



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

August 12, 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 (5:01 PM), 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: (General Services Conference Room)

Mayor Creighton invited public comment on Closed Session items.

One person spoke praising City staff.

No one else came forward to speak at this time.

Mayor Creighton adjourned the meeting to the General Services Conference Room for Closed Session at 5:03 PM. Closed Session was called to order at 5:05 PM.

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: City Manager Waterman, Interim City Attorney Sanchez, and Human Resources Director Del Real; Bargaining Unit: Atwater Police Officers Association

Pursuant to Government Code Section 54957, Public Employee Performance Evaluation: Title: City Manager

Closed Session adjourned at 5:55 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.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Police Chief Salvador.

INVOCATION:

The Invocation was led by Pastor Yeu Vang.

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, CAL FIRE Battalion Chief Slate, General Services Manager/Chief Building Official Pereida, Human Resources Director Del Real, Deputy City Clerk Martin

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Sanchez reported that no action was taken, the Closed Session agenda was not completed, and Closed Session will resume following the Regular Session.

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

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

CEREMONIAL MATTERS:

Atwater Little League 11-Under All Star Team

Mayor Creighton presented a certificate of recognition to the Atwater Little League 11-Under All Star Team for participating in the Nor Cal State Tournament, setting a new team record and winning the Little League Section 6 Championship Title.

Evrett Estrada and Jacob Alvarez

Mayor Creighton presented a certificate of recognition to Evrett Estrada and Jacob Alvarez for their quick response and efforts in notifying the homeowners and neighbors during a recent fire.

CAL FIRE Battalion Chief Slate and Police Chief Salvador both commended their staff for their responses and professionalism in protecting lives and property.

Police Chief Salvador presented Evrett Estrada and Jacob Alvarez with Challenge Coins and Atwater Police Department patches.

PRESENTATIONS:

Emergency Operations Plan and roles and responsibilities of Elected and Appointed Officials (CAL FIRE Division Chief Rahn, CAL FIRE Battalion Chief Slate, and CAL FIRE Battalion Chief Scheurich)

CAL FIRE Division Chief Rahn provided background on the coordinated efforts of City personnel in responding to past emergency incidents throughout the County. CAL FIRE Battalion Chief Scheurich/Deputy Administrator of Merced County OES described coordination between OES, the County of Merced, and all five cities. He provided a video presentation outlining the roles and responsibilities of elected and appointed officials in the event of an emergency.

City Manager Waterman left the dais at 6:37 PM.

City Manager Waterman returned to the dais at 6:38 PM.

Merced County District 3 Supervisor McDaniel praised the OES personnel and the performance of the Emergency Operations Center.

CONSENT CALENDAR:

Agenda item #6 under Resolutions, "Authorizing workers' compensation coverage for off-duty peace officers injured out of state," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

1. August 12, 2019

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. a) June 24, 2019 – Regular meeting
b) July 8, 2019 – Special meeting

ACTION: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

3. a) April 24, 2019 – Special meeting
b) May 15, 2019 – Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (Planning Commission)

4. June 25, 2019 – Adjourned meeting

ACTION: Acceptance of minutes as listed.

RESOLUTIONS:

5. Approving and ratifying Side Letter of Agreement with Atwater Police Officers Association and amending Community Services Officer job classification (City Manager Waterman and Human Resources Director Del Real)

ACTION: Adoption of Resolution No. 3107-19 approving and ratifying Side Letter of Agreement, in a form approved by the Interim City Attorney, between the City of Atwater and the Atwater Police Officers Association, pertaining to elimination of furlough days; authorizes and directs the City Manager to execute the Agreement on behalf of the City; and amends City of Atwater Classification Plan regarding Community Services Officer.

6. Authorizing workers' compensation coverage for off-duty peace officers injured out of state (Human Resources Director Del Real)

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

7. Authorizing Regional Surface Transportation program (RSTP) Exchange Funds Claim for Fiscal Year 2018-19 (Public Works Director Haddix)

ACTION: Adoption of Resolution No. 3106-19 authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2018-19.

