

Pursuant to the provisions of the Governor's Executive Orders N-29-20, which suspended certain requirements of the Brown Act, you may observe a livestream of the meeting at www.atwater.org.

If you wish to make either a general public comment or to comment on a specific agenda item, please submit your comment (include Agenda Item Number in the subject line) to the City Clerk at cityinfo@atwater.org. Email comments will be accepted on or before 5:00 PM of the meeting date.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the City in advance of the meeting, and as soon as possible, at (209) 357-6300.

CITY OF ATWATER CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

July 27, 2020

REGULAR SESSION: (Council Chambers)

6:00 PM



CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Poppy Phares

ROLL CALL:

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

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.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**
- **Mayoral statement regarding Governor's Office of Emergency Services (CalOES) letter dated July 23, 2020**

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. July 27, 2020

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. June 30, 2020

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. July 13, 2020 – Regular meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. June 17, 2020 – Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

CALL FOR BIDS:

5. **Approving specifications and authorizing advertising and call for bids for Unleaded and Diesel Fuel Delivery Services and for a Card Lock System for the Corporation Yard** (Public Works Superintendent Holsinger)

Staff's Recommendation: Approval of specifications and authorizes advertising and call for bids for Bid Call No. 689-20, "Unleaded and Diesel Fuel Delivery Services and a Card Lock System for the Corporation Yard."

6. **Approving specifications and authorizing advertising and call for bids for Propane Fuel Delivery Services** (Public Works Superintendent Holsinger)

Staff's Recommendation: Approval of specifications and authorizes advertising and call for bids for Bid Call No. 690-20, "Propane Fuel Delivery Services."

AGREEMENTS:

7. **Approving On-Call Professional Services for Civil Engineering, Traffic Engineering, Geotechnical, and Construction Inspection/Testing with various consultants** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Approval of Professional Services Agreements, in a form approved by the City Attorney, with Quad Knopf, Krazan & Associates, VVH Consulting Engineering, Precision Civil Engineering, NorthStar Engineering Group, BSK Associate, SNG & Associates, TJKM, Ruggeri-Jensen-Azar, JLB Traffic Engineering and Provost & Pritchard, respectively, for up to three years each in an amount not to exceed \$200,000 each; and authorizes and directs the City Manager to execute the Agreements on behalf of the City.

ORDINANCES:

8. **Waiving the second reading and adopting an ordinance making the environmental finding and approving zone change from Planned Development (PD) to Business Park (BP) for property located North of Bell Drive and West of Truckee Drive** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1031 making the environmental finding and approving Zone Change No. 20-9-0100 changing the zoning designation of APN 001-134-012 from Planned Development (PD) to Business Park (BP) for property located north of Bell Drive and West of Truckee Drive.

9. **Waiving the second reading and adopting ordinance amending Development Agreement by and between the City of Atwater and Central Cal Brothers, Inc. regarding Cannabis Business Pilot Program for cannabis cultivation, manufacturing, dispensary, and distribution on property located at 664 Railroad Avenue, Atwater (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Waives the second reading and adopts Ordinance No. CS 1030 approving First Amendment to the Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Central Cal Brothers, Inc. regarding Cannabis Business Pilot Program for cannabis cultivation, manufacturing, dispensary, and distribution on property located at 664 Railroad Avenue, Atwater; and authorizes and directs the City Manager to execute the Amendment on behalf of the City.

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim, however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6317).

10. **Claim No. 2020-8**

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2020-8 be rejected.

PETITIONS AND COMMUNICATIONS:

11. **Approving a Fee Waiver requested by Merced County Registrar of Voters to use the Atwater Community Center as a Voting Assistance Center for the 2020 November General Municipal Election (Merced County Registrar of Voters)**

Staff's Recommendation: Approving a fee waiver requested by the Merced County Registrar of Voters to use the Atwater Community Center as a Voting Assistance Center from October 31, 2020 to November 3, 2020 for the November 3, 2020 General Municipal Election; and authorizes and directs the City Manager or designee to execute the County's letter of request to waive the fees associated with using the Atwater Community Center as a Voting Assistance Center.

PUBLIC HEARINGS:

12. **Confirming Engineer's Reports and ordering the Annual Levy for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2020-21 (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Open the public hearing and take any testimony given;

Close the public hearing and consider comments from the public;

Motion to adopt Resolution No. 3165-20 confirming the Engineer's Reports and ordering the continued maintenance of the City of Atwater Lighting and Drainage and Landscape Assessment Maintenance Districts and levy of Assessments for Fiscal Year 2020-21; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 13. Verbal update regarding cannabis businesses and applicants** (Public Works/Community Development Director Thompson)

CITY MANAGER'S REPORTS/UPDATES:

- 14. Discussion and possible direction regarding placing a measure on the ballot for the General Municipal Election to be held on November 3, 2020**

Staff's Recommendation: That the City Council provide staff with direction regarding placing a general sales tax or a special public safety sales tax measure on the ballot for the General Municipal Election to be held on November 3, 2020.

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

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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