

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

September 23, 2019

CALL TO ORDER:

5:00 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Pursuant to Government Code Section 54957, Public Employee Appointment: Title: Finance Director**
- **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 Don 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.

CEREMONIAL MATTERS:

- **Oaths of Office – Reserve Police Officers**

Staff's Recommendation: That Mayor Creighton administer the oaths of office to the newly appointed Reserve Police Officers: Mason Harris, Emily Huckabee, and Nicholette Moulton.

- **Certificates of Recognition – Patriot Day, National Day of Service, and Remembrance Ceremony**

Staff's Recommendation: That Mayor Creighton present certificates of recognition to the Atwater High School FFA (floral), the Atwater High School band, and the U.S. Marine Corps for their contributions to the Patriot Day event.

PROCLAMATION:

- **Fire Prevention Week (October 6-12, 2019)**

Staff's Recommendation: That Mayor Creighton proclaim the week of October 6–12, 2019 Fire Prevention Week in the City of Atwater and present the proclamation to CAL FIRE Battalion Chief Slate.

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. September 23, 2019

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. September 9, 2019 – Regular meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

3. August 21, 2019 – Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

TREASURER'S REPORT:

4. August 31, 2019

Staff's Recommendation: Acceptance of report as listed.

AGREEMENTS:

5. Approving Memorandum of Understanding with Merced County Office of Education regarding School Resource Officer Program (Human Resources Director Del Real and Police Chief Salvador)

Staff's Recommendation: Approval of a three (3) year Memorandum of Understanding, in a form approved by the Interim City Attorney, with Merced County Office of Education regarding School Resource Officer Program; and authorizes and directs the City Manager to execute the Memorandum of Understanding on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

6. Waiving second reading and adopting ordinance making the environmental finding and approving zone change on property located north of Bell Lane and east of Truckee Drive from Planned Development to Business Park (Senior Planner Thompson, VVH)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1015 making the finding that the project is categorically exempt and approving Zone Change No. 19-2 changing the zoning designation of property located north of Bell Lane and east of Truckee Drive (APN: 001-134-015) from Planned Development (P-D) to Business Park (B-P).

7. **Waiving second reading and adopting ordinance making the environmental finding and approving text amendment to Title 17 (Zoning) of the Atwater Municipal Code to allow supportive housing and transitional housing within residential zone(s) and districts** (Senior Planner Thompson, VVH)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1014 making the finding that the project is categorically exempt and approving Zoning Ordinance Text Amendment No. 19-1 amending Title 17 "Zoning," Chapters 17.06 "Definitions" and Residential Chapters 17.16, 17.17, 17.19, 17.21, 17.22, 17.24, and 17.32 under permitted uses of the Atwater Municipal Code to allow supportive housing and transitional housing within residential zone(s) and districts.

ANNUAL PETITIONS AND COMMUNICATIONS:

8. **Request from Atwater Elementary School District and Atwater Caring About Kids Community Council for assistance with annual Red Ribbon Walk and Drug Store Project** (Christy Lobao, Director of Special Programs)

Staff's Recommendation: Approval of request from Atwater Elementary School District and Atwater Caring About Kids Community Council, contingent upon receipt of current liability insurance including endorsements, for assistance with annual Red Ribbon Walk on Friday, October 18, 2019; to assist in escorting approximately 600 students and community members to walk in support of a Drug-Free Atwater at 11:30 AM beginning at Ralston Park, down Third Street to Broadway Avenue, right on Broadway Avenue to Fifth Street, right on Fifth Street to Grove Avenue, right on Grove Avenue and back to Ralston Park; to approve road closure on Third Street between Fir and Grove Avenues from 11:15 AM to 1:00 PM; and to provide extra trash cans at Ralston Park; and

Approval of request from Atwater Elementary School District and Atwater Caring About Kids Community Council for assistance with annual Drug Store Project (an all-day drug prevention event) on Friday, October 25, 2019 at the Mitchell K6 Elementary School field with the use of School Resource Officers.

PETITIONS AND COMMUNICATIONS:

9. **Request from Historical Downtown Atwater Association for assistance with "Spirits Festival"** (John Cardenas, CEO)

Staff's Recommendation: Motion to approve request from Historical Downtown Atwater Association, contingent upon receipt of current liability insurance including endorsements, for assistance with "Spirits Festival" on Saturday, October 19, 2019 from 1:00 PM to 8:00 PM; street closure on Broadway Avenue between Third and Fifth Streets, Third Street from Broadway to Cedar Avenues, and on the corners of Fourth Street and Broadway Avenue; or

Motion to approve staff's recommendation as presented.

PUBLIC HEARINGS:

10. **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 regarding Ordinance No. CS 1009;

Close the public hearing.

11. **Ordinance making the environmental finding and approving "Amendment to the Commercial and Industrial Design Guidelines"** (Senior Planner Thompson, VVH)

Staff's Recommendation: Open the public hearing and take any testimony given regarding Ordinance No. CS 1018;

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 1018 making the finding that the project is categorically exempt and approving "Amendment to the Commercial and Industrial Design Guidelines;" or

Motion to approve staff's recommendation as presented.

12. **Ordinance making the environmental finding and repealing Chapter 2.20 "Redevelopment Agency and Plan," amending Title 17 "Zoning" to add Chapter 17.43 "Downtown Business District Zone" of the Atwater Municipal Code, and approving a zone change for property located in the Broadway Corridor from Central Commercial (C-C), Residential Transition (R-T), and Low-Density Residential (R-1) to Downtown Business District Zone (D-BD)** (Senior Planner Thompson, VVH)

Staff's Recommendation: Open the public hearing and take any testimony given regarding Ordinance No. CS 1017;

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 1017 making the finding that the project is categorically exempt, repealing Chapter 2.20 “Redevelopment Agency and Plan,” amending Title 17 “Zoning” to add Chapter 17.43 “Downtown Business District Zone” of the Atwater Municipal Code, and approving a zone change for property located no further west of Winton Way, no further east of Shaffer Road, no further south than Atwater Boulevard, and no further north than Cedar Avenue from Central Commercial (C-C), Residential Transition (R-T), and Low-Density Residential (R-1) to the Downtown Business District Zone (D-BD);” or

Motion to approve staff’s recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 13. Resolution awarding a Cooperative Government Obligation Contract with Republic First National Corporation to finance the purchase of one (1) new 2020 Rosenbauer Commander Type I Fire Engine (CAL FIRE Battalion Chief Slate)**

Staff’s Recommendation: Motion to adopt Resolution No. 3113-19 awarding a Cooperative Government Obligation Contract, in a form approved by the Interim City Attorney, with Republic First National Corporation in the amount of \$663,017.88 to finance the purchase of one (1) new 2020 Rosenbauer Commander Type I Fire Engine, and authorizing and directing the City Manager to execute the Contract and related documents on behalf of the City; or

Motion to approve staff’s recommendation as presented.

CITY MANAGER’S REPORTS/UPDATES:

- 14. Resolution adopting City of Atwater Public Safety Transactions and Use Tax Program Guidelines and Expenditure Plan**

Staff’s Recommendation: Motion to adopt Resolution No. 3100-19 adopting City of Atwater Public Safety Transactions and Use Tax Program Guidelines and Expenditure Plan (2012-2023); or

Motion to approve staff’s recommendation as presented.

- 15. Ratifying Finance Director Employment Agreement**

Staff’s Recommendation: Motion to ratify Finance Director Employment Agreement, in a form approved by the Interim City Attorney, with Kellie Jacobs-Hunter; 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.

REPORT FROM MAYOR AND CITY MANAGER:

16. Take Back Our Neighborhood Project

Recommendation: That the City Council, by motion, provide the City Manager with direction regarding Take Back Our Neighborhood Project in the Kelso/Swaps/Determine area.

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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