8. Approving Government Crime Policies and establishing policy limits for City Officers and Employees (Human Resources Director Del Real)

ACTION: Adoption of Resolution No. 3104-19 approving Government Crime Policies for the purpose of bonding City officers and employees and establishing policy limits.

AGREEMENTS:

9. Approving specifications and authorizing advertising and call for bids for the purchase of three new 2019 Ford Fusion Plug-In Hybrid Electric Vehicles (Police Chief Salvador and Public Works Director Haddix)

ACTION: Approves specifications and authorizes advertising and call for bids for the purchase of three (3) new 2019 Ford Fusion plug-in hybrid electric vehicles.

10. Approving a Cooperative Master Equity Lease Agreement with Enterprise Fleet Management, Inc. for the lease of eight vehicles (Police Chief Salvador)

ACTION: Awards a four-year Cooperative Master Equity Lease Agreement, in a form approved by the Interim City Attorney, in the amount of \$385,718, with Enterprise Fleet Management, Inc. for the lease of eight (8) vehicles; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

11. Declaring Motorola 800 MHz police radio a sole source item and approving an Equipment Lease-Purchase Agreement with Delta Wireless for the lease purchase of 16 new police radios (Police Chief Salvador)

ACTION: Declares Motorola 800 MHz police radio a sole source item; approves a four year Lease-Purchase Agreement, in a form approved by the Interim City Attorney, with Delta Wireless, Atwater, California, in the amount of \$100,926.72 for the lease purchase of sixteen (16) new Motorola 800 MHz police radios; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

12. Waiving the second reading and adopting ordinance approving One Plant, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary located at 261 Business Parkway, Atwater (General Services Manager Pereida)

ACTION: *Waives the second reading and adopts Ordinance No. CS 1016 approving One Plant, LLC Development Agreement, in a form approved by the Interim City Attorney, regarding Cannabis Business Pilot Program for property located at 261 Business Parkway, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.*

RESOLUTIONS:

Authorizing workers' compensation coverage for off-duty peace officers injured out of state (Human Resources Director Del Real)

City Council Member Vierra asked for clarification regarding off-duty vs. on-duty coverage of workers' compensation.

Human Resources Director Del Real responded that there may be an instance where a peace officer responds to an emergency out of state while off-duty and that officer would be covered by workers' compensation when responding to an emergency.

MOTION: *City Council Member Cale moved to adopt Resolution No. 3105-19 authorizing workers' compensation coverage for off-duty peace officers injured out of state. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Vierra, Cale, Ambriz, Raymond, Creighton; Noes: None; Absent: None. The motion passed.*

PUBLIC HEARINGS:

Ordinance approving WB Pharms, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and dispensary on property located on Sycamore Avenue, west of Winton Way, Atwater (General Services Manager Pereida)

General Services Manager Pereida provided a summary of the phased approach to initiating the new business.

Mayor Creighton opened the public hearing for this item.

Byron Bogart, CEO of WB Pharms, came forward to commend the performance of City staff throughout the process.

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

Interim City Attorney Sanchez provided a summary of the public benefit aspect of this Development Agreement citing the business will be developing an undeveloped area of the City.

MOTION: Mayor Pro Tem Raymond moved to make the finding that the project is exempt under California Environmental Quality Act (“CEQA”) Guideline, 1561 (b) (3) “common sense” exemption. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Raymond, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.

MOTION: City Council Member Vierra moved to waive the first reading and introduce Ordinance No. CS 1011 approving a Development Agreement, in a form approved by the Interim City Attorney, by and between the City of Atwater and WB Pharms, LLC regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and dispensary located on Sycamore Avenue, west of Winton Way, Atwater; 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 Cale and the vote was: Ayes: Vierra, Cale, Ambriz, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

Ordinance approving Cannable, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary on property located at 741 Enterprise Court, Atwater (General Services Manager Pereida)

General Services Manager Pereida asked that the public hearing be continued in order to resume negotiations with the applicant.

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 continue the public hearing to the regular City Council meeting of August 26, 2019. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Cale, Vierra, Raymond, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

Mayor Creighton called a recess at 7:12 PM.

The City Council returned to the dais, and Mayor Creighton resumed the meeting at 7:19 PM.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving conceptual plan to develop a new Civic Center Complex (City Hall/Police Station) project (Police Chief Salvador)

Police Chief Salvador provided a PowerPoint presentation summarizing project goals, current end-of-life conditions in all Civic Center buildings, high cost maintenance issues, and Grand Jury citations of building deficiencies. The project would provide for a new City Hall and Police Station on the existing property so that land acquisition costs will be zero.

One person spoke regarding the dated condition of the Civic Center buildings and questioned the ability to provide police services during the construction of the project. He also asked if the project will allow for future growth.

Police Chief Salvador responded that there would be no interruption of police service during the project. He also noted that the project will include room for future growth and provide a one-stop for services to the public.

One person spoke regarding the ongoing maintenance costs and a concern for actual costs of the proposed project. She stated her hesitation to support the project.

One person spoke in favor of the project and the need to go forward with the project. He offered his full support to go forward.

MOTION: *City Council Member Cale moved to direct staff to proceed with the development of a Civic Center Complex project for a new City Hall and Police Station. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Raymond, Ambriz, Cale, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

REPORT FROM MAYOR AND CITY MANAGER:

Verbal update on Atwater Homeless Plan

Mayor Creighton reported that outreach activities are ongoing and that all departments are actively engaged in seeking manageable solutions. The railroads, CAL Trans, California Highway Patrol, and the Assemblyman's office are also engaged in addressing the problems. He also advised that measures currently used by Cal Trans and other governmental agencies will be implemented in Atwater, as well as communicating with other cities in Merced County to share information. The City must also be in compliance with the Atwater Housing Element in order to apply for and receive State funding to assist with the homeless issues.

Two people spoke about homelessness in Atwater. One person cited the number of homeless persons near her home and that there are still a number of homeless in the area of Tractor Supply and Starbuck's. She added that homeless persons are also sleeping on the property of a marijuana dispensary. Another person spoke about cleaning up two sites where homeless persons had left feces, needles, and trash. He also reported a seven foot deep hole near a PG&E power pole. He commended staff for their recent efforts to address the problems.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Two people spoke against the recent move of the “comments from the public” to the end of the agenda.

One person suggested providing the homeless with a ticket and some cash.

One person spoke in support of moving the “comments from the public” to the end of the agenda.

One person questioned rumors that the Atwater Water Tower has been drained. She also questioned the content of yard signs currently in place in the City. Mayor Creighton referred her to Public Works Director Haddix for both issues.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Cale commented on celebrating our local heroes at tonight’s meeting. He encouraged safety awareness as children are returning to school. He asked for thoughts and prayers for Merced County Sheriff Warnke who is suffering a health issue.

City Council Member Ambriz congratulated the Atwater All Stars Little League Division Champions. He urged everyone to be cautious and aware as children return to school.

City Council Member Vierra commented that she is pleased with the positive direction the City Council and City staff are taking.

Mayor Pro Tem Raymond asked for prayers for Merced County Sheriff Warnke as he deals with some health issues. He also congratulated the Atwater Little League Allstars.

Mayor Creighton also offered prayers for Merced County Sheriff Warnke. He praised City staff and the community for moving Atwater forward with positive progress.

CLOSED SESSION:

Mayor Creighton adjourned the meeting to the General Services Conference Room to resume Closed Session items at 8:46 PM. Closed Session resumed at 8:50 PM.

Closed Session adjourned at 10:09 PM.

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Sanchez reported that no reportable action was taken. The Closed Session agenda was completed.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 10:11 PM.



JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
P-M Transcription Services