (TC) for property located at the intersection of Green Sands and Buhach Road; or

Motion to approve staff's recommendation as presented.

18. Adopting resolution adopting the Amended 5th Cycle Housing Element Update Supplement (Senior Planner Thompson)

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

Close the public hearing;

Motion to adopt Resolution No. 3128-19 adopting the Amended 5th Cycle Housing Element Update Supplement; or

Motion to approve staff's recommendation as presented.

19. Adopting resolution making certain findings and approving Power Purchase Agreement for energy related improvements to City of Atwater facilities with California Solar 3, LLC (Public Works Director Haddix and City Manager Waterman)

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

Close the public hearing;

Motion to adopt Resolution No. 3127-19 approving Power Purchase Agreement, in a form approved by the Interim City Attorney, with California Solar 3, LLC for the installation of two ground-mount solar projects at the Wastewater Treatment Plant (WWTP) as per the requirements of California Government Code Section 4217.10-4217.18; and to authorize and direct the City Manager to execute the Agreement, and any and all other related documents in order to implement the project, on behalf of the City; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

20. Approving City of Atwater website redesign project and cancelation of any applicable existing contractual obligations for website hosting (Project Manager Lamerson)

Staff's Recommendation: Motion to approve new City of Atwater website redesign project; and to authorize and direct the City Manager to terminate any applicable contractual obligations pertaining to existing City of Atwater website services; or

Motion to approve staff's recommendation as presented.

MAYOR AND CITY MANAGER REPORT:

- 21. Authorizing the City Manager to release and solicit Request for Proposals for City Attorney Legal Services and authorizing the Mayor to appoint two (2) City Council Members to review proposals and provide a recommendation of top candidates to interview for the appointment of City Attorney (City Manager Waterman)**

Staff's Recommendation: Motion to authorize and direct the City Manager to release and solicit Request for Proposals for City Attorney Legal Services for the City of Atwater, to authorize and direct the Mayor to appoint two (2) City Council Members to review proposals and to provide a recommendation of top candidates to be interviewed by the full City Council for the appointment of City Attorney, and to authorize and direct the City Manager to facilitate the Request for Proposal review process; or

Motion to approve staff's recommendation as presented.

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:

In memory of Army Veteran Joseph Biscaglio

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

AB 23 NOTICE:

Pursuant to Government Code Section 54952.3, City Council is not receiving additional compensation for serving as members of the Successor Agency to the Atwater Redevelopment Agency.

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.



In compliance with the federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at (209) 357-6204. You may also send the request by email to kjennings@atwater.org.