



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

SEPTEMBER 9, 2019

OPEN SESSION: (Council Chambers)

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

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton

Absent: None

Staff Present: City Manager Waterman, Interim City Attorney Sanchez, Deputy City Clerk Martin

CLOSED SESSION: (Conference Room A)

Mayor Creighton invited public comment on Closed Session items.

No one came forward to speak.

Mayor Creighton adjourned the meeting to Conference Room A for Closed Session at 5:01 PM. Closed Session was called to order at 5:05 PM.

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

Closed Session adjourned at 5:27 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:01 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Sanchez reported that no reportable action was taken, and staff was given direction.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Adam Reed.

INVOCATION:

The Invocation was led by Pastor John Motz.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton
Absent: None
Staff Present: City Manager Waterman, Interim City Attorney Sanchez, Public Works Director Haddix, General Services Manager Pereida, Police Chief Salvador, Senior Planner Thompson (VVH), City Engineer Hayes (VVH), Deputy City Clerk Martin

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Agenda item #11 under Reports and Presentations from Staff, "Approving Amended Measure V Regional Project Funding Agreement between Merced County Association of Governments and the City of Atwater regarding Winton Way Reconstruction Project," was moved to immediately follow the consent calendar.

MOTION: *Mayor Pro Tem Raymond moved to approve the agenda as amended. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Raymond, Cale, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

CONSENT CALENDAR:

Agenda item #3 under Resolutions, "Adopting City of Atwater Long Term Financial Plan," was removed from the consent calendar for separate discussion and possible action.

Agenda item #6 under Agreements, "Awarding Maintenance Services Agreement with Joe's Landscaping and Concrete, Inc. for landscape maintenance services in Landscape Maintenance Districts," was removed from the consent calendar for separate discussion and possible action.

Agenda item #7 under Agreements, "Awarding Purchase Agreement to Razzari Ford, Merced for the purchase of three new 2019 Ford Fusion plug-in hybrid electric vehicles," was removed from the consent calendar for separate discussion and possible action.

MOTION: Mayor Pro Tem Raymond moved to approve the consent calendar as amended. The motion was seconded by City Council Member Cale and the vote was: Ayes: Vierra, Cale, Raymond, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

WARRANTS:

1. September 9, 2019

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

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

ACTION: Approval of minutes as listed.

RESOLUTIONS:

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

This item was removed from the consent calendar for separate discussion and possible action.

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

ACTION: 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)

ACTION: 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)

This item was removed from the consent calendar for separate discussion and possible action.

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)

This item was removed from the consent calendar for separate discussion and possible action.

RESOLUTIONS:

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

MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3112-19 adopting City of Atwater Long Term Financial Plan, September 9, 2019. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Raymond, Cale, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.

AGREEMENTS:

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

MOTION: Mayor Pro Tem Raymond moved to award 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 to authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Cale, Raymond, Vierra, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

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)

MOTION: City Council Member Cale moved to award 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 to authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Ambriz, Cale, Raymond, Vierra, Creighton; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

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)

Merced County District 3 Supervisor McDaniel commented that other members from our neighboring cities were helpful and supported the importance of Atwater's project.

General Services Manager Pereida advised that work will begin on the roadway approximately February 2020.

MOTION: City Council Member Cale moved 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. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Vierra, Raymond, Ambriz, Cale, Creighton; Noes: None; Absent: None. The motion passed.

PUBLIC HEARINGS:

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)

General Services Manager Pereida requested that the item be continued to the regular City Council meeting of September 23, 2019.

Mayor Creighton re-opened the public hearing for this item.

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

MOTION: *City Council Member Vierra moved to continue the public hearing to the regular City Council meeting of September 23, 2019. The motion was seconded by Mayor Creighton and the vote was: Ayes: Vierra, Ambriz, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.*

City Manager Waterman and Senior Planner Thompson (VVH) provided a PowerPoint presentation map showing the location and number of cannabis businesses in the City of Atwater. Currently only five businesses have Conditional Use Permits issued. Approximately ten other businesses are in various stages of participating in the Application, Development Agreement, and Conditional Use Permit process.

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)

Mayor Creighton re-opened the public hearing for this item.

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

MOTION: *Mayor Pro Tem Raymond moved 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." The motion was seconded by City Council Member Vierra and the vote was: Ayes: Ambriz, Vierra, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.*

MOTION: *Mayor Pro Tem Raymond moved 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). The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Ambriz, Vierra, Cale, Creighton; Noes: None; Absent: None. The motion passed.*

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)

Mayor Creighton re-opened the public hearing for this item.

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

MOTION: *City Council Member Vierra moved to make the finding that the project is exempt under California Environmental Quality Act (CEQA) guideline Section 15061 (b) (3) "Common Sense" exemption. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Vierra, Raymond, Creighton; Noes: None; Absent: None. The motion passed.*

MOTION: *City Council Member Cale moved 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. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Ambriz, Cale, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal update regarding Accessory Dwelling Units (Senior Planner Thompson, VVH)

Senior Planner Thompson (VVH) reported that the City of Atwater already provides for an Accessory Dwelling Unit in the Atwater Municipal Code. He also reported that staff will work with the Interim City Attorney to draft the text amendments.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke regarding the progress that has been made in the community. He praised CAL FIRE staff and Atwater Police Department personnel for their prompt action addressing a fire today.

John Cardenas, CEO of Historical Downtown Atwater Association, announced that on the 19th of October the Historical Downtown Association will host "Atwater's Spirits Festival," a beer and wine event. He added that there will be a section of activities for families and food vendors.

General Services Manager Pereida announced an Accessibility Workshop for the public regarding Americans with Disabilities Act (ADA). The workshop will be held to gather public input for the Transition Plan at the Council Chambers at 750 Bellevue Road, Atwater, on September 25, 2019 at 10:00 AM.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Cale thanked CAL FIRE and the Police Department for their quick response to a fire. He reminded everyone of the "9-1-1 Ceremony" on Wednesday at 8:30 AM at the Atwater Community Center. He congratulated Frank "Red Feather" Peredas, a Pearl Harbor survivor, age 99 years old who was presented with his Campaign medals from World War II.

City Council Member Ambriz thanked staff for their work to bring the landscape maintenance issues to a close. He also announced that on September 28th there will be another Movie in the Park at 6:00 PM at Ralston Park.

City Council Member Vierra commented on the progress occurring in the City regarding parks and landscaping. She also reported that the splash pad at Veterans Park will be up and ready for the summer by Spring 2020.

Mayor Pro Tem Raymond commented that he has received several calls regarding sidewalk conditions throughout the City. He also expressed his pleasure at the progress for the beautification of the City.

Mayor Creighton reported that the City has been awarded \$63 million to address the water issues related to litigation. He also reported that CalTrans has planned major changes to the Atwater off ramps and the highway corridor through the City. He encouraged the public to participate in the Movie in the Park on the 28th of September.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 7:19 PM.



JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
P-M Transcription Services