



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

May 23, 2016

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:10 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 Pro Tem Bergman, Mayor Price

Absent: None

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 5:11 PM. Closed Session was called to order at 5:13 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 Negotiator: Deputy City Attorney Henderson and Human Resources Director Del Real, Bargaining Unit: Atwater Police Officers Association

Closed Session adjourned at 5:28 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:07 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 Pro Tem Bergman, Mayor Price
Absent: None
Staff Present: City Manager/Police Chief Pietro, City Attorney Terpstra, CAL FIRE Battalion Chief Pimentel, Police Lieutenant Joseph, Water Division Manager/Chief Operator Shaw, Recreation Supervisor Barton, City Treasurer Heller, 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. The Closed Session agenda was completed.

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

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

City Clerk Del Real announced a request to remove Agenda item #12 under Reports and Presentations from Staff, "Granting an Exemption to Castle Vista Senior Community from the watering schedule set forth in Section 13.13.030(B) of the Atwater Municipal Code," in its entirety.

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

CEREMONIAL MATTERS:

Police Officer of the Year

Mayor Price and Police Lieutenant Joseph presented a certificate of recognition and a plaque to Police Officer of the Year, Matthew Vierra.

City Track Meet Champions

Mayor Price and Recreation Supervisor Barton presented a plaque to Track Coach/Teacher Joe Rivero in recognition of the 2016 City Track Meet Champions, Peggy Heller School.

PRESENTATIONS:

Merced County Mosquito Abatement District perspective on Zika Virus (Allan Inman, Manager-Entomologist/Mike Nelson, Board Trustee)

Allan Inman, Manager-Entomologist, and Mike Nelson, Board Trustee, spoke regarding the Zika Virus and preventive measures to minimize exposure. For questions, community members may call (209) 722-1527.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

GREG McDANIEL, on behalf of the Atwater 4th of July Committee, spoke regarding this year's schedule of events beginning at 9:00 AM: Run for Independence, Parade, Festival at Ralston Park, and Concert and Fireworks Show at Castle Commerce Center. He asked that those interested in donating toward the event contact him through their website, www.4thofjuly.com.

Mayor Price donated \$100 to the Atwater 4th of July Committee and challenged each City Council Member to match or exceed his donation.

JUDY WALCH, Atwater, spoke in favor of refinancing the CalPERS Side Fund for Miscellaneous and Safety Plans and believes that approving such will help ensure revenue is available to pay the bill.

BOB CALLAWAY, Atwater, spoke in favor of refinancing the CalPERS Side Fund for Miscellaneous and Safety Plans and stated that in the event of default, CalPERS can take legal action and seize City assets.

LINDA DASH, Atwater, asked that one of the three City Council members who voted against refinancing the CalPERS Side Fund for Miscellaneous and Safety Plans at the regular City Council meeting of April 25, 2016 request the item be brought back for further discussion and possible adoption at a future regular City Council meeting.

ERIC LEE, Atwater, provided figures to put pension debt into perspective and suggested the City Council re-consider the refinancing of the CalPERS Side Fund for Miscellaneous and Safety Plans and perhaps host a community meeting to solicit community input.

DON HYLER, Atwater, spoke regarding the City's General Plan, which will expire in 2020, and asked the City Council to initiate the process of developing a new General Plan.

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

WARRANTS:

1. May 23, 2016

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. Regular meeting, May 9, 2016

ACTION: Approval of minutes as listed.

AGREEMENTS:

3. Reimbursement Agreement with Lee Hancock for Saratoga Place Apartment Project (Community Development Director McBride)

ACTION: Approval of Reimbursement Agreement, in a form approved by the City Attorney, with Lee Hancock for the Saratoga Place Apartment Project; and authorizes and directs the City Manager to execute the agreement on behalf of the City.

4. Professional Services Agreement with EMC Planning Group, Inc., for CEQA consulting services for Saratoga Place Apartment Project (Community Development Director McBride)

ACTION: Approval of Professional Services Agreement, in a form approved by the City Attorney, with EMC Planning Group, Inc., for California Environmental Quality Act (CEQA) consulting services for the Saratoga Place Apartment Project; and authorizes and directs the City Manager to execute the agreement on behalf of the City.

PETITIONS AND COMMUNICATIONS:

5. Request from White Pines Court neighborhood for block party

ACTION: Approval of request to close White Pines Court between 4:00 PM and 11:59 PM on Monday, July 4, 2016 for annual block party.

6. Request from CAL FIRE/Atwater City Fire Department for MDA "Boot Drive"

ACTION: Approval of request from CAL FIRE/Atwater City Fire Department for annual Muscular Dystrophy Association (MDA) "Boot Drive" from 7:00 AM to 2:00 PM on Saturday, May 28, 2016.

FUNDING AND BUDGET MATTERS:

Treasurer's Report for the month of April, 2016 (City Treasurer Heller)

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

CITY ATTORNEY REPORTS/UPDATES:

Adopting City Council Agenda Policy

MOTION: City Council Member Vineyard moved to adopt Resolution No. 2887-16 adopting City Council Agenda Policy. The motion was seconded by Mayor Price and the vote was: Ayes: Vineyard, Bergman, Price; Noes: Rivero, Raymond; Absent: None. The motion carried.

Waiving the first reading and introducing Ordinance No. CS 973 amending Chapter 2.08 of the Atwater Municipal Code relating to City Council Meetings

MOTION: Mayor Pro Tem Bergman moved to waive the first reading and introduce Ordinance No. CS 973 amending Chapter 2.08 of the Atwater Municipal Code to adopt Rosenberg's Rules of Order. The motion was seconded by City

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

Reviewing proposed amendments to Chapter 8.50 of the Atwater Municipal Code regarding commercial marijuana cultivation, processing, delivery, and dispensing and personal cultivation of medical marijuana

By consensus, the City Council directed the City Attorney to incorporate the changes discussed and to bring this item back to the next regular City Council meeting of June 13, 2016 for introduction, further discussion, and possible action.

PUBLIC HEARINGS:

Waiving the first reading and introducing 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)

Mayor Price opened the public hearing for this item.

GREG OLZACK, Atwater, spoke regarding the proposed changes to the City's water conservation program, namely changing the hours of watering to "no watering between 10:00 AM and 5:00 PM daily," and regarding the positive feedback he has received from citizens who want more flexibility concerning when to water their yards.

MIKE RAYMOND, Atwater, announced the State is eliminating the required water conservation measures/cuts by agencies and that each agency can determine its own water program. He questioned if the City has received such notice.

Mayor Price announced the City is still waiting for the State decision and notification.

ERIC LEE, Atwater, questioned if the residents with dead yards are not watering due to the watering restrictions. He voiced his concerns with how these yards may impact the housing market and lower the value of homes.

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

MOTION: Mayor Pro Tem Bergman moved to waive the first reading and introduce Ordinance No. CS 972 amending Title 13, "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Bergman, Vineyard, Raymond, Rivero, Price; Noes: None; Absent: None. The motion carried.

REPORTS AND PRESENTATIONS FROM STAFF:

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

This item was removed from the agenda in its entirety.

Approving agreement with Yosemite Church for certain improvements and usage of Atwater Community Center (Recreation Supervisor Barton)

Yosemite Church Pastor Jeff Leis thanked City staff for the positive negotiations and was available to answer questions concerning the agreement.

MOTION: Mayor Pro Tem Bergman moved to approve an agreement, in a form approved by the City Attorney, with Yosemite Church for improvements to and usage of the Atwater Community Center and monthly fees for use of the Atwater Community Center on Sundays; and authorizes and directs the City Manager to execute the agreement on behalf of the City. The motion was seconded by City Council Member Rivero and the vote was: Ayes: Bergman, Vineyard, Rivero, Raymond, Price; Noes: None; Absent: None. The motion carried.

Verbal update regarding effectiveness and fiscal impact of the Vacant Building Sales Tax Rebate Program (Finance Director Deol)

Finance Director Deol presented a verbal report regarding the effectiveness and fiscal impact of the Vacant Building Sales Tax Rebate Program and announced that to date only one business has benefited from the program.

ERIC LEE, Atwater, stated that Jantz Café & Bakery recently expanded, however they used the building for storage prior to the expansion.

City Attorney Terpstra clarified certain terms and details of the program and encouraged any business that may qualify but was unaware of the program to still apply.

CITY COUNCIL MATTERS:

Letter of support for Castle Family Health Center's application for funding through a New Access Point (HRSA-17-009)

MOTION: Mayor Pro Tem Bergman moved to approve a letter of support regarding application for funding through a New Access Point (HRSA-17-009) by the federal Health Resources and Services Administration/Bureau of Primary Health Care. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Raymond, Rivero, Bergman, Vineyard, Price; Noes: None; Absent: None. The motion carried.

City Council comments and requests for future agenda items

City Council Member Raymond spoke regarding the recent Welcome Home Heroes event and the positive comments he received, and he thanked everyone who helped with the event.

City Council Member Vineyard made several requests: that the Community Development and Resources Commission begin the process of developing the City's General Plan; that CAL FIRE Battalion Chief Pimentel assist with the fire plan update portion of the General Plan; and that staff provide an update at a future regular City Council meeting concerning the stop sign removal at Fruitland Avenue/Chardonnay Way, the improvement project at Applegate Road/Winton Way, and the CFD funds and how much the City is losing each month. He stressed the need of working together to create a positive cash flow and to refrain from "kicking the can down the road."

Mayor Pro Tem Bergman reminded the community that school will be out soon, and children will be outside playing. He asked everyone to be careful when driving. He asked that staff review the latest water rate study and place an item on a future regular City Council meeting agenda regarding the elimination of the scheduled February 2017 water rate increase.

City Council Member Rivero congratulated Thomas Olaeta Elementary School for 50 years of service. He questioned a flaw with the Applegate Road/Winton Way improvement project. He stated his belief that the City needs to cut expenditures, beginning with a review of all current contracts, before considering the use of City buildings as collateral.

Mayor Price spoke regarding the Welcome Home Heroes event, thanked those who worked on the event, and voiced his displeasure with the lack of media coverage before, during, and after the event. He announced the near future dedication of aircraft No. 307 to the city of Atwater. He reminded the community to beware of the high fire dangers throughout the state. He invited the public to attend the budget workshop on May 25, 2016 at 4:00 PM and Castle Air Museum's Open Cockpit Day on May 29, 2016.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned to Wednesday, May 25, 2016 at 4:00 PM in the City Council Chambers to hold a Budget Workshop for Fiscal Year 2016/17.

The meeting adjourned at 8:24 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary