



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

January 11, 2016

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:04 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, Recreation Supervisor Barton, Finance Director Deol, City Clerk/Human Resources Director 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.

City Attorney Terpstra stated that he advised the City Council of a change to agenda item #12 under Public Hearings, "Waiving the first reading and introducing 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 cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries in the City," in which all references to "cultivation" will be removed; the change will be discussed further when the item is presented.

SUBSEQUENT NEED ITEMS: None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

City Clerk Del Real announced a request from staff to move agenda item #15 under Reports and Presentations from Staff, "Restructuring CalPERS Side Fund Benefit Pension for the Miscellaneous and Safety Plans" to be considered after the consent calendar.

MOTION: Mayor Price moved to approve the agenda as amended. 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

Merced County District 3 Supervisor McDaniel introduced CAL FIRE Battalion Chief Rahn who spoke regarding the County's emergency water program. Battalion Chief Rahn stated that 20,000 gallons of water a week is needed to serve residents in the 95301 zip code area who are participating in the program and that Castle's water system may be a viable water source.

Merced County District 3 Supervisor McDaniel reported on several items:

- 1) Castle Commerce Center - He announced that two more businesses may relocate to Castle Commerce Center and that several new businesses are considering the purchase of additional property for expansion.**
- 2) Merced County Sheriff's Office - He congratulated Merced County Sheriff Vern Warnke for the hiring of 17 new staff members who were recently sworn into office.**
- 3) Welcome Home Heros - He announced that a special event to benefit the Welcome Home Heros program participants will take place Saturday, May 14, 2016 at Castle from 10:00 AM – 4:00 PM. Welcome Home Heros is a non-profit organization that assists veterans who are newly released from military service and who may not have family nearby in which to rely upon. The event will consist of a motorcycle run, an antique fly in, a concert, and a job fair. The free event is open to all community members.**

Verbal report regarding the City's ongoing regulatory compliance activities (Kathryn Gies, West Yost Associates Engineering Manager)

Kathryn Gies, West Yost Associates Engineering Manager, provided a verbal report regarding the City's ongoing regulatory compliance activities at several locations: the Bert Crane Regional Wastewater Treatment Plant, the Bert Crane Landfill (a site abandoned in the 1970s), and the old wastewater treatment plant site.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

No one came forward to speak.

CONSENT CALENDAR:

Agenda item #8 under Informational Items Only (No Action Required), "Police Department activities and projects for the month of December, 2015, was removed from the consent calendar for separate discussion.

Agenda item #10 under Informational Items Only (No Action Required), "Fire Department activities and projects for the month of December, 2015, was removed from the consent calendar for separate discussion.

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

WARRANTS:

2. a) December 28, 2015
b) January 11, 2016

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

3. Regular meeting, December 14, 2015

ACTION: Approval of minutes as listed.

MINUTES: (Commissions)

4. Community Development and Resources, November 18, 2015

ACTION: Acceptance of minutes as listed.

REPORTS:

5. 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.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

6. Waiving the second reading and adopting Ordinance No. CS 971 amending Title 5 "Business Taxes, Licenses, and Regulations," to add Chapter 5.62 "Donation Bins" to the Atwater Municipal Code (City Attorney Terpstra)

ACTION: Waives the second reading and adopts Ordinance No. CS 971 amending Title 5 "Business Taxes, Licenses, and Regulations," to add Chapter 5.62 "Donation Bins" to the Atwater Municipal Code.

AGREEMENTS:

7. Approving agreement with Atwater Little League for improvement and usage of Osborn Park Fields (Recreation Supervisor Barton)

ACTION: Approval of agreement between the City of Atwater and the Atwater Little League for the improvement and usage of Michael Freddy Raymond Field, Darren Herschler Field, Osborn Field, Miyake Field, and the T-Ball field located within Osborn Park, and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

8. Police Department activities and projects for the month of December, 2015 (Police Lieutenant Joseph)

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

9. Police Volunteer activities for the month of December, 2015 (Police Volunteer Vineyard)

10. Fire Department activities and projects for the month of December, 2015 (CAL FIRE Battalion Chief Pimentel)

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

11. Public Works Department activities and projects for the month of December, 2015 (Interim Public Works Director Faretta)

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Police Department activities and projects for the month of December, 2015 (Police Lieutenant Joseph)

Police Lieutenant Joseph reported on Police Department activities and projects for the month of December, 2015. He provided a year-end recap of services provided by Police Department personnel for 2015 (January 1 – December 31) as well.

Fire Department activities and projects for the month of December, 2015 (CAL FIRE Battalion Chief Pimentel)

CAL FIRE Battalion Chief Pimentel reported on Fire Department activities and projects for the month of December, 2015. He reminded citizens to service their HVAC systems and furnaces to ensure effective monitoring of carbon monoxide in households.

REPORTS AND PRESENTATIONS FROM STAFF:

Restructuring CalPERS Side Fund Benefit Pension for the Miscellaneous and Safety Plans (Finance Director Deol)

Eric Scriven, Principal, NHA Advisors, LLC, spoke regarding restructuring CalPERS Side Fund Benefit Pension for the Miscellaneous and Safety Plans, presenting three options for City Council consideration.

Financial Consultant Zenoni, provided further information concerning the City's financial situation and the need to restructure CalPERS Side Funds.

MOTION: Mayor Pro Tem Bergman moved to select Option 1B - 7 Year Average Life (Pay-Off 100% of Both Miscellaneous and Safety Plans) as the preferred restructure for refinancing CalPERS Side Fund obligations; and to authorize the release of a Request for Proposal to solicit a Bond Counselor to negotiate with potential financial institutions and to prepare associated legal documents to facilitate the transaction. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Vineyard, Bergman, Price; Noes: Rivero, Raymond; Absent: None. The motion carried.

Mayor Price called a recess at 7:38 PM.

The City Council returned to the dais and Mayor Price resumed the meeting at 7:49 PM.

PUBLIC HEARINGS:

Waiving the first reading and introducing 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 cultivation, marijuana processing, marijuana delivery, and marijuana dispensaries in the City (City Attorney Terpstra)

City Attorney Terpstra announced a change to the proposed ordinance, to delete any reference to "cultivation." The City previously banned marijuana cultivation by resolution, and the Atwater Municipal Code incorporates such.

Mayor Pro Tem Bergman asked that a future regular City Council meeting agenda include a presentation by Merced County Police Sergeant Framstad in regard to what is being sold in smoke shops in Atwater.

Merced County Police Sergeant Framstad provided a verbal report and PowerPoint presentation concerning the dangers and problems associated with the use of marijuana in the County.

Mayor Price opened the public hearing for this item.

GARRETT MAYER, Atwater, spoke against the proposed ordinance citing his medical condition that is "controlled" with smoking marijuana. He stated that the proposed ordinance, if adopted, will force him and others to obtain the drug illegally.

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

City Council Member Rivero asked that a future regular City Council meeting agenda include revisiting Resolution No. 2868-15 prohibiting cultivation of marijuana in the City of Atwater so that truly sick individuals are allowed to grow the plants indoors.

MOTION: Mayor Pro Tem Bergman moved to waive the first reading and introduce Ordinance No. CS 969 amending Title 8 "Health and Safety" to add Chapter 8.50 "Medical Marijuana" to the Atwater Municipal Code as amended, with the removal of "cultivation." 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.

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 approximately \$800 in donation money left to cover the cost of the outdoor sign, and sample designs were presented and discussed.

MIKE MERONEY, Atwater, stated that he would submit possible sign specifications for City Council consideration by the end of the week.

By consensus, this item was continued to the next regular City Council meeting agenda of January 25, 2016 to allow for additional public input.

REPORTS AND PRESENTATIONS FROM STAFF:

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, with the focus on projects that require City Council consideration in the near future.

By consensus, this item was continued to the next regular City Council meeting agenda of January 25, 2016 to allow the City Council additional time to review the list in order to provide direction on priority locations.

CITY COUNCIL MATTERS:

Discussion and possible action to consider placement of "In God We Trust" on the City Water Tower

City Manager Pietro reported that lead paint on the water tower would have to be removed prior to the placement of a sign, and the cost is exorbitant.

By consensus, no action was taken on this item and the item was tabled indefinitely.

Discussion and possible action regarding revisiting one City Council meeting a month

City Attorney Terpstra clarified that an item can be brought back for City Council consideration any time there is a change in circumstances.

MOTION: City Council Member Vineyard moved to move to one City Council meeting a month with the option of holding a second meeting if needed. The motion was seconded by Mayor Pro Tem Bergman and the vote was: Ayes: Bergman, Vineyard; Noes: Raymond, Rivero, Price; Absent: None. The motion was rejected.

Approval of Annual 2016 Regular Meeting Schedule Calendar

MOTION: Mayor Pro Tem Bergman moved to approve the 2016 Regular Meeting Schedule Calendar as amended, to delete Audit and Finance Committee meetings in November and December; when regular meetings are cancelled, to authorize

the Mayor and City Manager to sign any documents required to maintain essential City Services. Said documents shall be reviewed by the City Attorney and be scheduled for ratification of the entire City Council at the next regularly scheduled City Council meeting. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Vineyard, Rivero, Bergman, Raymond, Price; Noes: None; Absent: None. The motion carried.

City Council comments and requests for future agenda items

City Council Member Vineyard asked that City Attorney Terpstra review Resolution No. 2868-15 regarding indoor marijuana cultivation and how it affects Proposition 215 recipients. He announced that the Miss Atwater pageant will take place Saturday, January 16, 2016 at Buhach Colony High School at 7:00 PM. He asked community members to submit ideas for promoting Atwater to the Atwater Chamber of Commerce in the hopes of bringing new businesses to the City.

City Council Member Raymond had nothing to report.

City Council Member Rivero congratulated the St. Anthony's boys' basketball team for winning their tournament in Livingston; they beat an undefeated team. He asked that staff "take a serious look" at the City's professional services contracts before the next budget workshops.

Mayor Pro Tem Bergman wished everyone a happy, joyful, and prosperous New Year.

Mayor Price wished everyone a Happy 2016. He asked citizens to work with City staff in regard to clearing leaves and debris from storm drains in front of their homes due to the predicted rains. He reminded the community to continue to conserve water; the County is still in the middle of a drought and recent rains seem to have brought a false sense of security. It will take many years to recover. He asked Community Development Director McBride to provide a brief update regarding the proposed hotel/gas station project.

Community Development Director McBride provided an update regarding the hotel/gas station project; no permits have been issued to date.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned in memory of Richard Trindade and Bill Blake.

The meeting adjourned at 9:16 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary