



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

March 11, 2019

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 Creighton presiding.

ROLL CALL:

Present: *City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton*
Absent: *None*
Staff Present: *City Manager Waterman, City Attorney White, 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 5:03 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, City Attorney White, and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Mid-Managers Unit
- Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (2)

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

Property Locations: APN 002-213-005
APN 002-213-006
APN 002-213-007
APN 002-213-008

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:08 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 Mayor Pro Tem Raymond.

INVOCATION:

The Invocation was led by Pastor Rich Miller.

ROLL CALL: (City Council)

Present: City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton
Absent: None
Staff Present: City Manager Waterman, City Attorney White, CAL FIRE Battalion Chief Slate, Police Chief Salvador, Finance Director Deol, Interim Public Works Director Shaw, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney White reported that no reportable action was taken; 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 Ambriz and the vote was: Ayes: Cale, Vierra, Raymond, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

CEREMONIAL MATTERS:

Certificate of Recognition – Anthony Cannella

Mayor Creighton presented a certificate of recognition to former District 12 Senator, Anthony Cannella, for his many years of dedicated support to the people and the City of Atwater.

Certificate of Recognition – Louise Farley

Mayor Creighton presented a certificate of recognition to former District Representative for Anthony Cannella, Louise Farley, for providing outstanding professional service to the people of the 12th Senatorial District.

Mayor Creighton called a recess at 6:33 PM. The City Council returned to the dais and Mayor Creighton resumed the meeting at 6:45 PM.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel personally thanked Mayor Creighton, the City Council, and City Manager Waterman for attending the swearing in ceremonies of the Rural County Representatives of California, where he was sworn in as Vice Chair representing thirty-five rural California counties. He stated that his focus as Vice Chair will be economic development.

He announced the following:

- ***Merced County now has a mobile application for citizens to report issues to the County.***
- ***Merced County is engaged in the studies necessary to complete the Atwater-Merced Expressway.***
- ***A series of Town Hall meetings are scheduled throughout the County, and District 3 meetings will be held on March 27th at Stoneridge Christian High School, March 28th at McSwain School, and April 2nd, the final Town Hall, at the Atwater VFW Hall; all meetings will be held at 6:00 PM.***

COMMENTS FROM THE PUBLIC:

Mayor Creighton announced that speaker cards will be introduced tonight for public comments and that if there aren't enough cards, speakers are still welcome to come forward.

Notice to the public was read.

KYLE LOREDO, Republic Services, announced the Spring Clean Up is this Saturday, March 16th at 7:00 AM at Buhach Colony High School in the north parking lot; people are requested to line up on Avenue Two and not in the parking lot.

One person spoke inviting the public to attend an upcoming Court Appointed Special Advocates (CASA) fundraising event, "CASA Derby", on April 6th at the Merced County Fairgrounds at 6:00 PM.

One person spoke about tee shirts recognizing April as Child Abuse Awareness Month announcing that the shirts are on sale and purchasers are requested to wear their tee shirt every Friday during the month of April.

One person spoke regarding past alleged abuses by past City staff members.

One person spoke regarding lacking access to running water.

One person requested that the City Council pay attention to the road conditions on East Broadway Avenue. He suggested that heavy truck traffic is doing most of the damage and would like to see the situation corrected. He also praised City Manager Waterman for her work on behalf of the City.

One person invited the City Council to Law Enforcement Appreciation Sunday on May 19th, at Victory Baptist Church, 1280 Sierra Vista Avenue, Atwater.

One person spoke regarding potential uses for property located at 1385 Winton Way. He expressed concern for the lack of notice for cancellation of a public meeting where issues regarding this property were to be discussed. He spoke in opposition to the development of a mini-mart and gas station at the location.

No one else came forward to speak.

CONSENT CALENDAR:

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

WARRANTS:

1. March 11, 2019

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. a) February 11, 2019 – Regular meeting
- b) February 21, 2019 – Special meeting
- c) February 25, 2019 – Regular meeting

ACTION: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

3. a) September 19, 2018 – Regular meeting
- b) October 17, 2018 – Regular meeting
- c) January 16, 2019 – Regular meeting
- d) February 6, 2019 – Special meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (Audit and Finance Committee)

4. November 13, 2018 – Regular meeting

ACTION: Acceptance of minutes as listed.

RESOLUTIONS:

5. Approving and ratifying Side Letter of Agreement with AFSCME representing Mid-Managers Bargaining Unit (City Manager Waterman and Human Resources Director Del Real)

ACTION: Adoption of Resolution No. 3074-19 approving and ratifying Side Letter of Agreement, in a form approved by the City Attorney, between the City of Atwater and American Federation of State, County, and Municipal Employees, Local 2703, Council 57, AFL-CIO representing the Mid-Managers Bargaining Unit, pertaining to certain terms and conditions of employment; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

6. Amending Chapter 13 “Order of Business” of the City Officials’ Handbook (City Manager Waterman)

ACTION: Adoption of Resolution No. 3066-19 amending Chapter 13 “Order of Business” of the City Officials’ Handbook.

7. Amending regular meeting date, time, and place and officers for the Audit and Finance Committee Meetings (Finance Director Deol)

ACTION: Adoption of Resolution No. 2073-19 amending Resolution No. 1345-96 regarding the regular meeting date, time, and place and officers for Audit and Finance Committee meetings.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

8. Approving a Development Agreement by and between the City of Atwater and Dabout, Inc. regarding Cannabis Business Pilot Program; property locations: 301 Business Parkway, 288 Business Parkway, 308 Business Parkway, 591 Business Parkway, and 571 Business Parkway, Atwater (City Attorney White)

ACTION: Waives the second reading and adopts Ordinance No. CS 1004 approving a Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Dabout, Inc. regarding Cannabis Business Pilot Program, Tracking No. 06-262-18, property locations: 301 Business Parkway, 288 Business Parkway, 308 Business Parkway, 591 Business Parkway, and 571 Business Parkway, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

9. Approving a Development Agreement by and between the City of Atwater and Medallion Wellness, Inc. regarding Cannabis Business Pilot Program; property location: 341 Business Parkway, Atwater (City Attorney White)

ACTION: Waives the second reading and adopts Ordinance No. CS 1005 approving a Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Medallion Wellness, Inc. regarding Cannabis Business Pilot Program, Tracking No. 08-262-18, property location: 341 Business Parkway, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

10. Approving a Development Agreement by and between the City of Atwater and Top Management and Distribution, Inc. regarding Cannabis Business Pilot Program; property location: 231 Business Parkway, Atwater (City Attorney White)

ACTION: Waives the second reading and adopts Ordinance No. CS 1006 approving a Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Top Management and Distribution, Inc. regarding Cannabis Business Pilot Program, Tracking No. 13-262-18, property location: 231 Business Parkway, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Tow Service Agreement template for Fiscal Year 2018-19 and authorizing execution of Agreements with qualified tow operator businesses (Police Chief Salvador)

Police Chief Salvador reported that having private tow companies paying franchise fees relieves the City of any liabilities. He urged the City Council to approve the agreement template as presented.

MOTION: *Mayor Pro Tem Raymond moved to approve the terms and conditions of City of Atwater 2018-19 Tow Service Agreement template, in a form approved by the City Attorney; and to authorize and direct the City Manager, or his/her designee, and the City Attorney to prepare and execute Tow Service Agreements with qualified tow operator businesses. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Cale, Raymond, Vierra, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

CITY COUNCIL MATTERS:

Discussion and possible action regarding establishing an ad hoc committee for the purpose of recommending options for honoring Greg McDaniel

By general consent the City Council provided staff with direction regarding establishing an ad hoc committee for the purpose of recommending options for honoring Greg McDaniel; City Council Member Cale will head the committee.

City Council comments

City Council Member Cale urged everyone to celebrate St. Patrick's Day this Sunday safely. He also praised the Merced Elks Lodge for their recent outreach program regarding smoking marijuana and vaping use among teens. He expressed his condolences to the family and friends of Eddie DeMartini.

City Council Member Ambriz also urged everyone to celebrate St. Patrick's Day safely.

Mayor Pro Tem Raymond had no comments.

City Council Member Vierra asked if the unpaid balance of a water account as discussed under public comment has been paid.

City Manager Waterman responded that at a previous meeting the opportunity to meet and resolve the issue was offered, but to date the parties have not contacted the City to resolve the matter; the offer remains open.

Mayor Creighton announced that both the Ballico American Legion and the Atwater VFW will host lunches and dinners celebrating St. Patrick's Day. He praised a recent meeting with Governor Newsom regarding the City's housing element efforts. He also praised the work of both Police Chief Salvador and CAL FIRE Battalion Chief Slate. He responded to previous comments related to potholes in the City and offered to be of assistance in curing the problem. Mayor

Creighton expressed his gratitude that local newspaper man, John Derby, has been found safe and sound in Mexico.


CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Adjourn to the Atwater Community Center, 760 E. Bellevue Road, Atwater, on Wednesday, March 13, 2019 at 9:00 AM to hold a visioning/goal setting workshop

By consensus, Mayor Creighton adjourned the regular City Council meeting of March 11, 2019 at 7:21 PM to the Atwater Community Center, 760 E. Bellevue Road, Atwater, on Wednesday, March 13, 2019 at 9:00 AM to hold a visioning/goal setting workshop.



Janell Martin, Deputy City Clerk

By: Lesa Rasmussen
P-M Transcription Services