



CITY OF ATWATER

CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

ACTION MINUTES

January 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: (City Council)

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)

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: (1)

Closed Session adjourned at 5:23 PM.

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 6:02 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 McClellan.

ROLL CALL: (City Council/Governing Board)

Present: City Council Members/Board Members Raymond, Rivero, Vineyard, Mayor Pro Tem/Board Vice Chair Bergman, Mayor/Board Chair 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, City Treasurer Heller, Finance Director Deol, City Clerk/Board Secretary 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:

Mayor/Board Chair Price announced an additional non-action item to the agenda, to be placed first under Presentations.

MOTION: Mayor Pro Tem/Board Vice Chair Bergman moved to approve the agenda as amended. The motion was seconded by City Council Member/Board Member Raymond and the vote was: Ayes: Bergman, Vineyard, Raymond, Rivero, Price; Noes: None; Absent: None. The motion carried.

CEREMONIAL MATTERS:

- Judy G. Ellis

Mayor Price presented Aileen Colburn Elementary School teacher Judy Ellis, Atwater Elementary School District, with a certificate of recognition for being honored as Educator of the Week from January 11, 2016 through January 15, 2016.

Atwater Elementary School District Superintendent Sandra Schiber and Aileen Colburn Elementary School Principal Tiffani Gong spoke regarding this tribute.

PRESENTATIONS:

Presentation of a plaque of appreciation from Central Valley Honor Flight to the City of Atwater

Larry and Marian McFarland, local coordinators of the Central Valley Honor Flight, presented Mayor Price and the City of Atwater with a plaque of appreciation "on behalf of the World War II Veterans who made 'one more tour with honor' to view their Memorial via the Castle Honor Flights, October 2014 and 2015." They invited all veterans who have not yet made the trip to the nation's capital to participate in one of the final four trips scheduled in 2016.

Mayor Price thanked Larry and Marian McFarland for their efforts in making the flights a success.

Possible donation of Aircraft Hangar to Castle Air Museum (Joe Pruzzo, Chief Executive Officer, Castle Air Museum Foundation, Inc.)

Joe Pruzzo, Chief Executive Officer, Castle Air Museum Foundation, Inc. provided a verbal report regarding the possible donation of an aircraft hangar from Flyers Energy, LLC of Northern California to Castle Air Museum, which will allow the museum to display fragile vintage artifacts (airplanes) indoors. He thanked the City Council and the community for their support of the Castle Air Museum.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

No one 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 Vineyard and the vote was: Ayes: Raymond, Vineyard, Bergman, Rivero, Price; Noes: None; Absent: None. The motion carried.*

WARRANTS:

2. January 25, 2016

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

3. a) Special meeting, January 11, 2016
- b) Regular meeting, January 11, 2016

ACTION: *Approval of minutes as listed.*

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

4. Waiving the second reading and adopting Ordinance No. CS 969 amending Title 8 "Health and Safety" to add Chapter 8.50 to the Atwater Municipal Code imposing an express ban on marijuana processing, marijuana delivery, and marijuana dispensaries in the City (City Attorney Terpstra)

ACTION: *Waives the second reading and adopts Ordinance No. CS 969 amending Title 8 "Health and Safety" to add Chapter 8.50 "Medical Marijuana" to the Atwater Municipal Code.*

AGREEMENTS:

5. Approving Amendment No. 5 to Professional Services Agreement with EMC Planning Group, Inc. for Ferrari Ranch EIR and CEQA services (Community Development Director McBride)

ACTION: *Approval of Amendment No. 5 to the Professional Services Agreement, in a form approved by the City Attorney, between the City of Atwater and EMC Planning Group, Inc. for Ferrari Ranch EIR and CEQA services; and authorizes and directs the City Manager to execute the amendment on behalf of the City.*

RESOLUTIONS:

6. Submittal of grant application under the 2015 Assistance to Firefighters Grant Program (CAL FIRE Battalion Chief Pimentel)

ACTION: *Adoption of Resolution No. 2872-16 authorizing submittal of an application to the United States Department of Homeland Security for the 2015 Assistance to Firefighters Grant Program (AFG) and authorizing and directing the City Manager, or his designee, to execute the grant application on behalf of the City.*

FUNDING AND BUDGET MATTERS:

Treasurer's Report for the month of November, 2015 (City Treasurer Heller)

MOTION: *Mayor Pro Tem Bergman moved to approve the Treasurer's Report for the month of November, 2015. 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.*

CITY MANAGER REPORTS:

Verbal update regarding the "In God We Trust" sign in front of City Hall

City Manager Pietro reported that the City has \$867 in donation money to spend on a replacement sign in front of City Hall, and he presented a potential design, sample lettering, and a color chart for discussion.

MIKE MERONEY, Atwater, spoke regarding the sample design he submitted and offered further suggestions for City Council consideration.

RUBY MAYBERRY, Atwater, voiced her opinion regarding the samples and reminded the community that the motto "In God We Trust" is printed on the one dollar bill.

MOTION: *Mayor Price moved to ask Beverly Berela of the Atwater Times to take pictures of the samples for the newspaper and to request public input regarding the replacement sign in front of City Hall; and to move this item to the next regular City Council meeting agenda of February 8, 2016 for possible action. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Rivero, Raymond, Bergman, Price; Noes: Vineyard; None; Absent: None. The motion carried.*

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal report regarding General Fund Five Year Forecast (Finance Director Deol)

Finance Director Deol provided a General Fund Five Year Forecast report and announced that actual CalPERS numbers were not provided by NHA Advisors, LLC in time for this report; actual expenditures may be higher.

Adopting Recognized Obligation Payment Schedule (ROPS) and Administrative Budget for Fiscal Year 2016-17 (Community Development Director McBride)

MOTION: Mayor Pro Tem/Board Vice Chair Bergman moved to adopt Resolution No. SA 2016-1 adopting the Recognized Obligation Payment Schedule 2016-17 for the July 1, 2016 through June 30, 2017 period and adopting the Administrative Budget for Fiscal Year 2016-17. The motion was seconded by City Council Member/Board Member Raymond and the vote was: Ayes: Vineyard, Bergman, Rivero, Raymond, Price; Noes: None; Absent: None. The motion carried.

Approving Professional Services Agreement with RSG, Inc. for Successor Agency consulting services for Fiscal Year 2016-17 (Community Development Director McBride)

MOTION: Mayor Pro Tem/Board Vice Chair Bergman moved to approve a Professional Services Agreement, in a form approved by the City Attorney, with Rosenow Spevacek Group, Inc. (RSG) to perform services to the Successor Agency to the Atwater Redevelopment Agency (Successor Agency) for Fiscal Year 2016-17; and authorizing transmittal of the consulting services proposal to the Oversight Board for their consideration and possible action. The motion was seconded by City Council Member/Board Member Vineyard and the vote was: Ayes: Bergman, Vineyard, Raymond, Rivero, Price; Noes: None; Absent: None. The motion carried.

Verbal report regarding Traffic and Pedestrian Safety List prioritization (Community Development Director McBride)

Community Development Director McBride provided a verbal report regarding Traffic and Pedestrian Safety List prioritization, specifically projects that require City Council consideration in the near future. He reported a potential concern to the City, three stop signs on Fruitland Avenue that were installed even though a traffic study revealed the locations did not warrant signs. He requested City Council input concerning these signs.

Police Officer Duncan (Traffic Division) voiced his concerns regarding the above-mentioned stop signs on Fruitland Avenue. He provided statistical data for accidents and citations issued in various locations throughout the City and offered input in regard to the prioritized list.

MOTION: City Council Member Vineyard moved to move forward with the process to remove three stop signs on Fruitland Avenue: Fruitland Avenue at Chardonnay Way, Fruitland Avenue at Orchard Park Avenue, and Fruitland Avenue at Capitola Avenue. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Bergman, Vineyard, Price; Noes: Rivero; Absent: None. The motion carried.

Mayor Price asked that a future regular City Council meeting agenda include revisiting the placement of a stop sign at Winton Way and Olive Avenue given the new information presented.

CITY COUNCIL MATTERS:

City Council comments and requests for future agenda items

City Council Member Raymond asked City Manager Pietro to look into adopting the opengov.com system, a web-based performance intelligence and financial transparency system for state and local governments in which viewers can see a real time accounting of where every dollar is spent.

City Council Member Vineyard had nothing to report.

Mayor Pro Tem Bergman thanked Beverly Berela of the Atwater Times for her assistance in soliciting public input for the "In God We Trust" sign to be placed in front of City Hall. He announced that an Open Forum will be held Wednesday, February 3, 2016 at 6:00 PM in the City Council Chambers to allow the public an opportunity to discuss options for the sign. He asked that the next regular City Council meeting agenda of February 8, 2016 include this item for possible action.

City Council Member Rivero asked that the intersection of Fruitland Avenue and Virginia Street and the intersection of Linden Street and Palm Avenue be included in the Traffic and Pedestrian Safety List under "Requires Future Study." He asked that a future regular City Council Meeting agenda include revisiting Resolution No. 2868-15 regarding the cultivation of marijuana in the City.

Mayor Price reported on his recent Police Department ride-along and was surprised to observe sprinklers on even with the recent consistent rains. He reminded the community of the drought and asked residents to turn off sprinklers for now. He announced that the Merced County Transportation Expenditure Plan has been completed, indicating the need for a ½ cent County-wide sales tax ballot initiative to fix problem streets. He announced a Town Hall meeting to be held February 26, 2016 at 6:00 PM at the Community Center and invited everyone to attend.

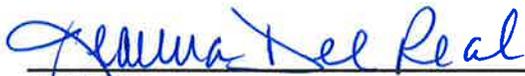
City Council Member Rivero asked staff to look into the hazards of grass growing up through cracks in various roads throughout the City.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 8:19 PM.



JEANNA DEL REAL, CMC
CITY CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,
Recording Secretary