



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**February 8, 2016**

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 Price presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Mayor Price.*

ROLL CALL:

**Present:** City Council Members Raymond, Rivero (5:03 PM), Vineyard, Mayor Pro Tem Bergman, Mayor Price

**Absent:** None

**Staff Present:** City Manager/Police Chief Pietro, City Attorney Terpstra, City Clerk Del Real, Recording Secretary Bengtson-Jennings

CLOSED SESSION: (Conference Room A)

*Mayor Price invited public comments on Closed Session items.*

*No one came forward to speak at this time.*

*Mayor Price adjourned the meeting to Conference Room A for Closed Session at 5:02 PM. Closed Session was called to order at 5:05 PM.*

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (1)

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: Community Development Director McBride

Property Locations: APN 005-070-032  
APN 001-130-015

***Closed Session adjourned at 5:45 PM.***

**REGULAR SESSION:** (Council Chambers)

***The City Council of the City of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.***

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

***The Pledge of Allegiance was led by Mayor Price.***

**INVOCATION:**

***The Invocation was led by Police Chaplain McClellan.***

**ROLL CALL:**

***Present: City Council Members Raymond, Rivero, Vineyard, Mayor Pro Tem Bergman, Mayor Price***  
***Absent: None***  
***Staff Present: City Manager/Police Chief Pietro, City Attorney Terpstra, CAL FIRE Battalion Chief Pimentel, Police Lieutenant Joseph, Community Development Director McBride, Interim Public Works Director Faretta, Finance Director Deol, City Clerk Del Real, Recording Secretary Bengtson-Jennings***

**MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:**

***City Attorney Terpstra reported that no action was taken and staff was given direction. The Closed Session agenda was completed.***

**SUBSEQUENT NEED ITEMS:** ***None.***

**APPROVAL OF AGENDA AS POSTED OR AS AMENDED:**

***MOTION: Mayor Pro Tem Bergman moved to approve the agenda as posted. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Bergman, Vineyard, Raymond, Rivero, Price; Noes: None; Absent: None. The motion carried.***

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

***Merced County District 3 Supervisor McDaniel reported on several items:***

- ***The Merced County Housing Element Update is being completed. A study session with their Planning Commission is scheduled for Wednesday, February 10, 2016 and with their Board of Supervisors March 1, 2016.***
- ***Merced County is moving forward with three community plan updates in the communities of Planada, Le Grand, and Winton.***
- ***Merced County is taking steps to privatize Castle, with seven more private property sales in the pipeline and another potential sale on the Board's agenda tomorrow.***
- ***Merced County is working to secure funding to jump start the Black Rascal Creek Flood Control Project for the purpose of preventing future floods in the Atwater/Merced area.***
- ***Construction 1A of the Atwater/Merced Expressway is almost complete. A ribbon cutting ceremony is scheduled for March.***

***Supervisor McDaniel encouraged all citizens to sign up for the Merced County Emergency Notification System. In the event of an emergency, critical communications/notifications will be shared via telephone, FAX, email, text, etc. The service is free. Citizens may sign up at [www.co.merced.ca.us/alert](http://www.co.merced.ca.us/alert).***

***Supervisor McDaniel reminded the community of his Atwater mobile office hours which are the fourth Thursday of each month from 1:30 - 3:30 PM in the City Council Chambers. During office hours, Supervisor McDaniel is joined by representatives from the Atwater City Council and the offices of Congressman Costa, Senator Canella, and Assemblyman Gray. Everyone is welcome to attend: to share opinions, discuss subjects, ask questions, and relay concerns.***

***Supervisor McDaniel invited the public to attend the upcoming Peace Makers, Peace Keepers, and our Defenders event at Castle on May 14, 2016 to honor all veterans, active military, police, and fire personnel.***

***City Council Member Vineyard thanked Supervisor McDaniel for using his Supervisor discretionary funds to repair the leaking roof at Veterans Hall in Atwater.***

COMMENTS FROM THE PUBLIC:

***Notice to the public was read.***

***GARY BRICE, Atwater, questioned the ability of businesses collecting/selling cell phones in the middle of parking lots without approval of the Community***

*Development and Resources Commission or the City Council and without paying the proper business license fees.*

*Mayor Price stated that he believes it is the government free phone program doing business in Atwater and asked City Manager Pietro to look into the matter.*

*ERIC LEE, Atwater, voiced his concerns with the increased gang activity in the City and encouraged the City Council to take affirmative action to solve the problem such as holding property owners or landlords accountable for gang/drug related activities on their premises.*

*JEANIE KNIGHT, Atwater, voiced similar concerns and questioned if the City can charge the property owners/landlords for Police Officer response to their homes. She asked why the cover was never placed over the "In God We Trust" sign in the City Council Chambers.*

*City Attorney Terpstra stated that upon City Council direction, staff will look into the possibility of charging property owners/landlords for Police Department calls to their homes.*

*LINDA DASH, Atwater, suggested City Attorney Terpstra contact the City of Merced attorney regarding Merced's ordinance that addresses property owners' and landlords' rights/responsibilities concerning gang and drug activities on their premises.*

*MIKE RAYMOND, Atwater, mentioned that Tulare County recently enacted its third gang injunction against three cities in their County, which seems effective in clearing the problem.*

*No one else came forward to speak.*

CONSENT CALENDAR:

**MOTION:** *Mayor Pro Tem Bergman moved to approve the consent calendar as listed. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Vineyard, Bergman, Rivero, Price; Noes: None; Absent: None. The motion carried.*

WARRANTS:

1. February 8, 2016

**ACTION:** *Approval of warrants as listed.*

MINUTES: (City Council)

2. Regular meeting, January 25, 2016

**ACTION: Approval of minutes as listed.**

MINUTES: (Commissions)

3. Community Development and Resources, December 16, 2015

**ACTION: Acceptance of minutes as listed.**

CALL FOR BIDS/RFPS:

4. Authorizing Request for Proposals for Urban Forest Master Plan and Canopy Coverage Analysis (Interim Public Works Director Faretta)

**ACTION: Approval of Request for Proposals for Urban Forest Master Plan and Canopy Coverage Analysis for FY 2014/15, CAL FIRE Urban Forestry Greenhouse Gas Reduction Fund Grant Program (GGRF).**

AGREEMENTS:

5. Approving Amendment No. 7 to Professional Services Agreement with West Yost Associates for engineering services related to the permitting and regulatory requirements pertaining to the former Wastewater Treatment Facility, the existing Regional Wastewater Treatment Plant, and the Bert Crane Road Landfill (Interim Public Works Director Faretta)

**ACTION: Approval of Amendment No. 7 to the Professional Services Agreement, in a form approved by the City Attorney, between the City of Atwater and West Yost Associates of Davis, California in an amount not to exceed \$246,420 during Fiscal Year 2015-2016, to provide technical assistance for engineering services related to the permitting and regulatory requirements associated with the City's former Wastewater Treatment Facility (WWTF), existing Regional Wastewater Treatment Plant (RWWTP), and the Bert Crane Road Landfill; and authorizes and directs the Mayor to execute the amendment on behalf of the City.**

REPORTS:

6. Monthly review of local drought emergency (City Attorney Terpstra)

**ACTION: Reaffirms the facts and findings in Resolution No. 2823-15 declaring the existence of a local drought emergency.**

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

7. Police Department activities and projects for the month of January, 2016 (Police Lieutenant Joseph)

8. Police Volunteer activities for the month of January, 2016 (Police Volunteer Vineyard)
9. Fire Department activities and projects for the month of January, 2016 (CAL FIRE Battalion Chief Pimentel)
10. Public Works Department activities and projects for the month of January, 2016 (Interim Public Works Director Faretta)

CITY MANAGER REPORTS:

Selecting lettering style and color for the "In God We Trust" sign in front of City Hall

***Mayor Pro Tem Bergman spoke regarding the public forum held last week and announced a unanimous decision: 12" injection molded Helvetica lettering in Metallic Gold; the sign to be placed above the door.***

***City Council Member Vineyard corrected for the record that it was not a unanimous decision; at least two people in attendance tried to speak but were ignored. He stated that his wife, who has a 180 degree difference in opinion than he concerning this subject (she does not believe "In God We Trust" should be displayed at City Hall) and who went to the public forum to speak on her own behalf, left in frustration when ignored.***

***Mayor Pro Tem Bergman clarified for the record that the specific purpose of the public forum was to select the style and color of lettering and the placement of the "In God We Trust" sign in front of City Hall, and he thanked Mike and Pam Raymond for their generous donation toward the project.***

***MOTION: Mayor Pro Tem Bergman moved to approve 12" injection molded Helvetica lettering with the color #2756 Metallic Gold for the "In God We Trust" sign to be placed above the door to City Hall. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Bergman, Rivero, Raymond, Price; Noes: Vineyard; Absent: None. The motion carried.***

REPORTS AND PRESENTATIONS FROM STAFF:

Reviewing Fiscal Year 2015-16 mid-year budget and adopting a resolution approving a budget amendment regarding certain adjustments based on mid-year budget analysis (Finance Director Deol)

