



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

April 22, 2019

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 Raymond presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

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

INVOCATION:

The Invocation was led by Pastor Juan Uriostegui.

ROLL CALL:

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

Absent: Mayor Creighton

Staff Present: City Manager Waterman, Deputy City Attorney Hallinan, CAL FIRE Battalion Chief Slate, Police Chief Salvador, Reserve Police Officer Friedberg, Human Resources Director Del Real, General Services Manager/Chief Building Official Pereida, Interim Public Works Director Shaw, Deputy City Clerk Martin

SUBSEQUENT NEED ITEMS:

None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

CEREMONIAL MATTERS:

Anderson Flooring

The Anderson Flooring representative was not present.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***County staff is preparing an emergency item requiring a moratorium on the growing of hemp for the May 7th Board meeting. New regulations regarding the industrial growing of hemp have concluded the 15 day comment period and have been resubmitted to the Office of Administrative Law for review.***
- ***There was a meeting held addressing county-wide homelessness to explore options for more low-barrier shelter sites in Merced and Los Banos. Possibilities explored include sanctioned encampment, sprung structure, interim housing in the form of shipping containers, and Tough Shed tiny homes. A follow up meeting with Assemblymember Gray's office was scheduled for Monday, April 22nd.***
- ***The Merced County Department of Workforce Investment received final approval from the State Employment Development Department for its grant application addressing populations that have been affected by the opioid crisis. The Department of Workforce Investment is working with the County Behavioral Health Department to address homeless persons who are opioid affected. An outreach team will work throughout the County at outreach centers. The grant will fund the program through September 2019.***
- ***The homeless encampment behind Peggy Heller School has received assessment by the Department of Workforce Investment and the Merced County Behavioral Health Department.***

- *He announced he will be representing Merced County at the San Joaquin Valley Policy Conference and presenting a program aimed at preparing members to interact with State and Federal representatives and agencies.*
- *He stated that he is also representing Merced County in two meetings; one with Governor Newsom addressing Central Valley issues and another with the California Association of Counties.*

CONSENT CALENDAR:

Agenda item #4, Minutes (Audit and Finance Committee), was removed from the consent calendar for separate discussion and possible action.

Agenda item #9 under Agreements, "Awarding Cooperative State and Local Government Value Rental Lease Agreement for multi-functional copiers to Ray Morgan Company," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

1. April 22, 2019

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. April 8, 2019 – Regular meeting

ACTION: *Approval of minutes as listed.*

MINUTES: (Citizens' Oversight Committee for Public Safety Transactions and Use Tax)

3. February 2, 2017

ACTION: *Acceptance of minutes as listed.*

MINUTES: (Audit and Finance Committee)

4. a) January 27, 2014 – Special meeting
b) February 24, 2014 – Special meeting
c) March 24, 2014 – Regular meeting

- d) April 28, 2014 – Regular meeting
- e) May 27, 2014 – Regular meeting
- f) June 23, 2014 – Regular meeting
- g) July 28, 2014 – Regular meeting
- h) August 25, 2014 – Regular meeting
- i) September 22, 2014 – Regular meeting
- j) October 13, 2014 – Regular meeting
- k) November 10, 2014 – Regular meeting
- l) December 8, 2014 – Regular meeting

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

TREASURER'S REPORT:

- 5. March 31, 2019

ACTION: Acceptance of report as listed.

RESOLUTIONS:

- 6. Approving FY 2019-20 Annual SB 1 (Road Repair) Project List (General Services Manager Pereida)

ACTION: Adoption of Resolution No. 3084-19 approving a list of projects for Fiscal Year 2019-20 funded by SB 1: The Road Repair and Accountability Act of 2017; and authorizes and directs the City Manager to transmit a certified copy of the resolution to the California Transportation Commission.

- 7. Joint Authority – establishing the Atwater Housing Successor Agency and designating board members (General Services Manager Pereida)

ACTION: Adoption of Joint Authority Resolution No. 3077-19 and Housing Successor Agency Resolution No. 2019-1 establishing the Atwater Housing Successor Agency to the former Atwater Redevelopment Agency and designating board members.

REPORTS:

- 8. Approving Housing Successor Agency Annual Report for Fiscal Year 2017-18 (General Services Manager Pereida)

ACTION: Approval of Housing Successor Agency Annual Report for Fiscal Year 2017-18; and authorizes and directs the Executive Director to transmit the Report to the California Department of Housing and Community Development on behalf of the Agency.

AGREEMENTS:

9. Awarding Cooperative State and Local Government Value Rental Lease Agreement for multi-functional copiers to Ray Morgan Company (City Manager Waterman)

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

ORDINANCES (WAIVING SECOND READING AND RE-ADOPTION):

10. Waiving the second reading and re-adopting Ordinance No. CS 1012 repealing Chapter 2.30 "Community Development and Resources Commission" and adding Chapter 2.32 "Planning Commission" of the Atwater Municipal Code (City Manager Waterman)

ACTION: Waives the second reading and re-adopts Ordinance No. CS 1012 repealing Chapter 2.30 "Community Development and Resources Commission" and adding Chapter 2.32 "Planning Commission" of the Atwater Municipal Code.

MINUTES: (Audit and Finance Committee)

- a) January 27, 2014 – Special meeting
- b) February 24, 2014 – Special meeting
- c) March 24, 2014 – Regular meeting
- d) April 28, 2014 – Regular meeting
- e) May 27, 2014 – Regular meeting
- f) June 23, 2014 – Regular meeting
- g) July 28, 2014 – Regular meeting
- h) August 25, 2014 – Regular meeting
- i) September 22, 2014 – Regular meeting
- j) October 13, 2014 – Regular meeting
- k) November 10, 2014 – Regular meeting
- l) December 8, 2014 – Regular meeting

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

AGREEMENTS:

Awarding Cooperative State and Local Government Value Rental Lease Agreement for multi-functional copiers to Ray Morgan Company (City Manager Waterman)

City Manager Waterman provided a summary of the terms of the lease agreement and cited a cost savings of \$19,000 per year for the 5-year lease.

MOTION: *City Council Member Vierra moved to award a Cooperative State and Government Value Rental Lease Agreement, in a form approved by the City Attorney, for the term of five (5) years with Ray Morgan Company, Stockton, California for the delivery, installation, and maintenance of sixteen (16) multi-functional copiers for use at City Hall, Police Department, Community Development, Community Center, and Fire Station 41 in an amount not to exceed \$33,483.60 per year; and to authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Ambriz, Cale, Vierra, Raymond; Noes: None; Absent: Creighton. The motion passed.*

REPORTS AND PRESENTATIONS FROM STAFF:

Approving budget amendment regarding Merced County Random Access Network funding (Police Chief Salvador)

Police Chief Salvador provided a summary of the funds available to the Atwater Police Department through monies collected by vehicle registration fees. The funds can be used to pay for police in-car cellular connections and replacement of police in-car computers. This year's funds will yield an additional \$11,000; however, for FY 2020-21 the funds will increase to cover a specific project.

MOTION: *City Council Member Vierra moved to adopt Resolution No. 3083-19 approving Budget Amendment No. 8 amending the 2018-19 Fiscal Year Budget regarding Merced County Random Access Network funding. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Vierra, Cale, Raymond; Noes: None; Absent: Creighton. The motion passed.*

Public Works Department verbal update regarding potholes and the status of City street sweeper trucks (Interim Public Works Director Shaw)

Interim Public Works Director Shaw presented a Power Point presentation showing where street maintenance will be addressed while remaining flexible if other areas need maintenance. He stated the street sweeper is up and running and has included the downtown area on a daily basis.

CITY MANAGER'S REPORTS AND UPDATES:

Ratifying Interim Finance Director Retired Annuitant Employment Agreement

City Manager Waterman summarized the Employment Agreement and announced that an Interim Finance Director has been hired. She also noted that staff is currently recruiting for a permanent Finance Director. The agreement is in force until a permanent Finance Director is on-board or until Ms. Albrecht completes 960 hours as required by PERS.

MOTION: City Council Member Vierra moved to ratify Interim Finance Director Retired Annuitant Employment Agreement, in a form approved by the City Attorney, with Teri Albrecht; and to authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Vierra, Cale, Ambriz, Raymond; Noes: None; Absent: Creighton. The motion passed.

Discussion and possible action regarding Landscape Districts and weed control

City Manager Waterman reported that two staff members are currently working in the two districts and seeks direction from the City Council for exploring other avenues to address weed control and landscape maintenance. She noted that there could be a potential union issue and it will be addressed directly with the union prior to taking any action related to an RFP.

Interim Public Works Director Shaw announced that interviews are underway to hire two additional full time employees to backfill vacancies and to create a seasonal list of employees to address maintenance issues throughout the City.

Mary McWatters spoke representing AFSCME Clerical and Miscellaneous personnel in the City of Atwater. She objected to contracting out and negatively impacting current employee jobs. She suggested hiring more City personnel to achieve the work.

One person suggested utilizing other services that fall under a "community service" title.

One person suggested using City employees on Fridays or Saturdays to achieve more work throughout the City.

One person offered volunteers to take on clean-up projects.

Two people spoke in favor of moving forward with an RFP.

MOTION: City Council Member Vierra moved to direct staff to proceed with an RFP for maintenance of Landscape Districts. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Vierra, Cale, Raymond; Noes: None; Absent: Creighton. The motion passed.

Discussion and possible action regarding the hours of operation for the Bloss Home grounds and gardens

Deputy City Clerk Martin read into the record the following correspondence from Atwater Historical Society President Greg Olzack:

"Dear Lori, This is to notify you that for the record, as the President of the Atwater

Historical Society, I am requesting a future agenda item regarding the Bloss Home agenda item at this meeting be tabled or continued until a future date. The reasons for this are that I have just heard earlier today that this item was officially on the agenda. I was not officially notified or consulted by anyone from the City of Atwater that it was going to be placed on the agenda tonight, and that I am currently out of state and not able to attend the meeting and unfortunately no other authorized member of the Society is available either. It would be the Society's wish and hope that representatives of both the City and the Society be able to sit down and discuss this topic in the near future and come to some positive conclusion about this item that can be brought to the City Council for a suitable decision benefiting both parties. Again, for the record, I desire this email to be publicly read in full into the record at tonight's meeting. Also, please communicate to me in writing at your earliest convenience the findings and summary of the discussion so that we can be fully and accurately apprised of this matter. Thank you, Greg Olzack, President of the Atwater Historical Society."

MOTION: *City Council Member Cale moved to continue this item to the May 13, 2019 regular City Council meeting. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Cale, Ambriz, Vierra, Raymond; Noes: None; Absent: Creighton. The motion passed.*

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

CAL FIRE Battalion Chief Slate announced two annual programs related to Hazard Abatement in the City and the Apartment Inspection Program.

CAL FIRE Captain Bernard reported that the Muscular Dystrophy fundraising event "Fill the Boot" will take place on May 25th, from 7:00 AM to 1:00 PM at Five Corners in Atwater. All proceeds raised locally support local MD patients; there are six patients living in the City of Atwater. Last year \$3,699 was raised in Atwater.

Josh Regina, representing One Plant, spoke regarding the monthly minimum payment required to operate a cannabis business in the City of Atwater. He commented that data suggests that the revenue will be less than expected due to an increase in competition. He felt the current structure should be a flat 5% gross revenue tax versus the minimum payment currently required. He complained that the City has not been communicating with him regarding a proposed Development Agreement.

One person spoke praising the City Council, the Police Chief, and the City Manager. He commented on the Gustine City Manager's hiring of a former police chief.

One person spoke commending various CAL FIRE and City staff for their efforts during a recent incident.

One person announced National Drug Take Back Day and announced that a booth will be set up outside Walmart in Atwater on Saturday, May 11th.

Two people spoke regarding City policies that deny some citizens water services and the lack of clarity about a closed session matter.

One person spoke against a proposed gas station at Winton Way and Elm Avenue citing potential long term health problems.

One person invited the public and City Council members to a Law Enforcement Appreciation event on Sunday, May 19th at Victory Baptist Church from 10:00 AM to 10:30 AM for a meet and greet with a service to follow.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Vierra wished everyone a belated Happy Easter. She praised staff and volunteers for their work at the Easter Egg Hunt at Veterans Park. She thanked Jeannie Knight for providing lunch to the firefighters. She also suggested a Farm to Table event in Atwater.

City Council Member Cale praised those who worked on the Easter Egg Hunt. He commented on the positive progress the City is making and announced that special needs kids and adults can attend a soccer event at McSwain School on Saturday mornings at 10:00 AM. He also announced that the Merced Elks' Lodge will host a Bingo Night on Saturday, May 11th, and proceeds will support the Atwater 4th of July Committee.

City Council Member Ambriz thanked everyone in attendance. He praised everyone who put together the Easter Egg Hunt. He reminded the community that kids are out on Spring Break so be careful when you're driving.

Mayor Pro Tem Raymond also praised the Easter Egg Hunt and the Atwater Winton Lions Club, Atwater Police Officers Association, CAL FIRE Atwater, City Staff, and AFSCME for their donations and co-sponsorship. Other donations came from Atwater Walmart and El Portal Cancer Center. Love Atwater provided the food and Miss Merced County Outstanding Teen also attended. He offered a special commendation for Deputy City Clerk Martin and Administrative Assistant Perez for their extra effort in organizing the event. He announced that May 2nd at Atwater City Hall there will be a National Day of Prayer ceremony, and May 4th also at City Hall is a God Belongs in our City event from 10:00 AM to 1:30 PM.

ADJOURNMENT:

The meeting adjourned at 7:38 PM.

A handwritten signature in cursive script that reads "Janell Martin".

JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
P-M Transcription Services