



CITY OF ATWATER

SPECIAL MEETING CITY COUNCIL

ACTION MINUTES

April 30, 2018

CALL TO ORDER:

The City Council of the City of Atwater met in Special Session this date at 5:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.

PLEDGE OF ALLEGIANCE:

The pledge of allegiance was dispensed with by Mayor Price.

INVOCATION:

The invocation was led by Mayor Price.

ROLL CALL:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price

Absent: None

Staff Present: Interim City Manager Waterman, Interim City Attorney White, Deputy City Manager/Finance Director Deol, Human Resources Director Del Real, Police Sergeant Snyder, Chief Building Official Pereida, City Clerk Hyler III, Recording Secretary Bengtson-Jennings, Recording Secretary Rasmussen

PUBLIC COMMENT:

MOTION: Mayor Price moved to move Public Comment to after Closed Session and to place no restrictions as to the topic of comment. The motion was

seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vierra, Vineyard, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.

Mayor Price invited comment on any of the Closed Session items.

No one came forward to speak.

CLOSED SESSION:

Mayor Price adjourned the meeting to Conference Room A for Closed Session at 5:04 PM. Closed Session was called to order at 5:10 PM.

Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation pursuant to Government Code Section 54956.9(b). Number of cases: (3)

Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment – Titles: City Manager, Interim City Manager, Interim Police Chief

Conference with Labor Negotiators – Pursuant to Government Code Section 54957.6. Agency Negotiators: Interim City Manager Waterman, Interim City Attorney White, and Human Resources Director Del Real; Bargaining Units: AFSCME Local 2703 – Clerical Unit, Miscellaneous Unit, and Mid-Managers Group; and Atwater Police Officers Association

Police Chaplain McClellan offered an invocation in advance of the City Council returning from Closed Session.

Interim Police Chief Echevarria requested that the Atwater PAL Cadet Program certificates be presented at the May 14, 2018 regular City Council meeting.

City Clerk Hyler III announced that, by request, all Ceremonial Matters will be moved to the May 14, 2018 regular City Council meeting.

Closed Session adjourned at 10:00 PM.

RETURN TO OPEN SESSION: (Council Chambers)

Mayor Price convened the Open Session at 10:02 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Price.

INVOCATION:

Mayor Price dispensed with the Invocation.

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney White reported that no action was taken and staff was given direction.

The Closed Session agenda was completed.

COMMENTS FROM THE PUBLIC:

Mayor Price invited comments from the public.

No one came forward to speak.

CEREMONIAL MATTERS:

Certificates:

- Atwater PAL Cadet Program

Proclamation:

- Arbor Day

City Clerk Hyler III announced that that all ceremonial matters will be moved to the regular City Council meeting of May 14, 2018.

PRESENTATIONS:

Update regarding fiscal solvency efforts (Interim City Manager Waterman)

Interim City Manager Waterman provided an update regarding the recommendations from the March 28, 2018 Special City Council Meeting. The timeline provided in the presentation reflected that problems have been identified and potential solutions will be considered. Full implementation of the solutions will come following more Special City Council Meetings to address each issue individually. It is expected that several ballot measures may also be coming forward.

DANNY HERNANDEZ, Atwater, asked how former Police Chief Joseph and Interim Police Chief Echevarria are being affected.

Mayor Price advised Mr. Hernandez that his comment did not fit into the items of the Fiscal Solvency plan, and that his questions are Personnel questions which the City Council cannot discuss.

CONSENT CALENDAR:

MOTION: City Council Member Creighton moved to approve the consent calendar as presented. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Raymond, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

CALL FOR BIDS/RFPS:

1. Approving Request for Proposals for Professional Auditing Services (Deputy City Manager/Finance Director Deol)

ACTION: Approval of Request for Proposals for Professional Auditing Services, and authorizes and directs staff to release the Request

2. Approving Request for Proposals for Managed Information Technology Services (Deputy City Manager/Finance Director Deol)

ACTION: Approval of Request for Proposals for Managed Information Technology Services, and authorizes and directs staff to release the Request.

3. Request for Proposals for City Banking Services (Deputy City Manager/Finance Director Deol)

ACTION: Authorizes and directs staff to solicit and evaluate proposals from qualified banking institutions to provide the City banking services.

AGREEMENTS:

4. Resolution approving Professional Services Agreement with VH Design Group, Inc. (VVH Consulting Engineers) for expanded engineering, surveying, and planning services (Interim City Manager Waterman)

ACTION: Adoption of Resolution No. 3026-18 authorizing the Interim City Manager to negotiate and execute a Professional Services Agreement, in a form approved by the Interim City Attorney, with VH Design Group, Inc., doing business as VVH Consulting Engineers, for expanded engineering, surveying, and planning services.

5. Resolution approving Agreement for Management and Administrative Services with Regional Government Services Authority (RGS) and approving a budget amendment (Interim City Manager Waterman)

ACTION: Adoption of Resolution No. 3025-18 authorizing the Interim City Manager to negotiate and execute an Agreement for Management and Administrative Services, in a form approved by the Interim City Attorney, with

Regional Government Services Authority (RGS), and approving Budget Amendment No. 12 in the amount of \$75,000.

PUBLIC HEARINGS:

Waiving the first reading and introducing Ordinance No. CS 997 amending certain sections in Title 8 "Health and Safety" of the Atwater Municipal Code relating to personal cultivation of cannabis and medical marijuana (Interim City Attorney White)

Mayor Price opened the public hearing.

No one came forward to speak and Mayor Price closed the public hearing.

MOTION: City Council Member Creighton moved to waive the first reading and introduce Ordinance No. CS 997 amending Title 8 "Health and Safety" of the Atwater Municipal Code, repealing and replacing Chapter 8.52 "Personal Cultivation of Cannabis," and repealing Chapter 8.60 "Medical Marijuana" in its entirety. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

Waiving the first reading and introducing Ordinance No. CS 995 amending certain sections in Title 17 "Zoning" relating to cannabis regulations (Interim City Attorney White)

Mayor Price opened the public hearing.

No one came forward to speak and Mayor Price closed the public hearing.

MOTION: City Council Member Vierra moved to waive the first reading and introduce Ordinance No. CS 995 amending Title 17 "Zoning" of the Atwater Municipal Code amending Chapter 17.40 "Light Industrial Zone," Section 17.40.030 "Conditional Uses" and Chapter 17.42 "Industrial Zone," Section 17.42.030 "Conditional Uses" and repealing Chapter 17.75 "Specific Uses, Section 17.75.120 "Marijuana Cultivation, Nursery, Manufacturing, Testing, Transportation and Distribution" in its entirety. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Vineyard, Vierra, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.

Waiving the first reading and introducing Ordinance No. CS 996 repealing and replacing Chapter 5.60 of the Atwater Municipal Code relating to Cannabis Business Pilot Program (Interim City Attorney White)

Mayor Price opened the public hearing.

MARK YANDOU, Atwater, urged the City Council to let the marketplace determine the number of cannabis retail outlets and to place no restrictions on how many outlets will be allowed in the City of Atwater.

STEPHEN STAPLETON, Sacramento, representing the Sherron Law Firm, spoke in favor of letting the capitalistic approach prevail. He urged the City Council to try to get as many shops in the community as possible in order to allow for unlimited operations and reap the fees while the market is hot.

No one else came forward to speak and Mayor Price closed the public hearing.

MOTION: Mayor Price moved to waive the first reading and introduce Ordinance No. CS 996 repealing Chapter 5.60 "Outdoor Cultivation of Marijuana" in its entirety of the Atwater Municipal Code and replacing it with "Cannabis Business Pilot Program" allowing for two (2) dispensaries with deliveries, and the option to consider more than two (2) dispensaries on a case by case basis. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vierra, Creighton, Price; Noes: Vineyard, Raymond; Absent: None. The motion passed.

INTERIM CITY ATTORNEY REPORTS:

Approving Request for Proposals for participation in the Atwater Cannabis Business Pilot Program

Interim City Attorney White reported that the program would allow the City to accept responses to request for proposals to initiate a business for retail or delivery purposes of cannabis. Proposals will be reviewed and rated, and then taken to the Community Development and Resources Commission prior to coming to City Council for discussion and possible action.

MOTION: Mayor Pro Tem Vineyard moved to approve the Request for Proposals for participation in the Atwater Cannabis Business Pilot Program and to authorize and direct staff to release the Request. The motion was seconded by Mayor Price and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Raymond expressed his thoughts and prayers to the family of Greg McDaniel on the loss of his mother. He also wished his sister a happy birthday.

City Council Member Vierra had no comments.

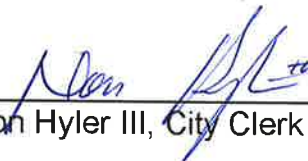
City Council Member Creighton thanked and congratulated Gloria Perez on a highly successful LOVE ATWATER event last Saturday. He commented that attending the Lao New Year event was great exposure to the culture. He also thanked everyone in attendance for their patience during this long meeting.

Mayor Pro Tem Vineyard also commented on the very successful LOVE ATWATER event. Many workers brought clothing, food and did a great job of cleaning up the area. He also spoke about the importance of putting positive messages out about our City.

Mayor Price expressed his condolences to the McDaniel family. He also congratulated Blaine Lopez as the Atwater Firefighter of the Year. He reminded everyone about the 4th of July activities coming soon and encouraged everyone to attend. He also thanked everyone for their patience during this meeting.

ADJOURNMENT:

The meeting adjourned at: 11:02 PM.



Don Hyler III, City Clerk

By: Lesa Rasmussen,
Recording Secretary