***Finance Director Deol reported on the Fiscal Year 2015-16 mid-year budget and stated that the schedule presented includes all of the proposed adjustments.***

***City Council Member Rivero stated for the record that the increase in building permit fees looks good, but there is a cost associated with additional building***

*such as the use of more water, an increase in sewage, wear and tear on the streets, etc.*

*ERIC LEE, Atwater, spoke regarding the proposed shift of funding for three Police Officers from the Community Facilities District to Measure H. He questioned the purpose of Measure H funding, which he thought was to augment and not supplant the General Fund. He asked for clarification before he chairs next month's Citizen's Oversight Committee for Public Safety Transactions and Use Tax meeting.*

*LINDA DASH, Atwater, questioned the proposed City Council salaries and wages expenditure line item believing that all City Council members were presently waiving their rights to a monthly stipend.*

*Mayor Price stated that City Council Member Rivero has elected to receive a monthly stipend.*

**MOTION:** *Mayor Pro Tem Bergman moved to adopt Resolution No. 2876-16 approving Budget Amendment No. 7 regarding revenue and expenditure adjustments based on mid-year budget analysis. The motion was seconded by Mayor Price and the vote was: Ayes: Bergman, Vineyard, Price; Noes: Raymond, Rivero; Absent: None. The motion carried.*

*Mayor Price called a recess at 6:55 PM.*

*The City Council returned to the dais and Mayor Price resumed the meeting at 7:04 PM.*

Adopting a resolution designating an all way stop at Olive Avenue and Winton Way (Community Development Director McBride)

*DON HYLER, Atwater, spoke in favor of the proposed resolution stating the dangers of congested traffic in this area.*

*Mayor Price stated for the record that the installation of all way stop signs at Olive Avenue and Winton Way will create an inconvenience; however, this location will present a risk to the City if left as is.*

**MOTION:** *Mayor Price moved to adopt Resolution No. 2875-16 designating an all way stop at Olive Avenue and Winton Way. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Vineyard, Rivero, Bergman, Price; Noes: Raymond; Absent: None. The motion carried.*

Awarding a Cooperative Purchase for one (1) new 2016 fire command vehicle (CAL FIRE Battalion Chief Pimentel)

**MOTION:** Mayor Price moved to award a cooperative purchase, in a form approved by the City Attorney, to purchase one (1) new 2016 fire command vehicle from Elk Grove Auto of Elk Grove, California in an amount not to exceed \$40,666.43 as amended, contingent upon the hiring of a Fire Marshal; and to authorize and direct the City Manager to execute the purchase order on behalf of the City. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Bergman, Vineyard, Raymond, Price; Noes: Rivero; Absent: None. The motion carried.

**CITY COUNCIL MATTERS:**

City Council comments and requests for future agenda items

**City Council Member Vineyard reminded the community that February 15, 2016 is President's Day. City Hall will be closed, and trash pick-up will be delayed one day. He announced that Spring Clean-Up Day is March 19, 2016 from 7:00 AM – 2:00 PM across the street from the City's Corporation Yard on Aviator Drive.**

**City Council Member Raymond again asked City Manager Pietro to look into the possible adoption of the opengov.com system, a financial transparency system for state and local governments. To ensure adequate funding, he requested that staff prepare a policy granting the City Council authority to approve the hiring or fulfillment of staff positions.**

**City Council Member Rivero wished his wife an early Happy Valentine's Day.**

**Mayor Pro Tem Bergman expressed concerns of the public in regard to the flags displayed in the City Council Chambers and asked that staff research flag etiquette and ensure their proper care. He asked that staff present a comparison of Robert's and Rosenberg's Rules of Order (rules of parliamentary procedure) for City Council consideration.**

**Mayor Price announced that the Merced County Association of Governments will meet February 18, 2016 to discuss the proposed transportation plan, a ½ cent County wide sales tax ballot initiative to fix problem streets, and he encouraged everyone to attend. He announced that the next Town Hall meeting is February 25, 2016 at 6:00 PM at the Atwater Community Center; he invited public input regarding budgetary matters at this meeting as well as at the upcoming budget workshops yet to be determined. He reminded citizens to be careful when watering; the drought still exists. He expressed his disappointment with local news coverage of the City of Atwater, barring the Atwater Times, and called it "inadequate," "irresponsible," and "tabloid journalism."**

**CLOSED SESSION:**

**Continuation of Closed Session was not necessary.**

ADJOURNMENT:

***The meeting adjourned at 7:41 PM.***

  
\_\_\_\_\_  
JEANNA DEL REAL, CMC  
CITY CLERK

By: Kim Bengtson-Jennings,  
Recording Secretary