

# CITY OF ATWATER CITY COUNCIL

Council Chambers  
750 Bellevue Road  
Atwater, California

## Agenda

**May 29, 2018**

**5:00 PM**

CALL TO ORDER:

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: Interim 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**
- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(a): Name of case: City of Atwater v Shell Oil Company, et al. Case No. CGC05441058**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(2)(d): Number of cases: (2)**
- **Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment. Title: Interim Police Chief**

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:

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:

- **Merced County Mosquito Abatement District** (Paige Weller, Customer Service Representative)
- **LOVE Atwater** (Gloria Perez)
- **Joint Legislative Audit Committee Hearing naming City of Atwater a High Risk Community** (Interim City Manager Waterman and City Attorney White)

COMMENTS FROM THE PUBLIC:

**NOTICE TO THE PUBLIC**

At this time any person may comment on any item which is not on the agenda. Please state your name and address for the record. 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. May 29, 2018**

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

MINUTES: (City Council)

- 2. a) Joint Special meeting, July 18, 2017**
- b) Adjourned meeting, October 11, 2017**
- c) Special meeting, April 30, 2018**

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

MINUTES: (Audit and Finance Committee)

**3. January 22, 2018**

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

RESOLUTIONS:

- 4. Calling, giving notice of, and consolidating the 2018 General Municipal Election (City Clerk Hyler III)**

**Staff's Recommendation:** Adoption of Resolution No. 3029-18 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 6, 2018 for the election of the Mayor (at large) and two (2) Members of the City Council within the boundaries of District Three (3) and District Four (4), as required by the provisions of the laws of the State of California relating to General Law Cities; and requests the Board of Supervisors of the County of Merced consolidate the General Municipal Election to be held on November 6, 2018 with the Statewide Gubernatorial General Election to be held on the date pursuant to Section 10403 of the Election Code.

PETITIONS AND COMMUNICATIONS:

- 5. Request from Atwater Pentecost Association for assistance with annual procession**

**Staff's Recommendation:** Approval of request from Atwater Pentecost Association for assistance with their Annual Festival procession on Sunday, June 24, 2018, leaving Atwater Pentecost Club (APC) at 8:45 AM down Third Street, right onto Broadway Avenue, right onto Fifth Street, left onto Juniper Avenue proceeding to Saint Anthony's Church and returning to APC down Winton Way, left onto Grove Avenue, and right onto Third Street.

**6. Request from Atwater Elementary School District regarding Seamless Summer Feeding Program**

**Staff's Recommendation:** Approval of request from Atwater Elementary School District, Nutrition Services Department, contingent upon receipt of certificate of liability coverage, to hold their annual Seamless Summer Feeding Program at Heller Park, Ralston Park, and Veterans Park from June 11, 2018 to July 27, 2018, to provide free meals to children (age 18 and under) in the community.

**7. Ratification of approval of request from CAL FIRE/Atwater City Fire Department for MDA "Boot Drive"**

**Staff's Recommendation:** Ratification of approval of request from CAL FIRE/Atwater City Fire Department for annual Muscular Dystrophy Association (MDA) "Boot Drive" held on Saturday, May 26, 2018.

PETITIONS AND COMMUNICATIONS:

**8. Request from Atwater 4<sup>th</sup> of July Committee to co-sponsor annual event**

**Staff's Recommendation:** Motion to approve request from Atwater 4<sup>th</sup> of July Committee to co-sponsor the annual 4<sup>th</sup> of July events for the next five (5) years each July 3<sup>rd</sup> and 4<sup>th</sup> beginning in 2018 through and including 2023; or

Motion to approve staff's recommendation as presented.

FUNDING AND BUDGET MATTERS:

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

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

Motion to approve staff's recommendation as presented.

**10. Verbal report regarding FY 2018-19 Preliminary Budget overview (Deputy City Manager/Finance Director Deol)**

INTERIM CITY MANAGER REPORTS/UPDATES:

**11. Verbal update regarding Fiscal Solvency Efforts**

**12. Verbal update regarding 1,2,3 – Trichloropropane (TCP)**

INTERIM CITY ATTORNEY REPORTS/UPDATES:

13. **Resolution submitting a ballot measure for the 2018 General Municipal Election authorizing the City to establish a business license tax on cannabis businesses**

**Staff's Recommendation:** Motion to adopt Resolution No. 3034-18 submitting a ballot measure to the City of Atwater's (the "City") qualified voters at the November 6, 2018 Statewide General Election authorizing the City to impose a business license tax on the gross receipts of cannabis businesses in an amount not to exceed fifteen percent (15%); or

Motion to approve staff's recommendation as presented.

14. **Resolution submitting a ballot measure for the General Election Municipal Election authorizing the City asking whether the position of Atwater City Clerk should be appointive, rather than elective**

**Staff's Recommendation:** Motion to adopt Resolution No. 3035-18 submitting a ballot measure to the City's qualified voters at the November 6, 2018 Statewide General Election asking whether the position of Atwater City Clerk should be appointive, rather than elective; or

Motion to approve staff's recommendation as presented.

15. **Resolution submitting a ballot measure for the General Election Municipal Election authorizing the City asking whether the position of Atwater City Treasurer should be appointive, rather than elective**

**Staff's Recommendation:** Motion to adopt Resolution No. 3036-18 submitting a ballot measure to the City's qualified voters at the November 6, 2018 Statewide General Election asking whether the position of Atwater City Treasurer should be appointive, rather than elective; or

Motion to approve staff's recommendation as presented.

CITY COUNCIL MATTERS:

City Council comments

CLOSED SESSION:

**Continuation of Closed Session if necessary**

ADJOURNMENT:

**In memory of Frank Reponde**

**Adjourn to hold a Budget Workshop regarding proposed FY 2018-19 Budget**

**Staff's Recommendation:** Motion to adjourn to hold a Budget Workshop regarding proposed FY 2018-19 Budget at a date, time, and location to be determined.

**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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