

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

July 22, 2019

CALL TO ORDER:

5:30 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to General Services Conference Room

- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: Maria Barletta, Donahue Schriber Realty**

Property Location: APN 150-160-026

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Donald Borgwardt

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.

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. **July 22, 2019**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. **June 10, 2019 – Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

TREASURER'S REPORT:

3. **June 30, 2019**

Staff's Recommendation: Acceptance of report as listed.

RESOLUTIONS:

4. **Establishing Fiscal Year 2019-20 Appropriations Limitation (Accountant II Tejada)**

Staff's Recommendation: Adoption of Resolution No. 3102-19 establishing Fiscal Year 2019-20 Appropriations Limitation.

CALL FOR BIDS/RFPs:

5. **Rejecting proposals and authorizing re-advertising and release of revised Request for Proposals for landscape maintenance services in Landscape Maintenance Districts** (Public Works Director Haddix)

Staff's Recommendation: Rejects all proposals for landscape maintenance services in Landscape Districts; and authorizes re-advertising and release of revised Request for Proposals for landscape maintenance services within City of Atwater Landscape Maintenance Districts.

AGREEMENTS:

6. **Approving Amendment No. 1 to Professional Services Agreement with JJA CPA, Inc. for City financial audit services** (Accountant II Tejada)

Staff's Recommendation: Approval of Amendment No. 1, in a form approved by the Interim City Attorney, to Professional Services Agreement with JJA CPA, Inc. for City financial audit services extending the term of services to June 30, 2020 and increasing the not to exceed amount by \$42,500; and authorizes and directs the City Manager to execute the Amendment on behalf of the City.

7. **Approving Site Lease Agreement with T-Mobile West, LLC for antenna facilities at Osborn Park** (Public Works Director Haddix)

Staff's Recommendation: Approval of Site Lease Agreement, in a form approved by the Interim City Attorney, with T-Mobile West, LLC for antenna facilities located at Osborn Park for the initial term of five (5) years with four (4) automatic renewals of five (5) years each; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

8. **Waiving formal procurement process and ratifying a Purchasing Agreement for repairs to Ferrara Pumper Fire Truck** (Public Works Director Haddix)

Staff's Recommendation: Waives the formal procurement process and ratifies a Purchase Agreement with Hi-Tech EVS, Inc., Oakdale, California, in an amount not to exceed \$31,766.78 for Ferrara Pumper Fire Truck repairs.

9. **Approving Automatic Aid/Mutual Aid Agreement with County of Merced regarding fire and other related emergency services** (CAL FIRE Battalion Chief Slate)

Staff's Recommendation: Approval of Automatic Aid/Mutual Aid Agreement, in a form approved by the Interim City Attorney, with the County of Merced regarding fire and other related emergency services; and authorizes and directs the Mayor to execute the Agreement on behalf of the City.

10. **Resolution authorizing a Purchase and Sale Agreement with Atwater Sales, LLC for certain property located on Fruitland Avenue, APN: 150-160-026; releasing Atwater Sales, LLC from obligations under certain Deferred Improvement Agreements; and authorizing entering into a Deferred Improvement Agreement with Merced Irrigation District (General Services Manager Pereida)**

Staff's Recommendation: Makes the finding that the project is categorically exempt under the California Environmental Quality Act ("CEQA") section 15061 (b) (3), "common sense" exemption; and

Adoption of Resolution No. 3103-19 authorizing a Purchase and Sale Agreement with Atwater Sales, LLC, in a form approved by the Interim City Attorney, for certain property located on Fruitland Avenue, APN: 150-160-026; releases Atwater Sales, LLC from obligations under certain Deferred Improvement Agreements; authorizes entering into a Deferred Improvement Agreement with Merced Irrigation District; and authorizes and directs the City Manager to execute the Agreements on behalf of the City.

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim, however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6204).

11. **Claim No. 2019-9**

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2019-9 be rejected.

PUBLIC HEARINGS:

12. **Confirming Engineer's Reports and ordering the Annual Levy for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2019-20 (General Services Manager Pereida)**

Staff's Recommendation: Re-open the public hearing and take any testimony given;

Close the public hearing and consider comments from the public; and

Motion to adopt Resolution No. 3096-19 confirming the Engineer's Reports and ordering the continued maintenance of the City of Atwater Lighting and Drainage and Landscape Assessment Maintenance Districts and levy of assessments for Fiscal Year 2019-20; or

Motion to approve staff's recommendation as presented.

- 13. Ordinance approving One Plant Atwater, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary located at 261 Business Parkway, Atwater (General Services Manager Pereida)**

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 1016 approving One Plant, LLC Development Agreement, in a form approved by the Interim City Attorney, regarding Cannabis Business Pilot Program for property located at 261 Business Parkway, Atwater; and to authorize and direct the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 14. Ordinance approving WB Pharms, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and dispensary on property located on Sycamore Avenue, west of Winton Way, Atwater (General Services Manager Pereida)**

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

Close the public hearing for this meeting; and

Motion to continue the public hearing to the regular meeting of August 12, 2019.

- 15. Ordinance approving Cannable, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary on property located at 741 Enterprise Court, Atwater (General Services Manager Pereida)**

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

Close the public hearing for this meeting; and

Motion to continue the public hearing to the regular meeting of August 12, 2019.

- 16. Consider a resolution approving application submittal for Statewide Park Development and Community Revitalization Program Grant Fund (Proposition 68) (City Manager Waterman and Executive to the City Manager Martin)**

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

Close the public hearing; and

Motion to adopt Resolution No. 3101-19 authorizing submittal of an application to the California Department of Parks and Recreation, Office of Grants and Local Services, Statewide Park Development and Community Revitalization Program (Proposition 68); and to authorize and direct the City Manager to execute the application, Grant Agreement, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded; 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:

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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