

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road

Atwater, California

May 13, 2019

5:00 PM

CALL TO ORDER:

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, City Attorney White, and Human Resources Director Del Real; Bargaining Unit: AFSCME Local 2703 – Miscellaneous Unit**
- **Pursuant to Government Code Section 54957, Public Employee Evaluation; Titles: City Manager and City Attorney**

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Mead

ROLL CALL:

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

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:

- **B. K. Welding**

Staff's Recommendation: That Mayor Creighton present a certificate of appreciation to Brad Kessler of B. K. Welding for the sign in the City Council Chambers.

- **Firefighter, Reserve Firefighter, and Fire Dispatcher of the Year**

Staff's Recommendation: That Mayor Creighton and CAL FIRE/Atwater City Fire Division Chief Rahn recognize Firefighter of the Year, Apparatus Engineer Adam Seward; Reserve Firefighter of the Year, Thomas King; and Fire Dispatcher of the Year, Jennifer Carter.

- **Police Officer and Public Safety Dispatcher of the Year**

Staff's Recommendation: That Mayor Creighton and Police Chief Salvador recognize Police Officer of the Year, Reserve Police Officer Michael Friedberg; and Public Safety Dispatcher of the Year, Kathy Mathis.

PRESENTATIONS:

- **Buhach Colony High School Debate Team**
- **ENGIE Services regarding a solar and battery storage project at the Wastewater Treatment Plant**

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. **May 13, 2019**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Audit and Finance Committee)

- 2. a) **January 12, 2015 – Regular meeting**
- b) **February 9, 2015 – Regular meeting**
- c) **March 9, 2015 – Regular meeting**
- d) **May 26, 2015 – Regular meeting**
- e) **June 22, 2015 – Regular meeting**
- f) **September 28, 2015 – Regular meeting**
- g) **October 26, 2015 – Regular meeting**
- h) **December 14, 2015 – Regular meeting**

- i) **February 25, 2019 – Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

- 3. **Approving and ratifying Side Letter of Agreement with AFSCME representing Miscellaneous Bargaining Unit** (City Manager Waterman and Human Resources Director Del Real)

Staff's Recommendation: Adoption of Resolution No. 3086-19 approving and ratifying Side Letter of Agreement, in a form approved by the City Attorney, between the City of Atwater and American Federation of State, County, and Municipal Employees, Local 2703, Council 57, AFL-CIO representing the Miscellaneous Bargaining Unit, pertaining to certain terms and conditions of employment; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 4. **Authorizing grant application submittal to San Joaquin Valley Air Pollution Control District for Emergency Vehicle Replacement Program** (CAL FIRE/Atwater City Fire Battalion Chief Slate)

Staff's Recommendation: Adoption of Resolution No. 3085-19 authorizing a grant application submittal to the San Joaquin Valley Air Pollution Control District for the Public Benefit (Emergency Vehicle Replacement Program) Grant Program and authorizes and directs the City Manager to execute all documents related to the grant submission and implementation, if awarded, on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

5. **Waiving the second reading and adopting Ordinance No. CS 1013 approving zone change for Aspenwood Subdivision (Legacy Estates) located east of Shaffer Road, southeast of Santa Fe Drive, and north of Camellia Drive (Senior Planner Thompson, VVH)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1013 approving Zone Change No. 19-2 changing the zoning designation of a 39 lot subdivision, Aspenwood Subdivision (Legacy Estates) located east of Shaffer Road, southeast of Santa Fe Drive, and north of Camellia Drive to Low Density Residential (R-1)(10).

ANNUAL PETITIONS AND COMMUNICATIONS:

6. **Request from CAL FIRE/Atwater City Fire Department for MDA "Boot Drive" (CAL FIRE/Atwater City Fire Battalion Chief Slate)**

Staff's Recommendation: Approval of request from CAL FIRE/Atwater City Fire Department for annual Muscular Dystrophy Association (MDA) "Boot Drive" from 7:00 AM to 1:00 PM on Saturday, May 25, 2019.

7. **Request from Atwater Pentecost Association for assistance with Annual Festival procession (Cesar Avila, President)**

Staff's Recommendation: Approval of request from Atwater Pentecost Association, contingent upon receipt of current liability certificate, for assistance with their Annual Festival procession on Sunday, June 30, 2019, leaving Atwater Pentecost Club (APC) at 8:30 AM down Third Street, right onto Broadway Avenue, right onto Winton Way proceeding to Saint Anthony's Church and returning to APC down Winton Way, left onto Grove Avenue, and right onto Third Street.

FUNDING AND BUDGET MATTERS:

8. **Acceptance of Audited Financial Statements for the Fiscal Year ended June 30, 2018 (JJACPA Senior Accountant Jones and Accountant II Tejada)**

Staff's Recommendation: Motion to accept the Audited Financial Statements for the Fiscal Year ended June 30, 2018 and to direct the City Manager to file the Statements with the State of California Controller's Office and to the various financial institutions as appropriate; or

Motion to approve staff's recommendation as presented.

PUBLIC HEARINGS:

- 9. Ordinance approving Central Cal Brothers, Inc. Development Agreement regarding Cannabis Business Pilot Program for property located at 664 Railroad Avenue, Atwater (City Attorney White)**

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

Close the public hearing; and

Motion to waive the first reading and introduce Ordinance No. CS 1008 approving Central Cal Brothers, Inc. Development Agreement, in a form approved by the City Attorney, regarding Cannabis Business Pilot Program for property located at 664 Railroad Avenue, Atwater; and authorizing and directing the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 10. Ordinance approving MJJ, LLC Development Agreement regarding Cannabis Business Pilot Program for property located at 460 Airpark Road, Atwater (City Attorney White)**

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

Close the public hearing; and

Motion to waive the first reading and introduce Ordinance No. CS 1010 approving MJJ, LLC Development Agreement, in a form approved by the City Attorney, regarding Cannabis Business Pilot Program for property located at 460 Airpark Road, Atwater; and authorizing and directing the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

MAYOR AND CITY MANAGER'S REPORT:

- 11. Update on the Merced County Association of Governments One Voice 2019 Advocacy Trip – Washington, DC**

REPORTS AND PRESENTATIONS FROM STAFF:

- 12. State of the Atwater Fire Department presentation (CAL FIRE/Atwater City Fire Battalion Chief Slate)**

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:

Discussion and possible action regarding the hours of operation for the Bloss Home grounds and gardens

Staff's Recommendation: That the City Council, by motion, provide staff with direction regarding the hours of operation for the Bloss Home grounds and gardens.

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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