



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

April 11, 2016

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:02 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, Vineyard, Mayor Pro Tem Bergman, Mayor Price

Absent: None

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

CLOSED SESSION: (Conference Room A)

Closed Session agenda item (b), "Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition," was removed from the agenda in its entirety.

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 5:03 PM. Closed Session was called to order at 5:08 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 001-134-015

This item was removed from the Closed Session agenda in its entirety.

Closed Session adjourned at 5:20 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, Deputy City Attorney Henderson, CAL FIRE Battalion Chief Pimentel, Police Lieutenant Joseph, Community Development Director McBride, Interim Public Works Director Faretta, Water Division Manager/Chief Operator Shaw, City Clerk Del Real, Recording Secretary Bengtson-Jennings

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 Raymond 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

Supervisor McDaniel provided an update regarding the second segment of the Campus Parkway Project and regarding the Welcome Home Heroes event May 14, 2016. He reminded the community that although the County received over two inches of rain this past month, the drought still exists. He announced his mobile office hours, which are the fourth Thursday of each month from 1:30 PM – 3:30 PM at City Hall.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

ERIC LEE, Atwater, complimented Code Enforcement Officer Velazquez-Magana for his energetic and compassionate attitude and his professionalism on the job.

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, Price; Noes: Rivero; Absent: None. The motion carried.

WARRANTS:

1. April 11, 2016

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. Regular meeting, March 28, 2016

ACTION: Approval of minutes as listed.

AGREEMENTS:

3. Awarding Professional Services Agreement with Davey Resource Group for Urban Forest Master Plan and Canopy Coverage Analysis (Interim Public Works Director Faretta)

ACTION: Awards a contract, in a form approved by the City Attorney, for professional services for Urban Forest Master Plan and Canopy Coverage Analysis, City Project No. 16-12, to Davey Resource Group of Atascadero, California in an amount not to exceed \$93,912; and authorizes and directs the City Manager to execute the Professional Services Agreement on behalf of the City.

REPORTS:

4. 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.

5. Ratifying urgency purchase and installation of two (2) Redundant Servers to provide telephone service to City Hall, Corporation Yard, Community Center, Youth Center and Fire Stations (City Manager Pietro)

ACTION: Ratifies urgency purchase award to Quick PC Support, Inc., Modesto, California for the purchase and installation of two (2) Redundant Servers to provide telephone and voicemail service for City Hall, Corporation Yard, Community Center, Youth Center and Fire Stations in an amount not to exceed \$39,070.48.

CLAIMS AGAINST THE CITY:

6. Claim No. 2016-8

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2016-8 be rejected.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

7. Police Department/Code Enforcement Officer activities and projects for the month of March, 2016 (Police Lieutenant Joseph)
8. Police Volunteer activities for the month of March, 2016 (Police Volunteer Vineyard)
9. Fire Department activities and projects for the month of March, 2016 (CAL FIRE Battalion Chief Pimentel)

10. Public Works Department activities and projects for the month of March, 2016 (Interim Public Works Director Faretta)

REPORTS AND PRESENTATIONS FROM STAFF:

Adopting City Council Resolution No. 2879-16 approving Planned Development Final Development Plan No. 03-3 Amendment No. 2 (Community Development Director McBride)

MOTION: Mayor Pro Tem Bergman moved to adopt Resolution No. 2879-16 approving Planned Development Final Development Plan No. 03-3 Amendment No. 2. 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.

Approving Memorandum of Understanding setting forth certain items of agreement among agencies within the Merced Groundwater Subbasin following the Sustainable Groundwater Management Act (Water Division Manager/Chief Operator Shaw)

Lacey Kiriakou, Merced County Water Resources Coordinator, answered questions concerning the Memorandum of Understanding and clarified that the first step is to approve the City joining as a party to the MOU.

MOTION: Mayor Pro Tem Bergman moved to approve the City of Atwater becoming a party to the Memorandum of Understanding setting forth certain items of agreement among agencies within the Merced Groundwater Subbasin following the Sustainable Groundwater Management Act; and to ask staff to bring the Memorandum of Understanding back to the City Council in its final form at the regular City Council meeting of May 9, 2016 for authorization to execute the document. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Bergman, Raymond, Price; Noes: Rivero; Absent: None. The motion carried.

CITY COUNCIL MATTERS:

City Council comments and requests for future agenda items

City Council Member Raymond thanked those in the Police Department, Fire Department, and with Riggs Ambulance Service who helped with a recent family member issue. He spoke regarding the undesirable conditions of the City's parks. He asked that staff initiate an RFP for building permitting and that a future regular City Council meeting agenda include review of the current City Council approval process, specifically which items require Community Development and Resources Commission approval prior to City Council approval.

City Council Member Vineyard announced that April is Autism Awareness month. He commended members of the Police Department for keeping the crime rate down in Atwater. He reminded the community of the City's Adopt-A-Park program

and of the current water ordinance, which prohibits watering between the hours of 7:00 AM and 7:00 PM any day. He asked citizens to check sprinkler systems and make necessary adjustments.

Mayor Pro Tem Bergman had nothing to report.

City Council Member Rivero congratulated Yosemite High School for earning a Gold Level of the California Green Ribbon Schools Award for "conserving resources while promoting health and environmental literacy." He announced the 72nd Annual Merced County Junior Olympics will be held April 21-23, 2016 at Golden Valley High School. He asked that the next regular City Council meeting agenda of April 25, 2016 include a presentation of certificates to the winners of the Atwater City Track Meet.

Mayor Price announced that yesterday was National Siblings Day. He reported on the formal ribbon cutting for the Atwater/Merced Expressway and on his recent Police ride-along. He stated that Marjie Kirn, Merced County Association of Governments Executive Director, will be available to answer questions concerning the Merced County Transportation Expenditure Plan at the next regular City Council meeting of April 25, 2016 in which the item will be open for public comment and considered for City Council approval. He reminded the community that Love Atwater will be held April 23, 2016 beginning with a rally at Ralston Park at 8:00 AM; volunteers are needed.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

City Council Member Vineyard asked that the time for the upcoming Adjourned meeting be changed to 4:15 PM.

The meeting adjourned to City Council Chambers, 750 Bellevue Road, Atwater, on April 25, 2016 at 4:15 PM to hold a workshop on Agenda Policy and Rules of Order.

The meeting adjourned at 6:35 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary