

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

August 12, 2019

CALL TO ORDER:

5:00 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to General Services Conference Room

- **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 Unit: Atwater Police Officers Association**
- **Pursuant to Government Code Section 54957, Public Employee Performance Evaluation: Title: City Manager**

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Yeu Vang

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.

CEREMONIAL MATTERS:

- **Atwater Little League 11-Under All Star Team**

Staff's Recommendation: That Mayor Creighton present a certificate of recognition to the Atwater Little League 11-Under All Star Team for participating in the Nor Cal State Tournament, setting a new team record.

- **Evrett Estrada and Jacob Alvarez**

Staff's Recommendation: That Mayor Creighton present a certificate of recognition to Evrett Estrada and Jacob Alvarez for their quick response and efforts in notifying the homeowners and neighbors during a recent fire.

PRESENTATIONS:

- **Emergency Operations Plan and roles and responsibilities of Elected and Appointed Officials** (CAL FIRE Division Chief Rahn, CAL FIRE Battalion Chief Slate, and CAL FIRE Battalion Chief Scheurich)

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. **August 12, 2019**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

- 2. a) **June 24, 2019 – Regular meeting**
- b) **July 8, 2019 – Special meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

- 3. a) **April 24, 2019 – Special meeting**
- b) **May 15, 2019 – Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (Planning Commission)

- 4. **June 25, 2019 – Adjourned meeting**

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

- 5. **Approving and ratifying Side Letter of Agreement with Atwater Police Officers Association and amending Community Services Officer job classification** (City Manager Waterman and Human Resources Director Del Real)

Staff's Recommendation: Adoption of Resolution No. 3107-19 approving and ratifying Side Letter of Agreement, in a form approved by the Interim City Attorney, between the City of Atwater and the Atwater Police Officers Association, pertaining to elimination of furlough days; authorizes and directs the City Manager to execute the Agreement on behalf of the City; and amending City of Atwater Classification Plan regarding Community Services Officer.

- 6. **Authorizing workers' compensation coverage for off-duty peace officers injured out of state** (Human Resources Director Del Real)

Staff's Recommendation: Adoption of Resolution No. 3105-19 authorizing workers' compensation coverage for off-duty peace officers injured out of state.

- 7. **Authorizing Regional Surface Transportation program (RSTP) Exchange Funds Claim for Fiscal Year 2018/19** (Public Works Director Haddix)

Staff's Recommendation: Adoption of Resolution No. 3106-19 authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2018/19.

- 8. Approving Government Crime Policies and establishing policy limits for City Officers and Employees** (Human Resources Director Del Real)

Staff's Recommendation: Adoption of Resolution No. 3104-19 approving Government Crime Policies for the purpose of boding City officers and employees and establishing policy limits.

AGREEMENTS:

- 9. Approving specifications and authorizing advertising and call for bids for the Purchase of Three New 2019 Ford Fusion Plug-In Hybrid Electric Vehicles** (Police Chief Salvador and Public Works Director Haddix)

Staff's Recommendation: Approves specifications and authorizes advertising and call for bids for the Purchase of Three (3) New 2019 Ford Fusion Plug-In Hybrid Electric vehicles.

- 10. Approving a Cooperative Master Equity Lease Agreement with Enterprise Fleet Management, Inc. for the lease of eight vehicles** (Police Chief Salvador)

Staff's Recommendation: Awards a four-year Cooperative Master Equity Lease Agreement, in a form approved by the Interim City Attorney, in the amount of \$385,718, with Enterprise Fleet Management, Inc for the lease of eight (8) vehicles; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 11. Declaring Motorola 800 MHz police radio a sole source item and approving an Equipment Lease-Purchase Agreement with Delta Wireless for the lease purchase of 16 new police radios** (Police Chief Salvador)

Staff's Recommendation: Declare Motorola 800 MHz police radio a sole source item; Approve a four year Lease-Purchase Agreement, in a form approved by the Interim City Attorney, with Delta Wireless, Atwater, California, in the amount of \$100,926.72 for the lease purchase of sixteen (16) new Motorola 800 MHz police radios; and authorize and direct the City Manager to execute the Agreement on behalf of the public.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 12. Waiving the second reading and adopting ordinance approving One Plant, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary located at 261 Business Parkway, Atwater** (General Services Manager Pereida)

Staff's Recommendation: Waives the second reading and adopts 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 authorizes and directs the City Manager to execute the Agreement on behalf of the City.

PUBLIC HEARINGS:

- 13. 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: Re-open the public hearing and take any testimony given;

Close the public hearing; and

Motion to make the finding that the project is exempt under California Environmental Quality Act ("CEQA") Guideline, 1561 (b) (3) "common sense" exemption; and

Motion to waive the first reading and introduce Ordinance No. CS 1011 approving a Development Agreement, in a form approved by the Interim City Attorney, by and between the City of Atwater and WB Pharms, LLC regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and dispensary located on Sycamore Avenue, west of Winton Way, 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 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: Re-open the public hearing and take any testimony given;

Continue the public hearing to the regular City Council meeting of August 26, 2019; and

REPORTS AND PRESENTATIONS FROM STAFF:

- 15. Approving conceptual plan to develop a new Civic Center Complex (City Hall/Police Station) project (Police Chief Salvador)**

Staff's Recommendation: Provide staff with direction to proceed with the development of a Civic Center Complex project for a new City Hall and Police Station.

REPORT FROM MAYOR AND CITY MANAGER:

- Verbal update on Atwater Homeless Plan

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.



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.