



# CITY OF ATWATER

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## CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

### ACTION MINUTES

**April 24, 2017**

REGULAR SESSION: (Council Chambers)

*The City Council of the City of Atwater and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency 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/Board Chair Price presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Mayor/Board Chair Price.*

INVOCATION:

*The Invocation was led by Police Chaplain Mead.*

ROLL CALL: (City Council/Governing Board)

**Present:** *City Council Members/Board Members Creighton, Raymond, Vierra, Mayor/Board Chair Price*

**Absent:** *Mayor Pro Tem/Board Vice Chair Vineyard*

**Staff Present:** *Interim City Manager/Executive Director McBride, Deputy City Attorney Ruppel, CAL FIRE Battalion Chief Schmitz, Finance Director Deol, Human Resources Director Del Real, Interim Public Works Director Faretta, Water Division Manager/Chief Operator Shaw, Police Chief Joseph, Code Enforcement*

**Officer Velazquez, City Clerk/Board Secretary Hyler III, City Treasurer Heller, Recording Secretary Bengtson-Jennings**

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION: **None.**

SUBSEQUENT NEED ITEMS: **None.**

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

**MOTION: City Council Member/Board Member Raymond moved to approve the agenda as posted. The motion was seconded by City Council Member/Board Member Creighton and the vote was: Ayes: Vierra, Creighton, Raymond, Price; Noes: None; Absent: Vineyard. The motion passed.**

CEREMONIAL MATTERS:

Atwater High School Winter Guard and Percussion Scholastic Regional A Central Valley Guard and Percussion Circuit Champions

**Mayor Price and City Council Member Creighton presented Certificates of Recognition to the Atwater High School Central Valley Guard and Percussion Circuit Champions.**

COMMENTS FROM THE PUBLIC:

**Notice to the public was read.**

**GREG OLZACK, Atwater, spoke regarding the current water conservation program in the City and reminded citizens that although Governor Brown has stated the drought is over, the City's water ordinance is still in effect and will be strictly enforced. Citizens with even number addresses may water on Tuesdays and Saturdays, and citizens with odd number addresses may water on Wednesdays and Sundays; NO watering on Mondays, Thursdays, and Fridays.**

**LARRY BERGMAN, Atwater, questioned the application process for the current City Manager recruitment. He voiced his displeasure with the social media comments surrounding the process and asked that those disgracing the City Council and the City to please stop.**

**No one else came forward to speak.**

CONSENT CALENDAR:

**Agenda item #4 under Agreements, "Approving the Purchase and Sale Agreement for the Long Range Property Management Plan Property 1," was removed from the consent calendar for separate discussion and possible action.**

***Agenda item #6 under Agreements, "Awarding a cooperative purchase for three (3) new 2017 Utility Trucks," was removed from the consent calendar for separate discussion and possible action.***

***MOTION: City Council Member Creighton moved to approve the consent calendar as amended. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Raymond, Creighton, Price; Noes: None; Absent: Vineyard. The motion passed.***

**WARRANTS:**

1. April 24, 2017

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

**MINUTES: (City Council)**

2. a) Special meeting, April 10, 2017  
b) Regular meeting, April 10, 2017

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

**RESOLUTIONS:**

3. Approving Department of Transportation Program Supplemental Agreement No. F021 for Highway Safety Improvement Program (HSIP) Cycle 7 (Interim City Manager/Community Development Director McBride)

***ACTION: Adoption of Resolution No. 2942-17 authorizing and directing the City Manager or his designee to execute any agreements or documents, in a form approved by the City Attorney, on behalf of the City relating to HSIP Cycle 7 Project CML-5254(026).***

**AGREEMENTS:**

4. Approving the Purchase and Sale Agreement for the Long Range Property Management Plan Property 1 (Interim City Manager/Community Development Director McBride)

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

5. Approving Contract and Budget Amendment regarding Affordable Housing consulting services (Interim City Manager/Community Development Director McBride)

**ACTION: Adoption of Resolution No. 2950-17 approving Professional Services Agreement with Rosenow Spevacek, Inc., in a form approved by the City Attorney, for affordable housing consulting services for Fiscal Year (“FY”) 2016-17 and authorizes and directs the City Manager to execute the agreement on behalf of the City of Atwater; and adoption of Resolution No. 2951-17 approving Budget Amendment No. 5 regarding Affordable Housing Consulting Services.**

6. Awarding a cooperative purchase for three (3) new 2017 Utility Trucks (Water Division Manager/Chief Operator Shaw)

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

7. Approving Memorandum of Understanding forming the Merced Irrigation-Urban Groundwater Sustainability Agency (Water Division Manager/Chief Operator Shaw)

**ACTION: Approves a Memorandum of Understanding forming the Merced Irrigation-Urban Groundwater Sustainability Agency; authorizes and directs the Mayor to execute the Memorandum of Understanding, in a form approved by the City Attorney, on behalf of the City; and sets a public hearing for May 8, 2017 to provide the public an opportunity to comment on the Memorandum of Understanding.**

**INFORMATION ITEMS ONLY (NO ACTION REQUIRED):**

8. Public Works Department activities and projects for the month of March, 2017 (Interim Public Works Director Faretta)
9. Water Well Levels for the month of March, 2017 (Water Division Manager/Chief Operator Shaw)

**AGREEMENTS:**

Approving the Purchase and Sale Agreement for the Long Range Property Management Plan Property 1 (Interim City Manager/Community Development Director)

***Interim City Manager/Executive Director McBride spoke regarding the Purchase and Sale Agreement for the Long Range Property Management Plan, Property 1, and the different options available for the disposition of property owned by the Successor Agency to the Atwater Redevelopment Agency.***

**MOTION: City Council Member/Board Member Raymond moved to adopt Resolution No. SA 2017-3 approving the Purchase and Sale Agreement (“PSA”) for the Long Range Property Management Plan (“LRPMP”) Property 1, 1222 Atwater Boulevard (“Property”). The motion was seconded by Mayor/Board Chair**

**Price and the vote was: Ayes: Creighton, Vierra, Raymond, Price; Noes: None; Absent: Vineyard. The motion passed.**

Awarding a cooperative purchase for three (3) new 2017 Utility Trucks (Water Division Manager/Chief Operator Shaw)

**Water Division Manager/Chief Operator Shaw spoke regarding the cooperative purchase for three (3) new 2017 utility trucks and the funding for said purchase.**

**MOTION: City Council Member Creighton moved to award a cooperative purchase, in a form approved by the City Attorney, to Razzari Ford, 1234 Auto Center Drive, Merced, California, 95341 for the purchase of three (3) new 2017 utility trucks in an amount not to exceed \$90,935.50; and authorizes and directs the City Manager to execute the purchase agreement on behalf of the City. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Raymond, Creighton, Price; Noes: None; Absent: Vineyard. The motion passed.**

PETITIONS AND COMMUNICATIONS:

Request to hold Red Ribbon Walk (Community Member Miranda Medeiros)

**By consensus, the City Council tabled this item to a future regular City Council meeting due to the absence of community member Miranda Medeiros.**

FUNDING AND BUDGET MATTERS

Treasurer's Report for the month of March, 2017 (City Treasurer Heller)

**MOTION: City Council Member Vierra moved to approve the Treasurer's Report for the month of March, 2017. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Creighton, Raymond, Vierra, Price; Noes: None; Absent: Vineyard. The motion passed.**

Quarterly Financial Update for Fiscal Year 2016/17 (Finance Director Deol)

**Finance Director Deol presented a quarterly financial update for Fiscal Year 2016-17.**

INTERIM CITY MANAGER REPORT:

Policy issues related to possible amendments to existing medical marijuana codes and potential Commercial Marijuana Ordinance

**DWIGHT LARKS, advocate for cannabis policy reform, spoke in favor of the draft marijuana ordinance and provided further insight into the marijuana industry.**

**BRAD KESSLER, Atwater, spoke of the pros and cons of commercial marijuana operations in Atwater.**

**Merced County District 3 Supervisor McDaniel spoke regarding transportation of the product and stated that the Board of Supervisors is still considering its next steps concerning commercial marijuana operations in Merced County.**

**STEPHANIE PEREZ, Merced attorney, spoke regarding the importance of regulating the marijuana industry.**

**The City Council provided Interim City Manager McBride with feedback regarding the draft marijuana ordinance.**

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal update regarding code enforcement activities and potential code modifications relating to nuisance abatement (Code Enforcement Officer Velazquez)

**Code Enforcement Officer Velazquez provided an update regarding code enforcement activities and sixteen potential code modifications relating to nuisance abatement.**

**BRAD KESSLER, Atwater, spoke highly of Code Enforcement Officer Velazquez and his work throughout the City.**

**JEANIE KNIGHT, Atwater, brought up one area of concern in Atwater.**

CITY COUNCIL MATTERS:

City Council comments

**City Council Member Raymond invited everyone to attend the National Day of Prayer service on May 4, 2017 at 12:00 PM in the City Council Chambers. He wished City Council Member Vineyard well.**

**City Council Member Vierra thanked Larry Bergman for bringing forth his concerns, and she encouraged citizens to not judge what is printed or stated in the news and to say only positive things about the City.**

**City Council Member Creighton stated that he is traveling with Merced County District 3 Supervisor McDaniel to Washington D.C. next week to attend the 2017 One Voice Program in which he will meet with legislatures to advocate for projects and issues of regional importance. He thanked Tree Partners Foundation, City staff, and community volunteers for their efforts to beautify Broadway Avenue between First Street and Winton Way by planting approximately 50 trees.**

**Mayor Price sent his sincere apologies to Gloria Perez with Love Atwater for his absence at the recent event. He spoke of the visiting Air Force members, and he encouraged the community to welcome them, to wish them well, and to show their appreciation to them and their service to our country. He, too, commended Tree Partners Foundation for "making our City look better."**

ADJOURNMENT:

**The meeting adjourned at 8:11 PM.**

  
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DON HYLER III  
CITY CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,  
Recording Secretary