



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

November 13, 2018

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:06 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.

ROLL CALL:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price

Absent: None

Staff Present: City Manager Waterman, Deputy City Attorney Hallinan, Deputy City Clerk Bengtson-Jennings

CLOSED SESSION: (Conference Room A)

Mayor Price invited public comments on Closed Session items.

No one came forward to speak.

Mayor Price adjourned the meeting to Conference Room A for Closed Session at 5:07 PM. Closed Session was called to order at 5:14 PM.

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: City Manager Waterman, City Attorney White, and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association; AFSCME Local 2703 – Miscellaneous Unit, Clerical Unit, and Mid-Management Unit; and Unrepresented

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: City Manager Waterman

Property Locations: a portion of APN 056-241-005 (approx. 5.68 acres)
APN 056-241-005
APN 056-330-016
APN 056-330-034

Closed Session adjourned at 6:08 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:12 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 Mead.

ROLL CALL:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price
Absent: None
Staff Present: City Manager Waterman, Deputy City Attorney Hallinan, City Clerk Hyler III, CAL FIRE Battalion Chief Suarez, Human Resources Director Del Real, Finance Director Deol, Police Sergeant Novetzke, General Services Manager/Chief Building Official Pereida, Interim Public Works Director Shaw, Recreation Supervisor Rahn, Executive to the City Manager Martin, Recording Secretary Rasmussen

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Deputy City Attorney Hallinan 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:

Agenda item #6 under Agreements, "Awarding contract for Juniper Avenue Pedestrian and Bike Path Infill Project," was removed from the agenda in its entirety and moved to the December 10, 2018 regular City Council meeting agenda for consideration and possible action.

MOTION: Mayor Pro Tem Vineyard moved to approve the agenda as amended. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported on several items:

- ***A new homeless services center has opened at 1137 B Street in Merced. The facility is New Directions and is operated by Turning Point from Stanislaus County. For more information contact them at (209) 726-2700.***
- ***The Community Action Agency is adjusting their shelter services to reflect reduced regulations creating a "low barrier" shelter that will allow for longer stays, keeping animals on-premises, and other measures to keep individuals off the street and connect them to the new services offered through New Directions.***
- ***The Merced County Economic Development Department has secured a \$3.2 million grant for their Project Foghorn aimed at supporting business retention in Merced County.***

State of the Art on Agricultural Preservation: CALAFCO White Paper (Bill Nicholson, Executive Officer, LAFCO of Merced County)

Bill Nicholson, LAFCO Executive Officer, provided a PowerPoint presentation summarizing the White Paper completed by the American Farmland Trust that cites the rising loss of prime farm land in California and particularly in the San Joaquin Valley.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Two persons spoke congratulating City Council Members Creighton and Raymond on their recent election victories.

One person alleged misleading information used during the recent campaign.

One person spoke against allowing individuals to personally attack others during the Comments from the Public portion of the meeting.

One person spoke in favor of allowing personal attacks as a "freedom of speech" right.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #10 under Petitions and Communications, "Request from Atwater Chamber of Commerce for assistance with annual Christmas Parade," was removed from the consent calendar for separate discussion and possible action.

Agenda item #11 under Informational Items Only (No Action Required), "Fire Department activities and projects for the month of October, 2018," was removed from the consent calendar for separate discussion.

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

WARRANTS:

2. November 13, 2018

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

3. September 24, 2018 – Regular meeting

ACTION: *Approval of minutes as listed.*

TREASURER'S REPORT:

4. October 31, 2018

ACTION: *Acceptance of report as listed.*

CALL FOR BIDS/RFPS:

5. Approving solicitation of Request for Proposals for heating ventilation and air conditioning (HVAC) repair and preventative maintenance services (Interim Public Works Director Shaw)

ACTION: *Approval of solicitation of Request for Proposals for heating ventilation and air conditioning (HVAC) repair and preventative maintenance services.*

AGREEMENTS:

6. Awarding contract for Juniper Avenue Pedestrian and Bike Path Infill Project (General Services Manager Pereida)

This item was removed from the agenda in its entirety and moved to the December 10, 2018 regular City Council meeting agenda for consideration and possible action.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Waiving the second reading and adopting Ordinance No. CS 999 approving Zoning Text Amendment 18-2 amending Chapter 17.42.030, "Conditional Uses," of Atwater Municipal Code as it relates to cannabis businesses and other use regulations (Senior Planner Thompson, VVH)

ACTION: Waives the second reading and adopts Ordinance No. CS 999 approving Zoning Text Amendment 18-2 amending Chapter 17.42.030, "Conditional Uses," of the Atwater Municipal Code as it relates to cannabis businesses and other use regulations.

8. Waiving the second reading and adopting Ordinance No. CS 1000 approving Zoning Text Amendment 18-1 amending Chapter 17.40.020 and Chapter 17.42.020 of Atwater Municipal Code regarding Emergency Shelters (Senior Planner Thompson, VVH)

ACTION: Waives the second reading and adopts Ordinance No. CS 1000 approving Zoning Text Amendment 18-1 amending Chapter 17.40.020 and Chapter 17.42.020 of the Atwater Municipal Code regarding Emergency Shelters.

9. Waiving the second reading and adopting Ordinance No. CS 1001 amending the City of Atwater's Cannabis Business Pilot Program related to cannabis dispensaries (City Attorney White)

ACTION: Waives the second reading and adopts Ordinance No. CS 1001 amending Title 5, "Business Taxes, Licenses, and Regulations," Chapter 5.60, "Cannabis Business Pilot Program," of the Atwater Municipal Code regarding cannabis dispensaries.

PETITIONS AND COMMUNICATIONS:

10. Request from Atwater Chamber of Commerce for assistance with annual Christmas Parade (Alice Gilbertson, Committee Member)

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

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

11. Fire Department activities and projects for the month of October, 2018 (CAL FIRE Battalion Chief Suarez)

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

PETITIONS AND COMMUNICATIONS:

Request from Atwater Chamber of Commerce for assistance with annual Christmas Parade (Alice Gilbertson, Committee Member)

Alice Gilbertson, representing the Atwater Chamber of Commerce Christmas Parade Committee, summarized the details of their request. Police Sergeant Novetzke commented that barricades will be placed to control traffic, but there are no volunteers to assist at the parade; he is seeking assistance from other area agencies for volunteers.

MOTION: Mayor Pro Tem Vineyard moved to approve the request from Atwater Chamber of Commerce for assistance with their annual Christmas Parade scheduled for Friday, December 7, 2018 starting at 7:00 PM beginning in front of Foster Freeze, traveling south on Winton Way, east on Broadway Avenue, and ending at the Bloss House; to block roads and for use of electricity boxes along the route. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Fire Department activities and projects for the month of October, 2018 (CAL FIRE Battalion Chief Suarez)

CAL FIRE Battalion Chief Suarez reported on the status of the search for a replacement fire engine citing that there is an attempt to partner with other fire agencies seeking to purchase engines in order to receive a discounted price. He estimated the turn-around time to secure an engine will be about one year.

PETITIONS AND COMMUNICATIONS:

Request from Atwater Elementary School District for exemption from Atwater Municipal Code Section 13.13, "Water Conservation Program" (Linda Levesque, Assistant Superintendent of Business Services, Atwater Elementary School District)

Linda Levesque, Assistant Superintendent of Business Services representing the Atwater Elementary School District, summarized the activities of the District to conserve water and advised that the California Education Code supersedes the local Municipal Code.

MOTION: City Council Member Creighton moved to approve the Atwater Elementary School District's request for exemption from the Atwater Municipal Code Section 13.13, "Water Conservation Program." The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Raymond wished everyone a Happy Thanksgiving and wished Janell Martin, Executive to the City Manager, a Happy Birthday.

City Council Member Vierra wished everyone a Happy Thanksgiving and safe travels during the holiday.

City Council Member Creighton reminded everyone about the December 7, 2018 downtown Atwater Christmas parade.

Mayor Pro Tem Vineyard thanked the Police Activities League cadets for their services during the recent Fall Clean Up Day activities. He also reminded everyone that November is Pancreatic Cancer Awareness month. He restated his position of his right to post on social media. He thanked the City of Atwater Audit and Finance Committee members for their voluntary service to the community, and he expressed that all City employees are the backbone of the City.

Mayor Price commented on the health challenges of Greg McDaniel and his recent return to Stanford Medical Center; he asked for contributions through Go Fund Me on Facebook to help the family. He noted that the number of homeless veterans in our area is decreasing and thanked Linda Dash for her untiring efforts on behalf of the homeless. He also thanked the Marine Corps for inviting him to the 243rd Birthday of the Marine Corps party. He asked that anyone who can help those in need during the Thanksgiving holiday to please do so. He urged everyone to attend the upcoming Atwater Christmas parade.

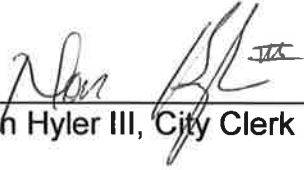
City Manager Waterman asked City Council Member Creighton to make an introduction of the new reporter for the Atwater Winton Times covering the City of Atwater.

CONTINUATION OF CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Mayor Price adjourned the meeting at 7:19 P.M.

A handwritten signature in black ink, appearing to read "Don Hyler III", is written over a horizontal line.

Don Hyler III, City Clerk

By: Lesa Rasmussen
Recording Secretary