



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

July 27, 2020

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:08 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Police Chief Salvador.

INVOCATION:

The Invocation was led by Poppy Phares.

ROLL CALL:

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

Absent: *None*

Staff Present: *City Manager Waterman, Deputy City Manager Del Real, City Attorney Splendorio, Police Chief Salvador, Finance Director Jacobs-Hunter, Public Works/Community Development Director Thompson, Deputy City Clerk Martin*

SUBSEQUENT NEED ITEMS:

None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel provided an update on the Campus Parkway project, the anticipated completion date of the Navigation Center, and the time extension provided by the U.S. Census Bureau to participate in the 2020 Census. He also stated that California is at risk of losing two congressional seats if there is not enough participation in the 2020 Census.

Mayoral statement regarding Governor's Office of Emergency Services (CalOES) letter dated July 23, 2020

Deputy City Clerk Martin read into the record thirty-two comments received by email from the public. Nine comments were in support of keeping the City of Atwater a Sanctuary City to support local businesses and requested the City Council to not rescind its Sanctuary City Resolution. Twenty-three comments were in opposition of keeping the City of Atwater a Sanctuary City and requested the City Council to rescind its Sanctuary City Resolution.

Eighteen people spoke in support of keeping the Sanctuary City Resolution.

One person spoke in opposition of and to rescind the Sanctuary City Resolution.

One person spoke urging parents to contact their school boards regarding school districts discontinuing the funding of School Resource Officers due to COVID-19.

Mayor Creighton provided his statement regarding Governor's Office of Emergency Services (CalOES) letter dated July 23, 2020.

Mayor Creighton called a recess at 7:33 PM.

The City Council returned to the dais and Mayor Creighton resumed the meeting at 8:06 PM.

CONSENT CALENDAR:

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

WARRANTS:

1. July 27, 2020

ACTION: Approval of warrants as listed.

TREASURER'S REPORT:

2. July 30, 2020

ACTION: Approval of report as listed.

MINUTES: (City Council)

3. July 13, 2020 – Regular meeting

ACTION: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. June 17, 2020 – Regular meeting

ACTION: 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)

ACTION: 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)

ACTION: 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)

ACTION: 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)

ACTION: 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)

ACTION: 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

ACTION: 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)

ACTION: 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.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Two people spoke about their concerns with the City.

One person spoke regarding the importance of participating in the 2020 Census.

One person spoke regarding his support to rescind the City's Sanctuary City resolution.

One person spoke regarding his support of the City's decisions and his frustration towards other members of the public.

No one else came forward to speak.

PUBLIC HEARINGS:

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)

Public Works/Community Development Director Thompson provided background information regarding the annual levy for the maintenance districts.

Mayor Creighton opened the public hearing for this item.

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

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

REPORTS AND PRESENTATIONS FROM STAFF:

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

Public Works/Community Development Director Thompson provided a PowerPoint presentation containing information on the goals that Council placed on the cannabis program, how the City is achieving those goals, and an update on where each cannabis applicant is in the application process.

One person spoke addressing his questions regarding the maximum number of cannabis businesses allowed and the public benefit amount.

Public Works/Community Development Director Thompson provided an explanation on the City's current process to revise the cannabis ordinance to clearly state if there are any caps or limitations to the cannabis businesses.

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

City Council Member Vierra commented on the cannabis application process and how it shows a low success rate on applicants becoming businesses. She also requested additional information on how the Fiscal Year 2020-21 Budget was balanced regarding cannabis.

City Manager Waterman provided an explanation on the City's adopted budget which took a conservative approach when balancing the budget regarding cannabis.

CITY MANAGER'S REPORTS/UPDATES:

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

City Manager Waterman presented a PowerPoint presentation regarding the background information on why the City should consider placing a new tax measure on the ballot for the General Municipal Election to fund public safety expenditures once the current Public Safety Tax expires.

City Council Members Vierra and Cale stated their support for placing a tax measure on the ballot in November, despite not wanting to raise taxes.

City Council Member Ambriz stated that he also supports placing a tax measure on the ballot in November because over fifty percent of voters approved of the measure back in March, but did not pass due to needing a two-thirds vote as a special tax measure.

Mayor Pro Tem Raymond stated his opposition of placing a tax measure on the ballot in November and questioned when the public will see taxes being lowered.

Mayor Creighton stated his support for placing a tax measure on the ballot in November, despite not wanting to raise taxes, in order to provide better services to the Atwater community.

City Attorney Splendorio provided explanation regarding implementing an expenditure plan of the funds acquired from the proposed tax and reminded Council that if they choose to not place a tax measure on the November 2020 ballot, then the next opportunity to place a new general sales tax on the ballot is November 2022.

MOTION: City Council Member Cale moved to provide staff with direction regarding placing a general sales tax on the ballot for the General Municipal Election to be held on November 3, 2020. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Vierra, Cale, Ambriz, Creighton; Noes: Raymond; Absent: None. The motion passed.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Cale thanked the public for attending the meeting.

City Council Member Vierra commented on the progress being made at the Veterans Park Water Playground Project.

City Council Member Ambriz also thanked the public for attending the meeting and commented on a concern he had received from a member of the public. City Council Member Ambriz clarified that the City Council meetings have procedures and each person is only allotted three minutes to speak and cannot also send comments in via email to extend their comment time.

Mayor Pro Tem Raymond also thanked the public for attending the meeting to voice their opinions regarding the Sanctuary City resolution.

Mayor Creighton also thanked the public for attending the meeting and voicing their opinions. He also stated that the City Council will listen to the community's needs and make decisions to improve the community's quality of life.

ADJOURNMENT:

The meeting adjourned at 9:30 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Richard Vang
Deputy City Clerk