



CITY OF ATWATER

**CITY COUNCIL,
FIRE PROTECTION DISTRICT,
AND
SUCCESSOR AGENCY TO THE ATWATER
REDEVELOPMENT AGENCY**

ACTION MINUTES

June 13, 2016

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater, the Board of Directors of the Fire Protection District, and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency met in Regular Session this date at 6:06 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor/Board President/Board Chair Price presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

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

INVOCATION:

The Invocation was led by Police Chaplain McClellan.

ROLL CALL: (City Council/Board of Directors/Governing Board)

Present: *City Council Members/Board Members Raymond, Rivero, Mayor Pro Tem/Board Vice President/Board Vice Chair Bergman, Mayor/Board President/Board Chair Price*

Absent: *City Council Member/Board Member Vineyard*

Staff Present: City Manager/Executive Director/Police Chief Pietro, Deputy City Attorney Ruppel, CAL FIRE Battalion Chief/District Chief Pimentel, Police Lieutenant Joseph, Community Development Director McBride, Interim Public Works Director Faretta, Water Division Manager/Chief Operator Shaw, Finance Director Deol, City Clerk/Board Clerk/Board Secretary Del Real, Recording Secretary Bengtson-Jennings

SUBSEQUENT NEED ITEMS: None.

Mayor Price invited the family of retired Police Clerk II/Public Safety Dispatcher Cheryl Ramirez to come forward, and he and Police Lieutenant Joseph presented the family with a certificate and announced that the meeting will adjourn in memory of Ms. Ramirez.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Mayor Price announced a request to remove Agenda item #18 under Petitions and Communications, "Request from Atwater First Baptist Church to distribute food at Ralston Park on the 4th Saturday of each month May through December" from the agenda in its entirety and referred the item to the Community Development and Resources Commission for consideration.

Mayor Price announced a request to remove Agenda item #22 under Reports and Presentations from Staff, "Verbal update regarding Applegate Road/Winton Way improvement project," from the agenda in its entirety due to the absence of City Council Member/Board Member Vineyard.

MOTION: Mayor Pro Tem/Board Vice President/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, Raymond, Rivero, Price; Noes: None; Absent: Vineyard. The motion carried.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

District 3 Supervisor McDaniel announced that he will be sending a letter of support for the City's COPS grant application. Also, he reported on several items:

- 1. Economic Development at Castle Commerce Center: 5 new leads; and tech giant Google intends to extend their lease as they have invested 5 million dollars in their site so far.**
- 2. Revenue Sharing: the County has entered into a property tax revenue sharing agreement with the City of Los Banos and is in negotiations with other cities as well.**
- 3. Merced County: in 2015 unemployment dropped 1.7%, job growth rate**

increased 1.4%, economic output growth rate increased 5%, and median home prices increased 13.7%.

- 4. Merced County proposed FY 2016-17 Budget: the Board of Supervisors will consider the proposed FY 2016-17 Budget at their June 28, 2016 meeting.*

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

CAROLYN POSTON, representing Atwater First Baptist Church, asked for clarification concerning their request to distribute boxes of food at Ralston Park the fourth Saturday of each month from May to December.

Mayor Price clarified that the item will be referred to the Community Development and Resources Commission for consideration, and the Commission may recommend the item for approval by the City Council at a later date.

LORI CHAVEZ, representing Rancho Grande Mobile Home Park (a senior community), spoke regarding a proposed initiative prohibiting the owners of the mobile home park from turning it into a family park, and she asked for City Council support.

Deputy City Attorney Ruppel asked that the proposal be submitted to the City for legal review prior to City Council consideration and action.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #9 under Agreements, "Approving Professional Services Agreement with North Star Engineering Group, Inc. for on call general engineering services," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

1. June 13, 2016

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. a) Regular meeting, May 23, 2016
- b) Adjourned meeting, May 25, 2016

ACTION: Approval of minutes as listed.

MINUTES: (Commissions)

3. Community Development and Resources, April 20, 2016

ACTION: Acceptance of minutes as listed.

RESOLUTIONS:

4. Authorizing submittal of grant application to United States Department of Justice Office of Community Oriented Policing Services for funding under 2016 COPS Hiring program (Police Chief Pietro)

ACTION: Adoption of Resolution No. 2889-16 authorizing submittal of grant application to the United States Department of Justice Office of Community Oriented Policing Services (COPS) for funding under the 2016 COPS Hiring Program (CHP); and authorizes and directs the City Manager or his designee to execute any agreements or documents relating to participation and administration of grant, if awarded, on behalf of the City.

5. Accepting FY 2015 Assistance to Firefighters Operations and Safety Grant Award (CAL FIRE Battalion Chief Pimentel)

ACTION: Adoption of Resolution No. 2888-16 authorizing acceptance of the 2015 Assistance to Firefighters Operations and Safety Grant Award; and authorizes and directs the City Manager or his designee to sign any grant related documents on behalf of the City.

6. Authorizing the initiation of the annexation of Juniper Meadows II Landscape and Lighting and Drainage Maintenance District into Juniper Meadows Landscape and Lighting and Drainage Maintenance District, declaring intention to levy annual assessment for FY 2016/17 (Community Development Director McBride)

ACTION: Adoption of Resolution No. 2893-16 authorizing initiation of proceedings for the annexation of Juniper Meadows Phase II into the existing Juniper Meadows Landscape Maintenance District and directing the preparation and filing of an engineer's report in connection with said annexation and the proposed levy and collection of assessments commencing in Fiscal Year 2016/17; adoption of Resolution No. 2897-16 declaring the Council's intention to annex Juniper Meadows Phase II into the Juniper Meadows Landscape Maintenance District, levy the annual special benefit assessment for said annexation territory

commencing with the Fiscal Year 2016/17, accepting and filing the engineer's report, conducting a property owner protest ballot preceding, and setting a time and place for a public hearing; adoption of Resolution No. 2898-16 initiating proceedings for the formation of Lighting and Drainage District No. 31 – Juniper Meadows II, and directing the preparation and filing of an engineer's report in connection with said formation and the proposed levy and collection of assessments commencing in Fiscal Year 2016/17; and adoption of Resolution No. 2899-16 declaring the Council's intention to form Lighting and Drainage District No. 31 – Juniper Meadows II, levy annual special benefit assessment for said district commencing with the Fiscal Year 2016/17, accepting and filing the engineer's report, conducting a property owner protest ballot preceding, and setting a time and place for a public hearing.

7. Declares City's intent to collect annual levy for various Assessment Maintenance Districts for Fiscal Year 2016/17, preliminarily approving the Engineer's Reports and setting a public hearing date (Community Development Director McBride)

ACTION: Adoption of Resolution No. 2900-16 ordering the City's Assessment Engineer to prepare and file the Engineer's Reports for the collection of the proposed annual assessments for the Lighting and Drainage and Landscape Maintenance Districts for Fiscal Year 2016/17; and adoption of Resolution No. 2901-16 granting preliminary approval of the Engineer's Reports, declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2016/17 and setting a public hearing date for said assessments for July 11, 2016.

8. Authorizing submittal of grant application to State of California Caltrans Division of Local Assistance for funding under 2017 Active Transportation Program (ATP) Cycle 3 (Community Development Director McBride)

ACTION: Adoption of Resolution No. 2891-16 authorizing submittal of grant application to the State of California Caltrans Division of Local Assistance for funding under the 2017 Active Transportation Program (ATP) Cycle 3; and authorizes and directs the City Manager or his designee to execute all documents relating to participation and administration of grant, if awarded, on behalf of the City.

AGREEMENTS:

9. Approving Professional Services Agreement with North Star Engineering Group, Inc. for on call general engineering services (Community Development Director McBride)

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

10. Approving and ratifying agreement with the Atwater Police Officers' Association (APOA) Bargaining Unit (City Manager Pietro)

ACTION: Adoption of Resolution No. 2892-16 approving and ratifying agreement with the Atwater Police Officers' Association; and authorizes and directs the City Manager to sign the necessary documents implementing provisions of the Memorandum of Understanding (MOU) upon review by the City Attorney.

REPORTS:

11. 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):

12. Waiving the second reading and adopting Ordinance No. CS 973 amending Chapter 2.08 of the Atwater Municipal Code relating to City Council Meetings (City Attorney Terpstra)

ACTION: Waives the second reading and adopts Ordinance No. CS 973 amending Chapter 2.08 of the Atwater Municipal Code to adopt Rosenberg's Rules of Order.

13. Waiving the second reading and adopting Ordinance No. CS 972 amending Title 13, "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code (Water Division Manager/Chief Operator Shaw)

ACTION: Waives the second reading and adopts Ordinance No. CS 972 amending Title 13, "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

14. Police Department activities and projects for the month of May, 2016 (Police Lieutenant Joseph)
15. Police Volunteer activities for the month of April and May, 2016 (Police Volunteer Vineyard)
16. Fire Department activities and projects for the month of May, 2016 (CAL FIRE Battalion Chief Pimentel)
17. Public Works Department activities and projects for the month of May, 2016 (Interim Public Works Director Faretta)

AGREEMENTS:

Approving Professional Services Agreement with North Star Engineering Group, Inc. for on call general engineering services (Community Development Director McBride)

Mayor Pro Tem Bergman questioned the RFQ/RFP process and requested that future RFQs and RFPs be provided to the City Council for review.

MOTION: Mayor Pro Tem Bergman moved to table this item to the next regular City Council meeting agenda of June 27, 2016 subsequent to review of the contract and hourly rates for each of the five engineering companies currently providing on call general engineering services to the City. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Rivero, Raymond, Bergman, Price; Noes: None; Absent: Vineyard. The motion carried.

PETITIONS AND COMMUNICATIONS:

Request from Atwater First Baptist Church to distribute food at Ralston Park on the 4th Saturday of each month May through December

This item was removed from the agenda and referred to the Community Development and Resources Commission for consideration.

PUBLIC HEARINGS:

Adoption of 2016-17 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Classification Plan and approving Salary Schedule B-16, effective July 1, 2016 (Finance Director Deol)

Finance Director Deol presented a verbal report regarding the proposed 2016-17 Fiscal Year Budget.

Mayor/Board President/Board Chair Price opened the public hearing for this item.

No one came forward to speak and Mayor/Board President/Board Chair Price closed the public hearing.

Mayor/Board President/Board Chair Price called a recess at 6:43 PM.

The City Council returned to the dais and Mayor/Board President/Board Chair Price resumed the meeting at 6:51 PM.

MOTION: Mayor/Board President/Board Chair Price moved to continue the public hearing for this item to the next regular City Council meeting agenda of June 27, 2016. The motion was seconded by City Council Member/Board Member Rivero.

Mayor/Board President/Board Chair Price withdrew his motion for continuance.

City Council Member/Board Member Rivero withdrew his second to the motion on the floor.

MOTION: Mayor Pro Tem/Board Vice President/Board Vice Chair Bergman moved to adopt Joint Authority Resolution No. 2894-16, Resolution No. AAFP 1-2016, and Resolution No. SA 2016-3 adopting the 2016-17 Fiscal Year Budget with a 5% reduction; to adopt Resolution No. 2895-16 amending the City of Atwater Classification Plan and adopting the City of Atwater Salary Schedule B-16, effective July 1, 2016. The motion was seconded by Mayor/Board President/Board Chair Price and the vote was: Ayes: Bergman, Raymond, Price; Noes: Rivero; Absent: Vineyard. The motion carried.

Adoption of resolution authorizing submittal of Bureau of Justice Assistance's 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) (Police Chief Pietro)

Mayor Price opened the public hearing for this item.

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

MOTION: City Council Member Rivero moved to adopt Resolution No. 2890-16 authorizing submittal of an application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2016 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and authoring and directing the City Manager to execute application, Grant Agreement, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded. The motion was seconded by Mayor Pro Tem Bergman and the vote was: Ayes: Bergman, Rivero, Raymond, Price; Noes: None; Absent: Vineyard. The motion carried.

REPORTS AND PRESENTATIONS FROM STAFF:

Granting exemption to Castle Vista Senior Community from the watering schedule set forth in Section 13.13.030(B) of Atwater Municipal Code (Water Division Manager/Chief Operator Shaw)

MOTION: Mayor Pro Tem Bergman moved to adopt Resolution No. 2886-16 exempting Castle Vista Senior Community from the water schedule set forth in Section 13.13.030(B) of the Atwater Municipal Code. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Bergman, Raymond, Rivero, Price; Noes: None; Absent: Vineyard. The motion carried.

Verbal update regarding Applegate Road/Winton Way improvement project (Police Lieutenant Joseph/Community Development Director McBride)

This item was removed from the agenda in its entirety due to the absence of City Council Member Vineyard.

CITY COUNCIL MATTERS:

City Council comments and requests for future agenda items

City Council Member Raymond asked the community to keep City Council Member Vineyard in their prayers and wished him a speedy recovery.

Mayor Pro Tem Bergman asked for prayers for City Council Member Vineyard and announced that tomorrow is National Bourbon Day.

City Council Member Rivero wished City Council Member Vineyard a speedy recovery and stated a current problem with the Winton Way/Atwater Blvd. improvement project.

Mayor Price asked the community to donate toward the 4th of July event and he reported on a recent Police Department ride-along. He reminded citizens of the current water conservation measures in Atwater.

ADJOURNMENT:

The meeting adjourned in memory of retired Police Clerk II/Public Safety Dispatcher Cheryl Ramirez and in memory of the people who lost their lives in the recent terrorist attack in Orlando, Florida.

The meeting adjourned at 7:05 PM.



JEANNA DEL REAL, CMC
CITY CLERK/BOARD CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,
Recording Secretary