



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

April 25, 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, 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: (4)

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 6:00 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, City Treasurer Heller, 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:

Ceremonial Matters was removed from the agenda in its entirety.

Agenda item #10 under Reports and Presentations from Staff, "Refinancing CalPERS Side Fund for the Miscellaneous and Safety Plans," was moved up on the agenda, to be considered immediately following agenda item #7 under Funding and Budget Matters.

MOTION: City Council Member Rivero moved to approve the agenda as amended. The motion was seconded by Mayor Pro Tem Bergman and the vote

was: Ayes: Bergman, Rivero, Raymond, Vineyard, Price; Noes: None; Absent: None. The motion carried.

CEREMONIAL MATTERS:

Firefighter of the Year

This item was removed from the agenda in its entirety.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

GARY BRICE, Atwater, voiced his concerns regarding Measure H funding and the transfer of Police Officer salaries in and out of the fund, and he reminded the community that the fund will expire in six years.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item # 5 under Petitions and Communications, "Amazing Grace Holiness Tabernacle for use of Ralston Park," was removed from the consent calendar for separate discussion and possible action.

Agenda item #6 under Petitions and Communications, "Atwater Pentecost Association for assistance with annual procession," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

1. April 25, 2016

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. Regular meeting, April 11, 2016

ACTION: Approval of minutes as listed.

AGREEMENTS:

3. CSG Consultants, Inc. for Building Department administration, Building Official, inspection, and plan review services (Community Development Director McBride)

ACTION: Approval of Professional Services Agreement, in a form approved by the City Attorney, with CSG Consultants, Inc. (CSG) for Building Department administration, Building Official, inspection, and plan review/plan check services; and authorizes and directs the City Manager to execute the agreement on behalf of the City.

CLAIMS AGAINST THE CITY:

4. Claim No. 2016-5

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2016-5 be rejected.

PETITIONS AND COMMUNICATIONS:

5. Amazing Grace Holiness Tabernacle for use of Ralston Park

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

6. Atwater Pentecost Association for assistance with annual procession

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

PETITIONS AND COMMUNICATIONS:

Amazing Grace Holiness Tabernacle for use of Ralston Park

Jared Burris, pastor of Amazing Grace Holiness Tabernacle, spoke regarding the "City Reach" event and announced the following times: Sunday evenings beginning at 6:00 PM; mid week beginning at 7:00 PM and concluding around 8:30 PM.

MOTION: City Council Member Rivero moved to approve the request from Amazing Grace Holiness Tabernacle for "City Reach" event and placement of gospel tent in Ralston Park from May 8-15, 2016. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Rivero, Raymond, Bergman, Vineyard, Price; Noes: None; Absent: None. The motion carried.

Atwater Pentecost Association for assistance with annual procession

MIKE RAYMOND, Atwater, voiced his concerns with the procession route as Winton Way is currently under construction.

MOTION: Mayor Pro Tem Bergman moved to approve the request from Atwater Pentecost Association for assistance with their annual Celebration of Holy Spirit Festa procession on Sunday, June 26, 2016, leaving Atwater Pentecost Club (APC) at 9:00 AM down Third Street, right on Broadway Avenue, right on Winton Way, and proceeding to Saint Anthony's Church and returning to APC down Winton Way, left on Grove Avenue, and right on Third Street. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Bergman, Rivero, Raymond, Price; Noes: Vineyard; Absent: None. The motion carried.

FUNDING AND BUDGET MATTERS:

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

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

REPORTS AND PRESENTATIONS FROM STAFF:

Refinancing CalPERS Side Fund for the Miscellaneous and Safety Plans (Finance Director Deol)

Eric Scriven, Principal at NHA Advisors, provided a brief overview of the objective of refinancing the CalPERS Side Fund for the Miscellaneous and Safety Plans, which is to create a more predictable payment structure over the next 10-15 years.

Cameron Weist, Attorney with The Weist Law Firm, spoke regarding the legal documents and the collateral necessary to refinance.

MOTION: Mayor Pro Tem Bergman moved to table this item and to bring it back at the next regular City Council meeting of May 9, 2016, which will allow time for staff and the City Council to search for an alternative, better solution to the repayment of debt. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Raymond, Rivero, Vineyard, Bergman, Price; Noes: None; Absent: None. The motion carried.

PETITIONS AND COMMUNICATIONS:

Merced County ½ cent Sales Tax Transportation Expenditure Plan (MCAG Executive Director Marjorie Kirn)

Marjorie Kirn, MCAG Executive Director, presented an overview of the ½ cent Sales Tax Transportation Expenditure Plan.

ERIC LEE, Atwater, asked questions in regard to the money the City would receive should the sales tax measure pass.

MIKE RAYMOND, Atwater, questioned the division of the potential sales tax revenue and spoke regarding the City's stagnant development.

JOSE RAMIREZ, San Joaquin Regional Rail Commission, spoke of the Commission's support of the plan and stated that neighboring communities are thriving due to similar measures.

GARRETT MAYER, Atwater, provided an example to put the proposed tax measure into perspective.

LINDA DASH, Atwater, voiced her concerns with City roads and with how the City will spend the money, and she questioned how many other entities have approved the plan so far.

MOTION: Mayor Pro Tem Bergman moved to adopt Resolution No. 2881-16 as amended, removing the third "Whereas" and changing the "Now, therefore, be it resolved" to read: "that the City Council of the City of Atwater approves placing the Merced County Transportation Expenditure Plan, including the ½ cent sales tax measure, before the voters as a ballot measure in the November 2016 general election." The motion was seconded by Mayor Price and the vote was: Ayes: Vineyard, Bergman, Price; Noes: Raymond, Rivero; Absent: None. The motion carried.

CITY ATTORNEY REPORTS/UPDATES:

Update regarding medical marijuana regulations in the City of Atwater.

City Attorney Terpstra provided an update regarding medical marijuana regulations in the City of Atwater and stated that staff has begun the process of allowing indoor cultivation of marijuana in the City of Atwater in order to meet the needs of those who do not have access to this medicinal product.

MIKE RAYMOND, Atwater, questioned the number of "live" plants one can have in his or her home if indoor cultivation was allowed.

GARRETT MAYER, Atwater, explained to the community several provisions of a 215 card.

By consensus, staff was given direction to proceed with the process of allowing indoor cultivation of marijuana in the City of Atwater, incorporating the City Council's comments.

REPORTS AND PRESENTATIONS FROM STAFF:

Financial update – Fiscal Year ended June 30, 2016 (Finance Director Deol)

Finance Director Deol provided a financial update regarding Fiscal Year ended June 30, 2016.

ERIC LEE, Atwater, questioned why the CFDs were allowed to go into deficit.

LINDA DASH, Atwater, asked questions concerning account receivables, specifically those 90+ days past due, and which services City staff directly invoices.

MIKE RAYMOND, Atwater, voiced his belief that staff does not know where the money is within the City.

Approving agreements for the purchase and sale of potable water for Merced County's Emergency Water Distribution Program (EWDP) (Interim Public Works Director Faretta)

Sam Palmer, Project Manager/Construction Supervisor with Self-Help Enterprises, provided an update regarding Merced County's Emergency Water Distribution Program, specifically the number of families with non-functional wells who reside in the 95301 zip code area and their water needs.

Jeremy Rahn, representing Merced County Office of Emergency Services, spoke in regard to the program and its success.

MOTION: City Council Member Rivero moved to approve an agreement with The Confidence Ridge Company, LLC and with Bezak Liquid Transport, in a form approved by the City Attorney, for the purchase and sale of potable water for Merced County's Emergency Water Distribution Program (EWDP); and authorizing and directing the Mayor to execute the agreements on behalf of the City. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Rivero, Raymond, Bergman, Price; Noes: Vineyard; Absent: None. The motion carried.

CITY COUNCIL MATTERS:

Discussion and possible action regarding existing Water Conservation Code

Greg Olzack, Police Department Volunteer, provided an update regarding enforcement of the water conservation code and stated the current code fits residents but not necessarily commercial and industrial park landscaping.

Jennifer Krumm, Community Administrator with Castle Vista, voiced her concerns with the existing water conservation code as it pertains to the Castle Vista senior community and asked the City Council to take her concerns into consideration when making changes.

By consensus, staff was given direction to proceed with modifications to the existing water conservation code, namely watering hours, taking into consideration the recommendations of the City Council.

City Council comments and requests for future agenda items

City Council Member Raymond spoke of the recent Love Atwater event. He announced several upcoming events: National Day of Prayer, May 5, 2016 at noon at City Hall; God Belongs in My City, May 7, 2016 at 10:00 AM beginning at City Hall and ending at Veterans Park; and VFW Job Fair, April 26, 2016 from 10:00 AM until 3:00 PM.

Mayor Pro Tem Bergman encouraged everyone to attend the Merced County Spring Fair in Los Banos this week, April 27 - May 1, 2016.

City Council Member Rivero thanked all those who helped with the Merced County Junior Olympics, and he acknowledged two friends who recently stopped in Atwater to shop.

City Council Member Vineyard spoke regarding the recent State of the College Address luncheon in which he attended. He reminded the community of the City's Adopt-A-Park program. He announced that he is adopting Heller Park and invited the community to a work day April 30, 2016 at 8:00 AM (and thereafter the last Saturday of each month). Also he announced that Crestview Neighborhood Watch will meet at Heller Park May 10, 2016 at 5:30 PM for a BBQ and to discuss the possibility of adopting a City park.

Mayor Price thanked Pastor Motz and Gloria Perez for their efforts with the recent Love Atwater event as well as those who participated. He encouraged the community to donate to the Atwater 4th of July event and challenged everyone to match or exceed his donation of \$100. He announced a Concert at Castle, May 21, 2016 and reminded citizens of the Welcome Home Heroes event and Job Fair May 14, 2016.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 8:26 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary