



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

March 25, 2019

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:00 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, Mayor Pro Tem Raymond, Mayor Creighton*

Absent: *City Council Member Vierra*

Staff Present: *City Attorney White, Deputy City Clerk Martin*

CLOSED SESSION:

Mayor Creighton invited public comments on Closed Session items.

No one came forward to speak.

Mayor Creighton adjourned the meeting to Conference Room A for Closed Session at 5:02 PM. Closed Session was called to order at 5:06 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 – Miscellaneous and Clerical Units
- Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (3)

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

Property Location: APN: 150-160-026

Closed Session adjourned at 5:52 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 Creighton presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Creighton.

INVOCATION:

The Invocation was led by Police Chaplain Mead.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Mayor Pro Tem Raymond, Mayor Creighton

Absent: City Council Member Vierra

Staff Present: City Manager Waterman, City Attorney White, CAL FIRE Battalion Chief Slate, Police Chief Salvador, General Services Manager/Chief Building Official Pereida, Finance Director Deol, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney White 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:

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

City Manager Waterman stated for the record that a request to meet was made by Richard and Lori Johnson at a previous City Council meeting. A meeting did take place on March 14, 2019 in the Atwater City Hall; those present were City Manager Waterman, Deputy City Attorney Hallinan, Richard and Lori Johnson and one neighbor. She stated her intention to restore water service at that time if they would pay their water bill and bring the balance current. She would also ask City Council for direction on the existing interest and penalties. At that time the Johnson's did not wish to resolve their water bill and stated that they felt they owed the City nothing and were willing to pay nothing to the City. The Johnsons requested another meeting with City Attorney White and Mayor Creighton along with their attorney to be held this date. She confirmed that the City responded that if there was nothing new to discuss there would be no meeting, and so the meeting was cancelled.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

JENNIFER JOAQUIN, Republic Services Recycling Coordinator, introduced herself to the City Council. She expressed her thanks to Buhach Colony High School, Miss Joan Faul, and the Buhach Colony High School football players for their assistance with the recent Spring Clean Up. She also reported that 74 tons of garbage, 4 tons of green waste, 30 tons of metal, and 11.5 tons of tires were removed and that there are no numbers currently for e-waste or mattresses.

One person spoke requesting a copy of his monthly utility bills for water, sewer and sanitation.

One person spoke alleging that a disputed bill issue with the City has been an ongoing problem and that City staff has been uncooperative and unresponsive to her request to resolve the issue.

MATT FELL, Merced County Association of Governments Transportation Planning Manager, invited the public to attend a Measure V event on Tuesday, April 2, 2019 at the Senior Center in Merced, 555 W. 15th Street at 5:30 PM. The meeting will showcase a summary of funds expended and plans for the future.

One person spoke citing another community's reaction to excessive attorney's fees by firing that attorney. He suggested that Atwater's City Attorney is charging excessive fees and should also be fired.

Two people spoke in opposition to a proposed project in their neighborhood and expressed concern with the lack of response from City staff to their concerns.

City Attorney White clarified the process for disputing or protesting a bill. A payment must be made under protest that only addresses the principal amount due and does not include any interest or fees.

No one else came forward to speak at this time.

CONSENT CALENDAR:

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

WARRANTS:

1. March 25, 2019

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. a) March 11, 2019 – Regular meeting
b) March 13, 2019 – Adjourned meeting

ACTION: *Approval of minutes as listed.*

MINUTES: (Community Development and Resources Commission)

3. February 22, 2019 – Adjourned meeting

ACTION: *Acceptance of minutes as listed.*

MINUTES: (Audit and Finance Committee)

4. a) March 20, 2012 – Regular meeting
b) April 17, 2012 – Regular meeting
c) May 15, 2012 – Regular meeting
d) July 17, 2012 – Regular meeting
e) August 21, 2012 – Regular meeting
f) September 18, 2012 – Regular meeting

ACTION: *Acceptance of minutes as listed.*

TREASURER'S REPORT:

5. February 28, 2019

ACTION: *Acceptance of report as listed.*

RESOLUTIONS:

6. Approving and ratifying Side Letter of Agreement with Atwater Police Officers Association Bargaining Unit (City Manager Waterman and Human Resources Director Del Real)

ACTION: Adoption of Resolution No. 3078-19 approving and ratifying Side Letter of Agreement, in a form approved by the City Attorney, between the City of Atwater and the Atwater Police Officers Association pertaining to certain terms and conditions of employment, and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

7. Approving City of Atwater General Fund Reserve Policy and Inter-Fund Advance and Loan Policy (City Manager Waterman)

ACTION: Adoption of Resolution No. 3068-19 approving the City of Atwater's General Fund Reserve Policy and Inter-Fund Advance and Loan Policy.

8. Approving budget amendment, approving Mitchell Schools Area Pedestrian Improvements Project, and approving Professional Services Agreement with VVH Consulting Engineers for additional engineering services for the Project (General Services Manager Pereida)

ACTION: Makes the finding that the project is categorically exempt under CEQA; adoption of Resolution No. 3075-19 approving Budget Amendment No. 4 regarding Mitchell Schools Area Pedestrian Improvements Project; adoption of Resolution No. 3076-19 approving the Project and authorizing and directing the City Manager or his/her designee to execute any agreements or documents relating to Mitchell Schools Area Pedestrian Improvements Project (CTIPS I.D. 205-000-0280; MCAG I.D. CMAQ19-01) on behalf of the City; approval of Professional Services Agreement, in a form approved by the City Attorney, with VVH Consulting Engineers for additional engineering services for Mitchell Schools Area Pedestrian Improvements Project in an amount not to exceed \$45,100; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

AGREEMENTS:

9. Approving Professional Services Agreement with VVH Consulting Engineers for additional engineering services for Aileen Colburn Pedestrian Safety Improvements Project Phase II (General Services Manager Pereida)

ACTION: Makes the finding that the project is categorically exempt under CEQA; approval of Professional Services Agreement, in a form approved by the City Attorney, with VVH Consulting Engineers for additional engineering services for Aileen Colburn Pedestrian Safety Improvements Project Phase II in an amount not to exceed \$50,800; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

CLAIMS AGAINST THE CITY:

10. Claim No. 2019-2

ACTION: *After consideration and investigation, it is staff's recommendation that Claim No. 2019-2 be rejected.*

PUBLIC HEARINGS:

Waiving the first reading and introducing Ordinance No. CS 1012 repealing Chapter 2.30 "Community Development and Resources Commission" of the Atwater Municipal Code and adding Chapter 2.32 "Planning Commission" of the Atwater Municipal Code (General Services Manager Pereida)

General Services Manager Pereida provided a summary of the proposed changes to the Atwater Municipal Code.

Mayor Creighton opened the public hearing.

MARY McWATTERS, Community Development and Resources Commissioner, stated that the change of the meeting time to 4:00 PM hinders public input on vital projects. She suggested that the meeting time be changed to 5:00 PM or 5:30 PM so that working people can participate in their government.

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

MOTION: *Mayor Pro Tem Raymond moved to waive the first reading and introduce Ordinance No. CS 1012 repealing Chapter 2.30 of the Atwater Municipal Code entitled "Community Development and Resources Commission" and adding Chapter 2.32 of the Atwater Municipal Code entitled "Planning Commission;" and to authorize and direct the City Clerk's office to initiate recruitment efforts to fill the seats of the newly re-established Planning Commission. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Raymond, Ambriz, Creighton; Noes: None; Absent: Vierra. The motion passed.*

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Housing Element Annual Progress Report for calendar year 2018 (General Services Manager Pereida and Finance Director Deol)

General Services Manager Pereida announced that staff and Kendall Flint, representing RGS, prepared the report regarding Atwater's Housing Element.

Mayor Creighton invited oral testimony and written comments from the public regarding the Housing Element Annual Progress Report.

No one came forward to speak or provided written comments.

MOTION: City Council Member Cale moved to approve the Housing Element Annual Progress Report for calendar year 2018; and to authorize and direct the City Manager to submit the Report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Cale, Ambriz, Creighton; Noes: None; Absent: Vierra. The motion passed.

CITY MANAGER'S REPORTS AND UPDATES:

Approving City of Atwater 2020–2025 Strategic Plan

Kendall Flint, representing RGS, presented a recap of the Strategic Plan as developed from a previous public workshop. She summarized the three key areas as mission, values, and goals; also citing that two major goals are to resolve the general fund deficit and reduce pension liabilities. She stressed the City Council's preference to continue Measure H to protect public safety services. She summarized the six major goals of the plan and stressed that a six month review of performance against the goals will be scheduled.

MARY McWATTERS spoke on behalf of AFSCME Local 2703 stating for the record that they are opposed to any contracting out for City jobs.

One person spoke against the plan as failing to deal with the current problems of the City. He urged the City Council to get aggressive about attracting new business and jobs to Atwater that do not include sales of marijuana.

One person commented that the intentions of the plan are good and supports the plan.

One person spoke about their current home in a state of disrepair due to lack of water services. He spoke in opposition to the plan.

MOTION: City Council Member Ambriz moved to approve the City of Atwater 2020-2025 Strategic Plan as presented. The motion was seconded by City Council Member Cale and the vote was: Ayes: Ambriz, Cale, Raymond, Creighton; Noes: None; Absent: Vierra. The motion passed.

Discussion and possible action regarding setting aside Measure H (public safety tax) and replacing with a new public safety tax for the 2020 General Municipal Election

City Manager Waterman provided a summary of the purpose of the survey/poll regarding a new public safety tax as a Special Tax and a way to gain input from the community regarding issues of importance to them.

One person spoke asking if the new public safety tax would be used for public safety purposes only.

Kendall Flint responded that the Special Tax will only go to public safety service delivery.

City Attorney White clarified that Measure H is about to expire and if there is no action at this time, the money for public safety will go away.

One person spoke in support of the plan as approved, but asked if the new public safety tax would involve a tax increase and what is the survey/poll going to cost?

Kendall Flint responded that the cost of the survey/poll would be approximately \$17,000 - \$23,000. The new tax figure would be set by results from the survey/poll and could be a one quarter percent or a one half percent tax.

City Manager Waterman confirmed that there is money in the current budget to cover the cost of the survey/poll.

MOTION: City Council Member Ambriz moved to authorize the City Manager to proceed with a survey/poll for a new public safety tax for the 2020 General Municipal Election. The motion was seconded by City Council Member Cale and the vote was: Ayes: Raymond, Cale, Ambriz, Creighton; Noes: None; Absent: Vierra. The motion passed.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Cale commented that with the good weather comes more people out on their bikes and kids are playing. He asked the public to be aware and alert to safety. He announced that a neighboring City Council member in Merced is experiencing treatment for cancer and expressed his support and good wishes for a speedy return to health.

City Council Member Ambriz thanked all the volunteers who worked the Spring Clean Up. He urged drivers to slow down and watch out for kids.

Mayor Pro Tem Raymond stated that he was part of the head shaving ceremony in support of a Merced City Council member and he asked for prayers for his recovery from cancer. He offered his prayers to the Larry Morse family on the recent death of their son. He asked the City Manager to please investigate removal of a stop sign at Fruitland Avenue and Orchard Park Drive.

Mayor Creighton also extended his thoughts to a Merced City Council member for a quick recovery. He announced that he recently attended a California Council of Governments meeting in Yosemite where he met with other communities in the Valley who have similar challenges. He stated that there is a 2019 Easter Egg Hunt scheduled for Saturday, April 13th from 10:00 AM to 12:00 PM in Veteran's Park and

the public is invited. He thanked Police Chief Salvador for his work during the recent murder event involving the Morse family.

CLOSED SESSION:

Continuation of closed session was not necessary.

ADJOURNMENT:

The meeting adjourned in memory of Robert "Bob" Ayers.

The meeting adjourned at 7:15 PM.



Janell Martin,
Deputy City Clerk

By: Lesa Rasmussen
P-M Transcription Services