



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

June 27, 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, Mayor Pro Tem Bergman, Mayor Price

Absent: City Council Member Vineyard

Staff Present: City Manager/Police Chief Pietro, Deputy City Attorney Henderson, 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 5:01 PM. Closed Session was called to order at 5:06 PM.

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

Closed Session adjourned at 5:35 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 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, Mayor Pro Tem Bergman, Mayor Price

Absent: City Council Member Vineyard

Staff Present: City Manager/Police Chief Pietro, Deputy City Attorney Henderson, CAL FIRE Battalion Chief Pimentel, Police Lieutenant Joseph, Community Development Director McBride, Interim Public Works Director Faretta, City Treasurer Heller, City Clerk Del Real, Recording Secretary Bengtson-Jennings

Mayor Price provided an update concerning City Council Member Vineyard and asked the community to keep him in their prayers.

MAYOR OR DEPUTY CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Deputy City Attorney Henderson 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, Raymond, Rivero, Price; Noes: None; Absent: Vineyard. The motion carried.*

CEREMONIAL MATTERS:

2016 MADD (Mothers Against Drunk Driving) Hero Award

Mayor Price and Police Lieutenant Joseph presented a plaque and a certificate of recognition to Police Officer Levi Crain for earning the 2016 MADD (Mothers Against Drunk Driving) Hero Award.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

CAL FIRE Battalion Chief Pimentel announced a recent scam wherein business owners are approached regarding fire inspections. Under false pretense, a visual inspection of the premises is allowed and performed, and the business owner is then provided with an official looking invoice requesting payment, perhaps from a representative from YOR Protection. Chief Pimentel informed the community that CAL FIRE, in conjunction with the City, will perform all business fire inspections and will charge business owners pursuant to the City's Miscellaneous Fee Schedule. CAL FIRE Battalion Chief Pimentel reiterated the fact that this is a scam and this particular company is in no way affiliated with the City or with CAL FIRE.

Mayor Price stated that he was recently approached at his home after 8:30 PM and asked to purchase Christian DVDs in which he was told the proceeds would send a young adult through college. When asked to produce a permit to sell merchandise or to solicit funds in Atwater, the sales person quickly retreated. Mayor Price stated that he believes this too is a scam and asked the community to be aware.

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: Bergman, Raymond, Price; Noes: Rivero; Absent: Vineyard. The motion carried.*

WARRANTS:

1. June 27, 2016

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. a) Adjourned meeting, June 8, 2016
b) Regular meeting, June 13, 2016

ACTION: *Approval of minutes as listed.*

FUNDING AND BUDGET MATTERS:

Treasurer's Report for the month of May, 2016 (City Treasurer Heller)

MOTION: *Mayor Pro Tem Bergman moved to approve the Treasurer's Report for the month of May, 2016. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Rivero, Raymond, Bergman, Price; Noes: None; Absent: Vineyard. The motion carried.*

PUBLIC HEARINGS:

Waiving the first reading and introducing Ordinance No. CS 974 amending Chapter 8.50 to 8.60 of the Atwater Municipal Code regarding commercial marijuana cultivation, processing, delivery, and dispensing and regarding personal cultivation of medical marijuana (Deputy City Attorney Henderson)

Mayor Price opened the public hearing for this item.

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

MOTION: City Council Member Raymond moved to waive the first reading and introduce Ordinance No. CS 974 amending Chapter 8.50 to 8.60 of the Atwater Municipal Code imposing an express ban on commercial cultivation, processing, delivery originating from within City limits, and dispensing of medical marijuana and regulating the personal cultivation of medical marijuana in the City. The motion was seconded by Mayor Price and the vote was: Ayes: Raymond, Rivero, Price; Noes: Bergman; Absent: Vineyard. The motion carried.

Declaring results of property owner protest ballot for the levy of assessments related to Juniper Meadows Phase II Lighting and Drainage District, confirming the formation of the Lighting and Drainage District and ordering the levy and collecting assessments for FY 2016/17, declaring the results of property owner protest ballot for levy of assessments related to the annexation of Juniper Meadows Phase II into the Juniper Meadows Landscape Maintenance District, confirming the annexation into the Juniper Meadows Landscape Maintenance District formation of the Lighting and Drainage District, and ordering the levy and collecting assessments for FY 2016/17 (Community Development Director McBride)

Mayor Price opened the public hearing for this item.

DAVID HAHN, representing builder/developer Stonefield Homes, spoke in favor of the formation and annexation of the Districts.

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

Mayor Price called a recess at 6:29 PM so the City Clerk could tally the property owner protest ballots.

The City Council returned to the dais and Mayor Price resumed the meeting at 6:36 PM.

City Clerk Del Real reported that 24 ballots were opened in favor of the proposed assessments representing full support of the property owners.

MOTION: Mayor Pro Tem Bergman moved to adopt Resolution No. 2905-16 declaring the results of the property owner ballot proceeding conducted for the levy of assessments related to the formation of the Atwater Lighting and Drainage District No. 31 (Juniper Meadows II), commencing in Fiscal Year 2016/17; to adopt Resolution

No. 2906-16 confirming the formation of the Atwater Lighting and Drainage District No. 31 (Juniper Meadows II), the diagram and assessments related thereto, overruling all protests concerning the assessments, and ordering the levy and collection of assessments for the Fiscal Year 2016/17; to adopt Resolution No. 2907-16 declaring the results of the property owner protest ballot proceeding conducted for the levy of assessments related to the annexation of Juniper Meadows Phase II (Annexation Territory) into the Juniper Meadows Landscape Maintenance District, commencing in Fiscal Year 2016/17; and approving certain related actions; and to adopt Resolution No. 2908-16 confirming the annexation of Juniper Meadows Phase II (Annexation Territory) into the Juniper Meadows Landscape Maintenance District, the diagram and assessments related thereto, overruling all protests concerning the assessments, ordering the levy and collection of assessments for the Fiscal Year 2016/17. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Rivero, Raymond, Bergman, Price; Noes: None; Absent: Vineyard. The motion carried.

REPORTS AND PRESENTATIONS FROM STAFF:

Review of prior on call engineering contracts and approving Professional Services Agreement with North Star Engineering Group, Inc. for on call general engineering services (Community Development Director McBride)

MOTION: City Council Member Raymond moved to approve a Professional Services Agreement, in a form approved by the City Attorney, with North Star Engineering Group, Inc. (North Star) for on call general engineering services; and to authorize and direct the City Manager to execute the agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Bergman and the vote was: Ayes: Bergman, Rivero, Raymond, Price; Noes: None; Absent: Vineyard. The motion carried.

CITY COUNCIL MATTERS:

City Council comments and requests for future agenda items

City Council Member Raymond reminded the community to be safe this 4th of July and to teach their children the Declaration of Independence. He stated his thoughts and prayers are with Judy Bowling and her family.

Mayor Pro Tem Bergman spoke on behalf of City Council Member Vineyard and thanked the community for their prayers and concerns for him. Mayor Pro Tem Bergman warned citizens of the extreme dangers caused by illegal fireworks and asked the community to report their use to the Police or Fire Department. He sent his condolences to Judy Bowling.

City Council Member Rivero wished everyone a safe, happy July 4th and he reiterated the importance of safety this holiday weekend asking people to purchase legal fireworks only.

Mayor Price sent his condolences to Judy Bowling and her family as well. He reminded the community to stay hydrated and to keep watch over those in their

neighborhoods, especially during the extremely hot days of summer. He encouraged everyone to support Atwater's local baseball team and invited all to attend an upcoming Aviators game. He spoke of the recent visit by President Obama and family to Castle. He voiced his concerns regarding illegal fireworks and thanked Greg and Pinky McDaniel, as well as the entire 4th of July Committee, for their hard work and dedication to this once-a-year event. He announced that the 4th of July concert and fireworks show at Castle will begin at 7:00 PM and voiced his disappointment in Sierra Academy of Aeronautics for not allowing public parking on their premises during the event.

Mayor Price asked that the next regular City Council meeting agenda include a solar update including rebates.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 6:54 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary