



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

March 28, 2016

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:01 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.

ROLL CALL:

Present: City Council Members Raymond, Vineyard, Mayor Pro Tem Bergman, Mayor Price
Absent: City Council Member Rivero
Staff Present: City Manager/Police Chief Pietro, Deputy City Attorney Ruppel, 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 announced a typographical error in the number of cases for Conference with Legal Counsel - Anticipated Litigation; number of cases is (2).

Mayor Price adjourned the meeting to Conference Room A for Closed Session at 5:03 PM. Closed Session was called to order at 5:08 PM.

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (4 2)

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

Property Locations: APN 005-070-032
APN 001-134-015

Closed Session adjourned at 5:35 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:00 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.

INVOCATION:

The Invocation was led by Police Chaplain McClellan.

ROLL CALL:

Present: City Council Members Raymond, Vineyard, Mayor Pro Tem Bergman, Mayor Price
Absent: City Council Member Rivero
Staff Present: City Manager/Police Chief Pietro, Deputy City Attorney Ruppel, CAL FIRE Battalion Chief Pimentel, Police Lieutenant Joseph, City Treasurer Heller, Finance Director Deol, City Clerk Del Real, Recording Secretary Bengtson-Jennings

MAYOR OR DEPUTY CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Deputy City Attorney Ruppel 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:

MOTION: Mayor Pro Tem Bergman moved to approve the agenda as posted. The motion was seconded by City Council Member Raymond and the vote was: Ayes:

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

PRESENTATIONS:

MCAG/CivicSpark regarding funding opportunities and resources for sustainable planning activities (Rebecca True, CivicSpark AmeriCorps Fellow)

CivicSpark AmeriCorps Fellow Rebecca True spoke regarding several funding opportunities and programs for sustainability, specifically pertaining to transportation, air quality, clean energy, and urban forest management.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

HELEN AMARANT, Atwater, questioned the status of the proposed hotel project and asked why the temporary fencing separating her property from the proposed project recently was removed.

City Manager Pietro stated that currently there are no plans of the project moving forward. He will contact the developer and report back to Ms. Amarant.

JEANIE KNIGHT, Atwater, questioned how much the City pays for workers' compensation insurance, and she questioned if Allied Waste still pays 10% of the roll off?

City Manager Pietro asked Finance Director Deol to obtain the answers.

No one else came forward to speak.

CONSENT CALENDAR:

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

WARRANTS:

2. March 28, 2016

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

3. Regular meeting, March 14, 2016

ACTION: Approval of minutes as listed.

MINUTES: (Commissions)

4. Community Development and Resources, February 17, 2016

ACTION: Acceptance of minutes as listed.

AGREEMENTS:

5. Approving professional services agreement with JLB Traffic Engineering, Inc. for CMAQ Traffic Synchronization Project (Community Development Director McBride)

ACTION: Approval of professional services agreement with JLB Traffic Engineering, Inc. for CMAQ Project CML-5254(021), Traffic Signals Synchronization, new traffic signal design and engineering for Olive Avenue and Winton Way intersection, and raised median on Applegate Road; and authorizes the City Manager to execute the agreement on behalf of the City of Atwater.

CLAIMS AGAINST THE CITY:

6. Claim No. 2016-6

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2016-6 be rejected.

PETITIONS:

Discussion and possible action regarding MOU among agencies within the Merced Groundwater Sub-basins following the Sustainable Groundwater Management Act (SGMA) (Lacey Kiriakou, Merced County Water Resources Coordinator)

Merced County Water Resources Coordinator Lacey Kiriakou spoke regarding the MOU and the purpose of creating one collaborative plan to comply with the Sustainable Groundwater Management Act.

MOTION: City Council Member Vineyard moved to enter into contract (MOU) with the other agencies within the Merced Groundwater Sub-basins. The motion was seconded by Mayor Price and the vote was: Ayes: Vineyard, Price; Noes: Raymond, Bergman; Absent: Rivero. The motion was rejected.

MOTION: Mayor Pro Tem Bergman moved to direct staff to gather additional information and to bring this item back for discussion and possible action at the next regular City Council meeting of April 11, 2016. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Bergman, Price; Noes: Vineyard; Absent: Rivero. The motion carried.

FUNDING AND BUDGET MATTERS:

Treasurer's Report for the months of December 2015, January 2016, and February 2016 (City Treasurer Heller)

MOTION: Mayor Price moved to approve the Treasurer's Report for the months of December 2015, January 2016, and February 2016. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Raymond, Bergman, Price; Noes: None; Absent: Rivero. The motion carried.

CITY ATTORNEY REPORTS/UPDATES:

Reviewing Resolution No. 2868-15 regarding indoor cultivation of medical marijuana for personal use

Deputy City Attorney Ruppel reported that this item currently is under legal review and will be placed on the regular City Council meeting agenda of April 25, 2016 for further discussion and possible action.

SUSAN BOUSCAREN, Merced, asked several questions regarding the current City policy concerning medical marijuana.

GARRETT MAYER, Atwater, praised the City Council for reconsidering the ban on indoor cultivation of medical marijuana for personal use.

Discussion and possible action regarding Water Ordinance

DENISE HOOVERMAN, Atwater, suggested citizens consider mulch for their yards, which will help conserve water.

MOTION: Mayor Price moved to table this item to the regular City Council meeting agenda of April 25, 2016 to allow time for City Council input concerning changes/revisions to the water ordinance. The motion was seconded by Mayor Pro Tem Bergman and the vote was: Ayes: Raymond, Vineyard, Bergman, Price; Noes: None; Absent: Rivero. The motion carried.

Merced County District 3 Supervisor McDaniel announced that the Merced County Landfill periodically has mulch available to citizens.

CITY COUNCIL MATTERS:

City Council comments and requests for future agenda items

City Council Member Vineyard had nothing to report.

City Council Member Raymond questioned why multiple businesses have not been offered City Council approved incentives to open or expand their businesses. He thanked everyone who helped during a recent family emergency.

Mayor Pro Tem Bergman had nothing to report.

Lieutenant Joseph provided an update regarding the recent homeless evictions and homeless camp clean-ups pursuant to the City's "Camping, Sleeping, and Storage of Personal Property" ordinance.

Mayor Price reported on the Merced County ½ cent sales tax transportation expenditure plan, and he asked that this item be placed on the regular City Council meeting agenda of April 25, 2016 for discussion and possible action. He encouraged community members to visit the Atwater 4th of July website and to make a donation toward this year's event. He provided an update regarding the Welcome Home Heroes event and Job Fair scheduled for May 14, 2016.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 6:58 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary