

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

September 9, 2019

CALL TO ORDER:

5:00 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: City of Atwater vs. Shell Oil Company et. al., Case No. SCVSS120627**

REGULAR SESSION: (Council Chambers)

6:00 PM



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor John Motz

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.

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 9, 2019

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

- 2. a) August 12, 2019 – Regular meeting**
- b) August 26, 2019 – Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS:

3. Adopting City of Atwater Long Term Financial Plan (City Manager Waterman)

Staff's Recommendation: Adoption of Resolution No. 3112-19 adopting City of Atwater Long Term Financial Plan, September 9, 2019.

4. Authorizing Grant Application submittal to Walmart Community Grant Program (Police Chief Salvador)

Staff's Recommendation: Adoption of Resolution No. 3111-19 authorizing grant application submittal to the Walmart Community Grant Program; authorizes and directs the City Manager to execute the grant application and any documents related to the grant, if awarded; and authorizes and directs the Mayor to execute a Letter of Support for the grant on behalf of the City.

- 5. Approving and authorizing annual Local Transportation Fund (LTF) Claim to be filed with Merced County Association of Governments for Fiscal Year 2019-20 (General Services Manager Pereida)**

Staff's Recommendation: Adoption of Resolution No. 3109-19 approving the annual Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2019-20; authorizes and directs the City Manager to execute the Claim form on behalf of the City; and adoption of Resolution No. 3110-19 approving Budget Amendment No. 1 regarding Fiscal Year 2019-20 Local Transportation Fund.

AGREEMENTS:

- 6. Awarding Maintenance Services Agreement with Joe's Landscaping and Concrete, Inc. for landscape maintenance services in Landscape Maintenance Districts (Public Works Director Haddix)**

Staff's Recommendation: Awards a Maintenance Services Agreement, in a form approved by the Interim City Attorney, with Joe's Landscaping and Concrete, Inc., Newman, California in the amount not to exceed \$520,305 (\$104,061 each year) for landscape maintenance services in Landscape Maintenance Districts for the initial term of two (2) years with the option of up to three, one-year renewals for a maximum term of five years; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

- 7. Awarding Purchase Agreement to Razzari Ford, Merced 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: Awards a Purchase Agreement, in a form approved by the Interim City Attorney, to Razzari Ford, Merced, California in the not to exceed amount of \$95,917.50 for the purchase of three (3) new 2019 Ford Fusion plug-in hybrid electric vehicles, Bid Call No. 680-19; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

PUBLIC HEARINGS:

- 8. Ordinance approving Cannable, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary (non store front; delivery only) 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 September 23, 2019.

9. 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: Re-open the public hearing and take any testimony given regarding Ordinance No. CS 1015;

Close the public hearing;

Motion to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act, Section 15305, Class 5 "Minor alterations in land use limitations;"

Motion to waive the first reading and introduce 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); or

Motion to approve staff's recommendation as presented.

10. 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: Re-open the public hearing and take any testimony given regarding Ordinance No. CS 1014;

Close the public hearing;

Motion to make the finding that the project is exempt under California Environmental Quality Act (CEQA) guideline Section 15061 (b) (3) "Common Sense" exemption;

Motion to waive the first reading and introduce 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; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 11. Approving Amended Measure V Regional Project Funding Agreement between Merced County Association of Governments and the City of Atwater regarding Winton Way Reconstruction Project (General Services Manager Pereida)**

Staff's Recommendation: Motion to approve the Amended Measure V Regional Project Funding Agreement, in a form approved by the Interim City Attorney, between Merced County Association of Governments and the City of Atwater regarding Winton Way Reconstruction Project; and to authorize and direct the City Manager to execute the Agreement on behalf of the City.

- 12. Verbal update regarding Accessory Dwelling Units (Senior Planner Thompson, VVH)**

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.