



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

July 11, 2016

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:05 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 Member Raymond, Mayor Pro Tem Bergman, Mayor Price

Absent: City Council Members Rivero, Vineyard

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 5:06 PM. Closed Session was called to order at 5:10 PM.

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (1)

Closed Session adjourned at 5:40 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:01 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 Member Raymond, Mayor Pro Tem Bergman, Mayor Price
Absent: City Council Members Rivero, Vineyard
Staff Present: City Manager/Police Chief Pietro, City Attorney Terpstra, Police Lieutenant Joseph, Community Development Director McBride, Interim Public Works Director Faretta, 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:

Agenda item #3 on the consent calendar under Ordinances (Waiving Second Reading and Adoption), "Waiving the second reading and adopting Ordinance No. CS 974 amending Chapter 8.50 to 8.60 of the Atwater Municipal Code regarding commercial marijuana cultivation, processing, delivery, and dispensing and regarding personal cultivation of medical marijuana," was removed from the agenda in its entirety.

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

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported on several items:

- ***Merced County permitting activity: 16% increase in administration of applications; 50% increase in minor subdivisions; 2 more properties sold.***
- ***Merced County Department of Mental Health, Behavioral Health Campus groundbreaking: Wednesday, July 13, 2016 at 9:00 AM at 301 East 13th Street, Merced.***
- ***Merced County proposed Fiscal Year 2016-17 Budget: temporary operating plan was approved June 28, 2016; the Board of Supervisors will consider the final budget for approval September 20, 2016 at 11:00 AM.***
- ***Viper (Violence Interruption Prevention Emergency Response) Program: \$4.5 million in state funding has been secured for the program, to be paid over the next three years; Merced County has committed to a 10% match of funds.***
- ***Highway 99 repairs: resurfacing of Highway 99 between Franklin and Applegate Roads will take place July 17–21, 2016 from 7:00 PM to 6:00 AM.***

Supervisor McDaniel clarified that Fruitland Avenue is within City of Atwater limits. He thanked the 4th of July Committee for their efforts with this year's event, those who helped with the recent visit of the President and his family to Atwater/Yosemite, and the Community Development Department for their timely assistance restoring phone service to a constituent.

Mayor Price announced that approximately 13,000 people attended this year's 4th of July event at Castle and he too thanked those who helped.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

LORI JOHNSON, Atwater, spoke regarding her recent claims against the City and stated she believes her rights are being taken away.

RICHARD JOHNSON, Atwater, voiced his frustrations and anger with the Police Department for their alleged "harassment" and lack of assistance.

No one else came forward to speak.

CONSENT CALENDAR:

MOTION: Mayor Pro Tem Bergman moved to approve the consent calendar as amended. The motion was seconded by City Council Member Raymond and the

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

WARRANTS:

1. July 11, 2016

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. Regular meeting, June 27, 2016

ACTION: Approval of minutes as listed.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

3. Waiving the second reading and adopting Ordinance No. CS 974 amending Chapter 8.50 to 8.60 of the Atwater Municipal Code regarding commercial marijuana cultivation, processing, delivery, and dispensing and regarding personal cultivation of medical marijuana (City Attorney Terpstra)

This item was removed from the agenda in its entirety.

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.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

5. Police Department activities and projects for the month of June, 2016 (Police Lieutenant Joseph)
6. Police Volunteer activities for the month of June, 2016 (Police Volunteer Vineyard)
7. Fire Department activities and projects for the month of June, 2016 (CAL FIRE Battalion Chief Pimentel)
8. Public Works Department activities and projects for the month of June, 2016 (Interim Public Works Director Faretta)

PUBLIC HEARINGS:

Confirming the engineer's reports and ordering the annual levy for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2016/17 (Community Development Director McBride)

Mayor Price opened the public hearing for this item.

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

For the record, no majority protest occurred.

Mickey Ashley, representing Willdan Financial Services, stated that there are sufficient funds available to increase the level of service within the majority of the Landscape Assessment Maintenance Districts.

MOTION: Mayor Pro Tem Bergman moved to adopt Resolution No. 2909-16 confirming the engineer's reports and ordering the continued maintenance of the City of Atwater Lighting and Drainage and Landscape Assessment Maintenance Districts and levy of assessments for Fiscal Year 2016/17. The motion was seconded by Mayor Price and the vote was: Ayes: Raymond, Bergman, Price; Noes: None; Absent: Rivero, Vineyard. The motion carried.

CITY COUNCIL MATTERS:

City Council comments and requests for future agenda items

City Council Member Raymond stated for the record that he will submit a request for a future regular City Council meeting agenda item, to extend the fee reduction program for residential building. He spoke to all law enforcement agencies and said, "You are in our prayers."

Mayor Pro Tem Bergman echoed City Council Member Raymond's comments and asked that the meeting be adjourned in memory of the officers who lost their lives in the last week.

Mayor Price spoke regarding the 4th of July event and thanked Greg and Pinky McDaniel for their efforts coordinating the event, the Make A Wish Foundation for granting Kayla Damien's wish to be "Honorary Mayor of the Day" in Atwater, Twila for singing the National Anthem with a broken ankle, and to all those who participated in and patronized the event. He spoke of the recent events in Dallas this week and asked the community to pray for calm and to put aside ill feelings.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned to Monday, July 18, 2016 at 4:30 PM in the City Council Chambers to hold a public hearing regarding the City of Atwater 2014-2023 Housing Element Update.

The meeting adjourned in memory of the Dallas Police Officers who were killed in the line of duty this past week.

The meeting adjourned at 6:47 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary