



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

March 13, 2017

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 Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price

Absent: None

Staff Present: City Attorney Terpstra, Deputy City Clerk Saavedra, 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 5:01 PM. Closed Session was called to order at 5:07 PM.

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

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: Deputy City Attorney Henderson and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Miscellaneous Unit and Clerical Unit

Pursuant to Government Code Section 54957, Public Employee Appointment: City Manager

Closed Session recessed to Open Session at 5:54 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 Mead.

ROLL CALL:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price

Absent: None

Staff Present: Interim City Manager McBride, City Attorney Terpstra, Acting Police Chief Wisdom, CAL FIRE Battalion Chief Pimentel, Finance Director Deol, Human Resources Director Del Real, Water Division Manager/Chief Operator Shaw, Acting Police Sergeant Novetzke, Acting Field Sergeant Sarginson, City Clerk Hyler III, 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 in regard to the first two Closed Session items, the anticipated litigation case and labor negotiations. He announced that continuation of Closed Session is necessary for the public employee appointment matter.

SUBSEQUENT NEED ITEMS: ***None***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: Mayor Pro Tem Vineyard moved to approve the agenda as posted. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

PRESENTATIONS:

Verbal report regarding waste disposal services by Republic Services (General Manager Keith Hester and Municipal Relations Manager Kyle Loreto)

Representatives from Republic Services, Municipal Relations Manager Kyle Loreto, General Manager Keith Hester, and Recycling Coordinator Erik Limon, spoke regarding waste disposal services for the City of Atwater, and they answered questions of the City Council.

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel spoke regarding economic activity in the County and his recent trip to Washington D.C. wherein he met with various representatives about Central Valley issues. He announced his mobile district office hours which are the fourth Thursday of each month from 1:30 to 3:30 PM in the City Council Chambers. He provided his cell phone number: (209) 495-7086.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

IRENE DE LA CRUZ, Executive Committee Member, spoke regarding the Merced County Parent Leadership Training Institute and the program's mission, which is to enable parents to become leading advocates for children.

Two members of the community spoke of their participation in the Merced County Parent Leadership Training Institute (one representing the Spanish program and one representing the English program) as well as their family successes.

JEANNIE KNIGHT, Atwater, questioned where the waste water from the Wastewater Treatment Plant is discharged.

HELEN AMARANT, Atwater, questioned if where the waste water is discharged is public knowledge.

TONY SHUKLE, Atwater, asked to be included in future discussions regarding recycling in Atwater.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #2 under Resolutions, "Adopting Emergency Operations Plan," was removed from the consent calendar for separate discussion and possible action.

Agenda item #3 under Agreements, "Approving Amendment No. 6 to General Services Agreement with EMC Planning Group," was removed from the consent calendar for separate discussion and possible action.

Agenda item #10 under Informational Items Only (No Action Required), "Water Well Levels for the months of January and February, 2017," was removed from the consent calendar for separate discussion.

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

WARRANTS:

1. March 13, 2017

ACTION: Approval of warrants as listed.

RESOLUTIONS:

2. Adopting Emergency Operations Plan (CA FIRE Battalion Chief Pimentel)

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

AGREEMENTS:

3. Approving Amendment No. 6 to General Services Agreement with EMC Planning Group

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

REJECTION OF BIDS/CALL FOR BIDS:

4. Rejecting bids for the purchase of Two (2) Dump Trucks Project and calling for bids for Two (2) Title 23 Tier 4 Dump Truck Project

Staff's Recommendation: Rejection of all bids from Bid Call No. 675-16, Project No. 14-11, Tow (2) Title 23, Tier 4 Dump Truck Replacement Project; and approval of specifications and authorizing advertising Bid Call No. 676-17 for Two (2) Title 23 Tier 4 Dump Truck Replacement Project, Re-Bid.

5. Call for bids for Congestion Management and Air Quality (CMAQ) Project CML 5254(020) Buhach Road Sidewalk Infill Project No. 14-4

Staff's Recommendation: Approval of plans and specifications and authorizing advertising and calling for bids for Buhach Road Sidewalk Infill Project No. 14-4, Bid Call No. 677-17; and adoption of Resolution No. 2938-17 approving Budget Amendment No. 3 regarding Buhach Road Sidewalk Infill Project.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

6. Police Department activities and projects for the month of February, 2017 (Acting Police Chief Wisdom)
7. Police Volunteer activities for the month of February, 2017 (Police Volunteer Vineyard)
8. Fire Department activities and projects for the month of February, 2017 (CAL FIRE Battalion Chief Pimentel)
9. Public Works Department activities and projects for the month of February, 2017 (Interim Public Works Director Faretta)
10. Water Well Levels for the months of January and February, 2017 (Water Division Manager/Chief Operator Shaw)

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

RESOLUTIONS:

Adopting Emergency Operations Plan (CAL FIRE Battalion Chief Pimentel)

CAL FIRE Battalion Chief Pimentel spoke regarding the Emergency Operations Plan, a joint plan with surrounding cities in Merced County.

City Council Member Creighton asked that a matrix or summary of the plan be placed in various locations in City buildings.

CAL FIRE Captain Phillips reminded citizens to sign up for the Merced County Emergency Notification System to receive emergency alerts.

MOTION: City Council Member Raymond moved to adopt Resolution No. 2939-17 adopting the City of Atwater's Emergency Operations Plan (EOP) establishing an Emergency Management Organization which provides an integration and coordination of efforts within Atwater. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.

AGREEMENTS:

Approving Amendment No. 6 to General Services Agreement with EMC Planning Group

Interim City Manager McBride stated that the amendment, to extend the term of service, is necessary so that the contract term does not expire and the work continues.

MOTION: Mayor Pro Tem Vineyard moved to approve Amendment No. 6 to the General Services Agreement, in a form approved by the City Attorney, between the City of Atwater and EMC Planning Group, Inc. for the Ferrari Ranch EIR and CEQA services; and authorize and direct the City Manager to execute the Amendment on behalf of the City. The motion was seconded by Mayor Price.

HELEN AMARANT, Atwater, asked questions regarding the Environmental Impact Report and the apparent "lack of notifications" concerning such.

SUBSTITUTE MOTION: Mayor Pro Tem Vineyard moved to declare the City Council's intent to approve Amendment No. 6 to the General Services Agreement with EMC Planning Group, Inc. for the Ferrari Ranch EIR and CEQA services at the next regular City Council meeting of March 27, 2017 contingent upon City Council review of the original contract, including all subsequent amendments. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Vineyard, Vierra, Price; Noes: Creighton; Absent: None. The motion passed.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Water Well Levels for the months of January and February, 2017 (Water Division Manager/Chief Operator Shaw)

Water Division Manager/Chief Operator Shaw spoke regarding City water well levels for January and February, 2017.

INTERIM CITY MANAGER REPORTS:

Verbal update regarding roadway maintenance and improvement funding

Interim City Manager McBride provided an update regarding roadway maintenance and improvement funding including the City's share of costs.

Merced County District 3 Supervisor McDaniel stated that the U.S. Economic Development Administration's funding opportunities relating to "roads and commodes" is for protecting or creating jobs, not necessarily building roads.

Verbal update regarding nominations for Measure V Oversight Committee

Interim City Manager McBride spoke regarding the Merced County Measure V Oversight Committee and the County's request for the City Council to provide a nomination for the City of Atwater's representative on said Committee.

MOTION: Mayor Price moved to begin the application process for nominating one member of the community to represent the City of Atwater on the Merced County Measure V Oversight Committee using the same process the City Council uses in appointing a Commissioner, and to open the application period for a minimum of 30 days. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Creighton, Vineyard, Vierra, Raymond, Price; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal report regarding police weapons replacement (Police Officer/Range Master Sarginson)

Police Officer/Range Master Sarginson spoke in regard to police weapons replacement, the purchase and disposal of Police Department weapons.

MOTION: City Council Member Creighton moved to direct the City Manager to move forward with the replacement of Police Department weapons, to reach out to local fire range vendors and come back with disposal of weapons options. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vierra Raymond, Creighton, Vineyard, Price; Noes: None; Absent: None. The motion passed.

Verbal report regarding Municipal District Finances (Finance Director Deol)

Finance Director Deol provided a financial report regarding the City's 52 Municipal Districts.

CITY COUNCIL MATTERS:

Letter opposing the State Water Resources Control Board's Bay-Delta Plan SED

MOTION: City Council Member Creighton moved to approve the letter opposing the State Water Resources Control Board's Bay-Delta Plan as amended, to include the signatures of the entire City Council. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Vierra, Vineyard, Creighton, Price; Noes: None; Absent: None. The motion passed.

City Council comments

City Council Member Raymond encouraged citizens to apply to serve on the Merced County Measure V Oversight Committee, and he wished Mayor Price a Happy Birthday.

City Council Member Vierra wished Mayor Price a Happy Birthday, and she wished everyone a Happy Spring.

Mayor Pro Tem Vineyard reminded the community of the current watering restrictions: no watering on Mondays, Thursdays, and Fridays; no watering between the hours of 10:00 AM and 5:00 PM any day of the week; even numbered addresses may water on Tuesdays and Saturdays; and odd numbered addresses may water on Wednesdays and Sundays. He announced two events on Saturday, March 18, 2017: Atwater's Spring Clean-Up Day between 7:00 AM and 2:00 PM and the Atwater Youth Baseball parade beginning at 9:00 AM.

City Council Member Creighton had nothing to report.

Mayor Price reported on the recent job fair at the Atwater Veterans of Foreign Wars (VFW) Hall and his recent trip to the annual trade show in Monterey where several contacts with retailers were made. He voiced his displeasure with Casey Steed, host of the weekly talk radio show "Citizens Watch" on KYOS for his offensive and insulting statements regarding the state of the City of Atwater.

ADJOURNMENT:

Mayor Price adjourned the Regular Session to Conference Room A for continuation of Closed Session at 8:19 PM.

CLOSED SESSION:

Closed Session resumed at 8:39 PM.

Pursuant to Government Code Section 54957, Public Employee Appointment: City Manager

Closed Session adjourned at 9:40 PM.

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.

The meeting adjourned at 9:45 PM.



DON HYLER III
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary