CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

September 26, 2016

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:02 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Pro Tem Bergman presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Pro Tem Bergman.

ROLL CALL:

Present:	***City Council Members Raymond, Rivero, Vineyard, Mayor Pro Tem Bergman***
Absent:	***Mayor Price***
Staff Present:	***City Manager Pietro, Deputy City Attorney Ruppel, Deputy City Clerk/Recording Secretary Bengtson-Jennings***

CLOSED SESSION: (Conference Room A)

Mayor Pro Tem Bergman invited public comments on Closed Session items.

No one came forward to speak at this time.

Mayor Pro Tem Bergman adjourned the meeting to Conference Room A for Closed Session at 5:04 PM. Closed Session was called to order at 5:08 PM.

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

Property Location: APN 001-122-008

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (3)

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

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

Closed Session adjourned at 5:37 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 Pro Tem Bergman presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by City Council Member Vineyard.

INVOCATION:

The Invocation was led by Police Chaplain McClellan.

ROLL CALL:

Present:	***City Council Members Raymond, Rivero, Vineyard, Mayor Pro Tem Bergman***
Absent:	***Mayor Price***
Staff Present:	***Deputy City Attorney Ruppel, Deputy City Attorney Belair, CAL FIRE Battalion Chief Pimentel, Interim Police Chief Joseph, Community Development Director McBride, Interim Public Works Director Faretta, City Treasurer Heller, Finance Director Deol, Deputy City Clerk Hyler III, Recording Secretary Bengtson-Jennings***

MAYOR OR DEPUTY CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Mayor Pro Tem Bergman reported the following changes to the agenda from Closed Session: Conference with Legal Counsel – Anticipated Litigation, Number of cases one (1); Public Employee Appointment: City Manager, postponed to a later date; and Public Employee Appointment: City Attorney, postponed to a later date.

Deputy City Attorney Ruppel reported that no action was taken and that staff was given direction. The Closed Session agenda was completed.

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

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

ERIC LEE, Atwater, requested that the City Council consider revising the City ordinance that addresses "prohibited conduct" of animals in light of an on-going problem with a dog in his mother-in-law's neighborhood.

No one else came forward to speak.

REPORTS AND PRESENTATIONS FROM CITY ATTORNEY OFFICE:

Mobile Home Park Conversions (Deputy City Attorney Belair)

Deputy City Attorney Belair reported on mobile home park conversions.

BOBBIE FRYE, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the plight of many of the current residents: they moved to the mobile home park because it was termed a senior community only, and they do not have the financial resources to move.

ROBERT BRIA, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the lack of space for children to play, causing safety concerns.

JOHN YOUNG, Manager of Rancho Grande Mobile Home Park, spoke in opposition to the conversion as well and voiced his fear that the new owners will raise rent, which will cause a hardship for the residents.

IOLA "PENNI" PAULETTI, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the need for the residents to come together to file suit.

LINDA PUCCINI, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the financial and physical struggles she and her mother will encounter if forced to move.

VICKIE FOSTER, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and voiced her belief that she bought her home recently under false pretenses, that Rancho Grande Mobile Home Park would remain a senior park.

BARBARA BRETZINGER, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and stated she believes the new owners are being untruthful and unfair.

LUCRETIA SPRAGUE, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and pleaded with the City Council to "listen to our cry."

PATRICIA SANZ, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and voiced her belief that there is no room in the park for skateboards, bicycles, and screaming children.

LORI CHAVEZ, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and shared her sadness that the manager will lose his job due to this change.

JENNIE WILLIAMS, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and stated she moved to Rancho Grande Mobile Home Park to get away from the children at her previous location.

KELLIE KENNEDY, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the health and welfare of the residents.

ELENA RIDGE, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the need for the City to support the elderly.

JOHN CALE, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the potential security issues this change may present.

ERIC LEE, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the need for more "senior only" areas/facilities in Atwater.

CAROL BELLUOMO, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park, and she voiced her fears in light of the impending change.

GLORIA THOMPSON, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park and of the "close community" in which she currently lives.

SALLY HENNIS, Atwater, spoke in opposition to the conversion of Rancho Grande Mobile Home Park from a senior park to a family park, and she asked the City Council to consider helping the residents.

MOTION: ***City Council Member Rivero moved to direct staff to further research the issue of mobile home park conversions in the City and to identify other methods of affordable housing for senior living. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Rivero, Raymond, Bergman; Noes: None; Absent: Price. The motion passed.***

Mayor Pro Tem Bergman asked that this item be expedited and placed on the next regular City Council meeting agenda of October 10, 2016.

CONSENT CALENDAR:

Agenda Item #5 under Petitions and Communications, "Request from Atwater High School Leadership Class," was removed from the consent calendar for separate discussion and possible action.

Agenda item #6 under Petitions and Communications, "Request from Atwater Elementary School District," was removed from the consent calendar for separate discussion and possible action.

Agenda item #7 under Petitions and Communications, "Request from Peggy Heller Elementary School," was removed from the consent calendar for separate discussion and possible action.

Agenda item #8 under Petitions and Communications, "Request from First Baptist Church of Atwater," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

2. September 26, 2016

***ACTION:* Approval of warrants as listed.**

MINUTES: (City Council)

3. Regular meeting, September 12, 2016

***ACTION:* Approval of minutes as listed.**

AGREEMENTS:

4. Approves Budget Amendment No. 1, Amendment No. 9 and Addendum No. 1 to Professional Services Agreement with AECOM Technical Services, Inc. for the Water, Sewer, Storm Drain Master Plan and the Urban Water Management Plan (Interim Public Works Director Faretta)

***ACTION:* Adoption of Resolution No. 2920-16 approving Budget Amendment No. 1 regarding professional services to update the Water, Sewer, and Storm Drain Master Plan and the Urban Water Management Plan; approves Amendment No. 9 to Professional Services Agreement (PSA) with AECOM Technical Services, Inc. (AECOM) regarding amendments; approves Addendum No. 1 to PSA with AECOM for the Water, Sewer, and Storm Drain Master Plan and the Urban Water Management Plan; and authorizes and directs the City Manager to execute the amendment on behalf of the City.**

PETITIONS AND COMMUNICATIONS:

5. Request from Atwater High School Leadership Class

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

6. Request from Atwater Elementary School District

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

7. Request from Peggy Heller Elementary School

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

8. Request from First Baptist Church of Atwater

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

PETITIONS AND COMMUNICATIONS:

Request from Atwater High School Leadership Class

Nathan Braga, Director of Student Activities, and two members of his Leadership Class spoke regarding the school's request, and they invited the City Council to participate in the parade.

MOTION: ***City Council Member Rivero moved to approve the Atwater High School Leadership Class' request for assistance with their annual Football Homecoming Parade scheduled for Friday, October 14, 2016 beginning at 3:30 PM. The parade will start on Mitchell Avenue, turn left onto Winton Way, and continue to Atwater High School on Fruitland Avenue. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Rivero, Raymond, Vineyard, Bergman; Noes: None; Absent: Price. The motion passed.***

Request from Atwater Elementary School District

Jennifer Handy, Director of Assessment, Accountability, and Innovation, spoke regarding the district's request for assistance with their Red Ribbon Week kick-off event.

MOTION: ***City Council Member Rivero moved to approve the Atwater Elementary School District's request for assistance with their annual Red Ribbon Week activities on Friday, October 21, 2016; to authorize the Police and Fire Department to assist in escorting approximately 600 students and community members beginning at Ralston Park, down Third Street to Broadway Avenue, right on Broadway Avenue to Winton Way, right on Winton Way to Fir Avenue, right on Fir Avenue and back to Ralston Park beginning at 11:30 AM; to approve road closure on Third Street between Fir and Grove Avenues from 11:15 AM to 1:00 PM; and to provide extra trash cans at Ralston Park. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Rivero, Vineyard, Raymond, Bergman; Noes: None; Absent: Price. The motion passed.***

Request from Peggy Heller Elementary School

A representative from Peggy Heller Elementary School spoke of the school's request and of the schedule of events.

MOTION: ***City Council Member Vineyard moved to approve Peggy Heller Elementary School's request for assistance with their annual 3K for Camp Fun Run on Saturday, October 8, 2016; to authorize the Police to block off traffic from entering Lakeview Drive off of Shaffer Road until all 300 runners have made it onto the sidewalk along Shaffer Road and to authorize the Police Cadets to help stand at corners along the route to direct runners along the path on the neighborhood streets of Lake View Drive, Mermaid Drive, Lagoon Avenue, Peninsula Avenue, and Shoreline Drive. The motion was seconded by City***

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

Request from First Baptist Church of Atwater

Andrew Cantrell, Pastor, spoke of the church's request and asked for clarification regarding use of the park.

MOTION: ***City Council Member Rivero moved to approve First Baptist Church of Atwater's request for use of Ralston Park including amplified sound on Sunday, October 2, 2016 for their annual Church Service in the Park beginning at 8:00 AM and ending at 6:00 PM. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Vineyard, Rivero, Bergman; Noes: None; Absent: Price. The motion passed.***

FUNDING AND BUDGET MATTERS:

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

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

REPORTS AND PRESENTATIONS FROM STAFF:

Financial update for Fiscal Year 2015/16 (Finance Director Deol)

Finance Director Deol reported that the City has recently closed both the Rabobank Money Market account and the Wells Fargo Mutual Fund account and has transferred the money to the City LAIF account.

Finance Director Deol announced that the Finance Department window hours will increase one hour each day beginning October 1, 2016. The new hours will be 8:30 AM – 4:30 PM Monday –Thursday.

Finance Director Deol provided a financial update regarding the Fiscal Year 2015/16 Budget.

Broadway Avenue Revitalization and Pedestrian Safety Improvement Project Change Order options for infill area (Community Development Director McBride)

Community Development Director McBride spoke regarding the Broadway Avenue Revitalization and Pedestrian Safety Improvement Project and provided the City Council with four Change Order options for the infill area: interlocking pavers (dark red), stained color concrete (red or tan), concrete, or decomposed granite.

JIM PASSADORI, Atwater, voiced his appreciation to the City Council for moving this project forward and requested the City Council consider a permanent and stable material such as concrete.

ERIC LEE, Atwater, echoed Mr. Passadori's comments, spoke regarding the importance of the aesthetics of the "core of our City," and requested the City Council choose interlocking pavers or concrete.

MIKE RAYMOND, Atwater, voiced his concerns with the use of interlocking pavers and their potential to cause damage.

MOTION: ***City Council Member Vineyard moved to direct staff to proceed with the project using stained color concrete (tan). The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Rivero, Raymond, Bergman; Noes: None; Absent: Price. The motion passed.***

CITY COUNCIL MATTERS:

City Council comments and requests for future agenda items

City Council Member Raymond remarked on the number of people in attendance in light of the first Presidential Debate airing at the same time and stated, "All politics start at home." He invited the public to attend the Atwater High School versus Merced High School football game this Friday, September 30, 2016.

City Council Member Vineyard congratulated former City Council Member Jeff Rivero for teaching Atwater's youth how to better utilize the environment and thus for receiving the Presidential Innovation Award for Environmental Educators.

City Council Member Rivero congratulated Jeff Rivero as well and commended him for bringing attention to Merced County.

Mayor Pro Tem Bergman echoed City Council Members Vineyard's and Rivero's comments from above and asked that the City Council recognize Jeff Rivero for this honor at a future regular City Council meeting.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 7:57 PM.

DON HYLER III
DEPUTY CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary