



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

March 14, 2016

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:11 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 Raymond, Rivero, Vineyard, Mayor Price

Absent: Mayor Pro Tem Bergman

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 5:13 PM. Closed Session was called to order at 5:15 PM.

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (2)

Public Employment Appointment – Government Code Section 54957 – Title: CAL FIRE Battalion Chief

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: Community Development Director McBride

Property Locations: APN 001-134-012
APN 001-134-015

Closed Session adjourned at 5:50 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 Members Raymond, Rivero, Vineyard, Mayor Price
Absent: Mayor Pro Tem Bergman
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, Finance Director Deol, 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 to proceed with negotiations regarding property disposition. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS: ***None.***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Agenda item #17 under Funding and Budget Matters, "Approving refinancing CalPERS Side Fund (a portion of the City's unfunded liability) for Miscellaneous and Safety Plans," was removed from the agenda in its entirety, to be placed on a future regular City Council meeting agenda.

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

CEREMONIAL MATTERS:

Presentation of Certificates of Appreciation from Merced County Veterans to City of Atwater (Merced County Veterans Service Officer John Ceccoli)

Merced County Veterans Service Officer John Ceccoli presented certificates of appreciation to Police Chief Pietro and Police Officer Dash for their efforts refurbishing and donating bicycles to homeless veterans for transportation.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel thanked John Ceccoli for his support of the veterans and he reported on several items:

- ***Merced County is accepting nominations for its annual volunteer recognition program. Applications are available at www.co.merced.ca.us/volunteer.***
- ***Although the County has received above normal rains the past few days, reservoir water levels are down, and the drought still exists. Sandbags are available at all County fire stations and the County yard on Thornton Road.***
- ***Mobile office hours are the fourth Thursday of every month from 1:30 - 3:30 PM in the City Council Chambers.***
- ***Community plans are completed and in place for Planada, Le Grand, and Winton.***
- ***Three additional sales are pending at Castle Commerce Center.***

Transportation Expenditure Plan (Merced County Association of Governments Executive Director Marjie Kirn)

Merced County Association of Government Executive Director Marjie Kirn spoke regarding the County's ½ cent sales tax Transportation Expenditure Plan to generate new revenue necessary to maintain local streets and roads and to expand regional roads and highways over the next three decades. She asked that

this item be placed on a future regular City Council meeting agenda for discussion and possible support/action.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

GLORIA PEREZ, Project Coordinator – Love Atwater, thanked the City Council for their support of the program and announced the next community service event will be held April 23, 2016 beginning with a rally at Ralston Park at 8:00 AM. Those wishing to volunteer may visit loveatwater.com.

JEANIE KNIGHT, Atwater, questioned when City employees may be reinstated to “full time” and not furlough.

City Manager Pietro stated that the City’s financial situation does not look good at present.

No one else came forward to speak.

CONSENT CALENDAR:

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

WARRANTS:

1. a) February 22, 2016
- b) March 14, 2016

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. a) Regular meeting, February 8, 2016
- b) Special meeting, February 25, 2016

ACTION: *Approval of minutes as listed.*

MINUTES: (Commissions)

3. Community Development and Resources, January 20, 2016

ACTION: *Acceptance of minutes as listed.*

RESOLUTIONS:

4. Consents to inclusion of City of Atwater properties in California Home Finance Authority PACE Programs and Associate Membership in California Home Finance Authority (Community Development Director McBride)

ACTION: Adoption of Resolution No. 2873-16 consenting to inclusion of properties within the City's jurisdiction in the California Home Finance Authority Community Facilities District No. 2014-1 (Clean Energy) to finance renewable energy improvements, energy efficiency and water conservation improvements, and electric vehicle charging infrastructure and approving Associate Membership in the Joint Exercise of Powers Authority related thereto (SB555); and adoption of Resolution No. 2874-16 consenting to inclusion of properties within the City's jurisdiction in the California Home Finance Authority program to finance renewable energy generation, energy and water efficiency improvements, and electric vehicle charging infrastructure and approving Associate Membership in the Joint Exercise of Powers Authority related thereto (AB811); and authorizes and directs the City Manager to execute any documents relating to participation on behalf of the City.

AGREEMENTS:

5. Approval of participation in the Merced Integrated Regional Water Management Authority and authorizing execution of the Joint Powers Agreement (Water Division Manager/Chief Operator Shaw)

ACTION: Approval of participation in the Merced Integrated Regional Water Management Authority and authorizes and directs the Mayor to execute the Joint Powers Agreement, in a form approved by the City Attorney, on behalf of the City.

6. Approval of professional services agreement with VVH Consulting Engineers, Inc. for on call general engineering services (Community Development Director McBride)

ACTION: Approval of professional services agreement, in a form approved by the City Attorney, with VVH Consulting Engineers, Inc. (VVH) for on call general engineering services; and authorizes the City Manager to execute the agreement on behalf of the City.

REPORTS:

7. 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.

PUBLIC IMPROVEMENTS:

8. Acceptance of new Tier 4 water truck (Water Division Manager/Chief Operator Shaw)

ACTION: Acceptance of work done under contract to manufacture and deliver a new Tier 4 water truck, City Project No. 14-6, Bid Call No. 671-15; authorizes the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$113,290.92.

CLAIMS AGAINST THE CITY:

9. Claim No. 2016-2

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2016-2 be rejected.

10. Claim No. 2016-3

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2016-3 be rejected.

PETITIONS:

11. Approval of Atwater Youth Baseball, Softball, & T-ball's (AYBS&T) request for assistance with Opening Day ceremonies

ACTION: Approval of request for assistance with AYBS&T Opening Day ceremonies on March 19, 2016 from 8:00 AM – 10:00 AM; to set out barricades and "No Parking" signs; to help control traffic and parking; and to assist with the "Procession of Players" beginning at Broadway Avenue and Fifth Street and ending at Memorial Park.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

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

FUNDING AND BUDGET MATTERS:

Accepting Audited Financial Statements for the fiscal year ended June 30, 2015 (Finance Director Deol)

Joseph Arch, President/CEO, JJACPA, Inc. spoke regarding the City's financial statements for the fiscal year ended June 30, 2015 and the firm's "unqualified opinion" as a result of the General Fund's negative fund balance.

MOTION: Mayor Price moved to accept the Audited Financial Statements for the fiscal year ended June 30, 2015; The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Raymond, Vineyard, Rivero, Price; Noes: None; Absent: Bergman. The motion carried.

Approving refinancing CalPERS Side Fund (a portion of the City's unfunded liability) for the Miscellaneous and Safety Plans (Finance Director Deol)

This item was removed from the agenda in its entirety, to be placed on a future regular City Council meeting agenda.

CITY ATTORNEY REPORTS/UPDATES:

Adopting resolution declaring City's intent to track water usage using two methods for State-mandated water reporting

City Attorney Terpstra announced a correction to the staff report and resolution, that the Atwater Elementary School District, Atwater High School District, Teasdale Foods, and Federal Bureau of Prisons are supplied with potable water, not non-potable water.

MOTION: City Council Member Rivero moved to adopt Resolution No. 2877-16 declaring City's intent to track water usage using two methods; first, by including all users of water including the Atwater Elementary School District, Atwater High School District, Teasdale Foods, and the Federal Bureau of Prisons; and second, by excluding the aforementioned customers for State-mandated water reporting as amended, to change the reference of non-potable water to potable water. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Rivero, Raymond, Price; Noes: None; Absent: Bergman. The motion carried.

CITY COUNCIL MATTERS:

Discussion regarding MOU among the agencies within the Merced Groundwater Subbasins following the Sustainable Groundwater Management Act (SGMA) (City Council Member Vineyard)

City Council Member Vineyard spoke regarding the possibility of the City entering into a joint powers agreement with agencies within the Merced Groundwater Subbasins to form a united groundwater sustainable plan.

Mayor Price asked that John Sweigard with Merced Irrigation District (MID) be invited to attend a future regular City County meeting to speak on this matter.

City Council Member Rivero asked that City Attorney Terpstra look into the legal ramifications of the MOU.

City Council comments and requests for future agenda items

City Council Member Raymond asked the community to pray for our Police Officers; they need all of the resources and support they can get. He reminded everyone of the reason for Easter stating Easter is about the resurrected King.

City Council Member Vineyard asked that the City's water ordinance be placed on a future regular City Council meeting agenda for review, discussion, and possible action. He announced several upcoming events: March 19, 2016, Spring Clean-Up Day across the street from the Atwater Corporation Yard on Aviator Drive from 7:00 AM – 2:00 PM wherein proof of residency is required; April 16, 2016, Atwater Chamber of Commerce Golf Tournament at Rancho Del Rey; April 16, 2016, Castle Air Museum and Car Show from 9:00 AM – 3:00 PM; April 23, 2016, Love Atwater; and April 26, 2016, Worknet Job Fair at 1390 Broadway Avenue from 10:00 AM – 3:00 PM.

City Council Member Rivero commended the City of Atwater for its outstanding youth programs and announced that March 24, 2016 at 9:30 AM is the Atwater City Track Meet at Atwater High School in which 500-600 youth participate.

Mayor Price praised the Atwater Police Officers who responded to a recent motor vehicle accident stating their quick actions saved a life. He reported that several City Council members and staff recently attended an ICSC trade show in Monterey for businesses looking to expand and several contacts were made. He announced several more upcoming events: May 14, 2016, Welcome Home Heroes and Job Fair at Castle to honor veterans and first responders; March 24, 2016, Public Coffee Meeting with Adam Gray at Brooks Ranch at 9:00 AM to discuss state and legislative issues that affect the community; and March 25, 2016, Ribbon Cutting Ceremony for the Atwater/Merced Expressway at 2:00 PM.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 6:55 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary