



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

OCTOBER 14, 2019

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:05 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra, Mayor Creighton

Absent: Mayor Pro Tem Raymond

Staff Present: City Manager Waterman, Interim City Attorney Sanchez,
Deputy City Clerk Martin

CLOSED SESSION: (Conference Room A)

Mayor Creighton invited public comment on Closed Session items.

No one came forward to speak.

Mayor Creighton adjourned the meeting to Conference Room A for Closed Session at 5:06 PM. Closed Session was called to order at 5:09 PM.

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: City Manager Waterman, Interim City Attorney Sanchez, and Human Resources Director Del Real; Bargaining Unit: Atwater Police Officers Association

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: City of Atwater vs. Shell Oil Company et. al., Case No. SCVSS120627

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (1)

Closed Session adjourned at 5:44 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:04 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Police Chief Salvador.

INVOCATION:

The Invocation was led by Pastor Rich Miller.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond (6:21 PM), Mayor Creighton

Absent: None

Staff Present: City Manager Waterman, Interim City Attorney Sanchez, Public Works Director Haddix, General Services Manager Pereida, Police Chief Salvador, CAL FIRE Battalion Chief Slate, Finance Director Jacobs-Hunter, Water Systems Shift Operator Vinson, Deputy City Clerk Martin

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Sanchez reported that no reportable 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:

Mayor Creighton requested that agenda item #11 under Reports and Presentations from Staff, “Verbal update regarding 1,2,3-TCP water treatment,” be moved to precede agenda item #1.

***MOTION:* City Council Member Ambriz moved to approve the agenda as amended. The motion was seconded by City Council Member Cale and the vote was: Ayes: Ambriz, Cale, Vierra, Creighton; Noes: None; Absent: Raymond. The motion passed.**

CEREMONIAL MATTERS:

Eduardo Velasquez

Mayor Creighton announced congratulatory recognition of Atwater citizen Eduardo Velasquez on the occasion of his 100th birthday, October 12, 2019.

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal update regarding 1,2,3-TCP water treatment (Water Systems Shift Operator Vinson)

Water Systems Shift Operator Vinson reported that current treatment involves one well site where once the water is treated, it is released into the whole system and as a result TCP levels are reduced at all well sites City-wide. Design and engineering is underway for a new well location treatment site.

One person questioned why individual wells are not tested and asked if there was any way to test each well.

One person questioned how the water is being cleaned and cited his family member is currently ill due to the bacterial problem with the water.

Water Systems Shift Operator Vinson responded that individual wells are tested quarterly and that levels will fluctuate. He further added that once testing is complete, notices are sent to residents and available on the City website. He also reported that bacterial testing is accomplished monthly, and to date there are no level problems.

CONSENT CALENDAR:

Agenda item #5 under Agreements, "Declaring Sun Ridge CAD/RMS system a sole source item and a unique cost savings opportunity, and approving a Software Lease-Purchase Agreement with Sun Ridge Systems for the lease-purchase of a Law Enforcement Computer Aided Dispatch and Records Management System," was removed from the consent calendar for separate discussion and possible action.

Agenda item #6 under Agreements, "Approving Memorandum of Understanding between the Fresno County Sheriff's Office and the Atwater Police Department regarding California High Intensity Drug Trafficking Area," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

1. October 14, 2019

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. September 23, 2019 – Regular meeting

ACTION: Approval of minutes as listed.

MINUTES: (Audit and Finance Committee)

3. May 28, 2019 – Regular meeting

ACTION: Acceptance of minutes as listed.

AGREEMENTS:

4. Awarding General Construction Contract for Fruitland Avenue Reconstruction – Phase I (General Services Manager Pereida)

ACTION: Awards a General Construction Contract, in a form approved by the Interim City Attorney, to Taylor Backhoe Service, Inc., Merced, California, in the amount not to exceed \$145,744.61 for Fruitland Avenue Reconstruction – Phase 1, Project No. 16-2-1, Bid Call No. 681-19; and authorizes and directs the City Manager to execute the Contract on behalf of the City.

5. Declaring Sun Ridge CAD/RMS system a sole source item and a unique cost savings opportunity, and approving a Software Lease-Purchase Agreement with Sun Ridge Systems for the lease-purchase of a Law Enforcement Computer Aided Dispatch and Records Management System (Police Chief Salvador)

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

6. Approving Memorandum of Understanding between the Fresno County Sheriff's Office and the Atwater Police Department regarding California High Intensity Drug Trafficking Area (Police Chief Salvador)

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

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Waiving second reading and adopting ordinance making the environmental finding and approving "Amendment to the Commercial and Industrial Design Guidelines" (Senior Planner Thompson, VVH)

ACTION: Waives the second reading and adopts Ordinance No. CS 1018 making the finding that the project is categorically exempt and approving "Amendment to the Commercial and Industrial Design Guidelines."

8. Waiving second reading and adopting ordinance making the environmental finding and repealing Chapter 2.20 "Redevelopment Agency and Plan," amending Title 17 "Zoning" to add Chapter 17.43 "Downtown Business District Zone" of the Atwater Municipal Code, and approving a zone change for property located in the Broadway Corridor from Central Commercial (C-C), Residential Transition (R-T), and Low-Density Residential (R-1) to Downtown Business District Zone (D-BD) (Senior Planner Thompson, VVH)

ACTION: Waives the second reading and adopts Ordinance No. CS 1017 making the finding that the project is categorically exempt, repealing Chapter 2.20 "Redevelopment Agency and Plan," amending Title 17 "Zoning" to add Chapter 17.43 "Downtown Business District Zone" of the Atwater Municipal Code, and approving a zone change for property located no further west of Winton Way, no further east of Shaffer Road, no further south than Atwater Boulevard, and no further north than Cedar Avenue from Central Commercial (C-C), Residential Transition (R-T), and Low-Density Residential (R-1) to the Downtown Business District Zone (D-BD).

AGREEMENTS:

Declaring Sun Ridge CAD/RMS system a sole source item and a unique cost savings opportunity, and approving a Software Lease-Purchase Agreement with Sun Ridge Systems for the lease-purchase of a Law Enforcement Computer Aided Dispatch and Records Management System (Police Chief Salvador)

Police Chief Salvador provided background information regarding cost savings opportunities. Investigation into those options yielded that surrounding agencies use this system, and it is the best option for the City of Atwater for financial and direct service reasons.

MOTION: City Council Member Vierra moved to declare Sun Ridge CAD/RMS system a sole source purchase item and finds it to be a unique cost-savings opportunity for the City, exempting the purchase from centralized purchasing pursuant to Atwater Municipal Code section 3.04.110; to approve a five-year Lease-Purchase Agreement, in a form approved by the Interim City Attorney, with Sun Ridge Systems, El Dorado Hills, California, in the amount not to exceed \$568,005 (\$113,601 each year) for the lease-purchase of Computer Aided Dispatch

and Records Management System; and to authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Raymond, Cale, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.

Approving Memorandum of Understanding between the Fresno County Sheriff's Office and the Atwater Police Department regarding California High Intensity Drug Trafficking Area (Police Chief Salvador)

Police Chief Salvador reported that the Memorandum of Understanding (MOU) covers the City of Atwater in the Task Force for reimbursements from the Federal Government and potential asset recovery money.

MOTION: Mayor Pro Tem Raymond moved to approve a Memorandum of Understanding, in a form approved by the Interim City Attorney, between the Fresno County Sheriff's Office and City of Atwater Police Department regarding California High Intensity Drug Trafficking Area (HIDTA) Task Force; and to authorize and direct the City Manager to execute the Memorandum of Understanding on behalf of the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Raymond, Vierra, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

PRESENTATIONS:

Presentation by FM3 regarding polling results, and discussion and possible action regarding placement of a Public Safety Use Tax ballot measure on the March 3, 2020 Presidential Primary Election

Curt Below, representing FM3, provided a PowerPoint presentation of results from a recent poll of the Atwater citizens regarding placing a Public Safety Use Tax ballot measure on the March 3, 2020 Presidential Primary Election.

One person spoke in favor of the ballot measure but expressed concern for the small number of persons surveyed. He also expressed that attention must be directed to educating the public. He asked about the timing of this ballot issue.

One person spoke in favor of the ballot issue, particularly the focus on public safety, and urged the City Council to move forward on the ballot issue.

One person spoke regarding the level of fire services in the City of Atwater. He addressed the question of fire response times to the northern portion of the City.

By majority consent, the City Council directed staff to prepare options for both the one cent and the half cent Special Purpose Public Safety Use Tax potential for placement of a ballot measure on the March 3, 2020 Presidential Primary Election.

PUBLIC HEARINGS:

2019 Edward Byrne Memorial Justice Assistance Grant (JAG) and resolution approving Budget Amendment related to the grant (Police Chief Salvador)

Police Chief Salvador provided an overview of the grant application and the Budget Amendment. He advised that funds will be used toward new scheduling software, overtime expenses, and purchasing a new server for the Computer Aided Dispatch and Records Management System.

Mayor Creighton opened the public hearing for this item.

No one came forward to speak, and Mayor Creighton closed the public hearing.

MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3114-19 authorizing grant application submittal and acceptance of the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorizing and directing the City Manager to execute the application, Grant Agreement, amendments, and all documents related to the grant on behalf of the City, including administration, if awarded; and to adopt Resolution No. 3115-19 approving Budget Amendment No. 2 regarding 2019 Bureau of Justice Assistance Local JAG Program funding. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Ambriz, Vierra, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

CITY MANAGER'S REPORTS/UPDATES:

Resolution authorizing submittal of grant application for San Joaquin Air Pollution Control District Charge Up Vehicle Charger Incentive Program and Alternative Fuel Mechanic Training Incentive Component (City Manager Waterman, Police Chief Salvador, and Public Works Director Haddix)

City Manager Waterman provided an overview of the grant application and potential fund uses.

MOTION: City Council Member Vierra moved to adopt Resolution No. 3116-19 authorizing submittal of grant application for the San Joaquin Air Pollution Control District Charge Up Vehicle Charger Incentive Program; to adopt Resolution No. 3117-19 authorizing submittal of grant application for the San Joaquin Air Pollution Control District Alternative Fuel Mechanic Training Incentive Component; and to authorize and direct the City Manager to execute all documents on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Vierra, Cale, Creighton; Noes: Raymond; Absent: None. The motion passed.

REPORTS FROM MAYOR AND CITY MANAGER:

Verbal update regarding Take Back Our Neighborhood project held October 12, 2019

City Manager Waterman provided a PowerPoint presentation of the activities and achievements of the overall project. She thanked the community members, service organizations, and City staff who volunteered in the clean-up.

Discussion and possible action regarding an "Adopt a City Entrance" program (Mayor Creighton and City Council Member Cale)

Mayor Creighton shared the comments he has received from the public regarding the condition of our City entrances. City Council Member Cale suggested partnering with community groups to address the five areas of entrance into the City.

By majority consent, the City Council provided staff with direction regarding an "Adopt a City Entrance" program, and to bring back options for implementation at a future City Council meeting.

Discussion and possible action regarding assigning an Ad Hoc Committee for Public Works Facility Improvement Project

MOTION: Mayor Pro Tem Raymond moved that Mayor Creighton and City Council Member Cale comprise an Ad Hoc Committee for Public Works Facility Improvement Project. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Raymond, Ambriz, Cale, Vierra, Creighton; Noes: None; Absent: None. The motion passed.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

CAL FIRE Battalion Chief Slate announced a joint Annual Toy Drive by the Atwater Police Department and the Atwater CAL FIRE. Applications for toys will open October 21, 2019 thru December 6, 2019 available at the Community Center and at a new website www.atwatertoydrive.com; a Tri Tip Dinner will be held on December 7, 2019 at \$45 per ticket for a family meal; toys will also be collected at the December 6, 2019 Chamber of Commerce annual Christmas parade, wrapping parties will be held reaching out to the public and service organizations, and all toys will be distributed on Christmas Eve. Visit the website for more information about the Drive.

Kyle Loreto of Republic Services announced a Community Clean-Up Day on October 19, 2019 from 7:00 AM to 12:00 PM at Buhach Colony High School on Avenue Two parking lot. Two forms of identification are required to confirm residency in the

City of Atwater. Items collected will include electronics and large items but no hazardous waste of any kind.

Two people spoke requesting a follow up process for citizens who raise questions at City Council meetings. One person also requested that if the City Council goes forward with a ballot measure of any kind related to Public Safety there should be no sunset date.

One person spoke about the "campground" in place along Atwater Blvd. northbound and when could it be cleaned up. Police Chief Salvador responded that actions are currently being taken with the property owner.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Cale commented that he was not in favor of a sunset date on any potential ballot issue for Public Safety. He praised the upcoming Toy Drive effort of CAL FIRE and the Police Department.

City Council Member Ambriz thanked the public for the neighborhood clean-up. He also commented that his co-workers in Merced are noticing the new positive direction of the City of Atwater.

City Council Member Vierra praised the community clean-up efforts. She also related that other communities are taking note of Atwater's progress. She reported that having attended the recent funeral of firefighter Paul Rotonardo she commented that CAL FIRE provided an amazing service, and she offered her thoughts and prayers to the family.

Mayor Pro Tem Raymond noted that the landscape districts are finally looking much better thanks to the actions of the City Council in privatizing those services.

Mayor Creighton offered his condolences to the family of Paul Rotonardo and the entire CAL FIRE family.

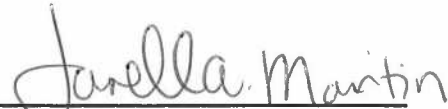
No one else came forward to speak.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Mayor Pro Tem Raymond and the City Council offered a moment of silence before adjourning the meeting in memory of CAL FIRE Captain Paul Vincent Rotondaro at 8:44 PM.



JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
P-M Transcription Services