



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

May 13, 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 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 5:05 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 Unit: AFSCME Local 2703 – Miscellaneous Unit

Pursuant to Government Code Section 54957, Public Employee Evaluation; Titles: City Manager and City Attorney

Closed Session adjourned at 5:58 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:05 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 City Council Member Cale.

INVOCATION:

The Invocation was led by Police Chaplain Mead.

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, CAL FIRE Battalion Chief Slate, Police Chief Salvador, General Services Manager/Chief Building Official Pereida, Accountant II Tejada, Reserve Police Officer Friedberg, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Mayor Creighton reported that the Closed Session agenda was not completed, and Closed Session will resume following the Regular Session.

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 Ambriz and the vote was: Ayes: Cale, Ambriz, Vierra, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

CEREMONIAL MATTERS:

Certificates:

B. K. Welding

Mayor Creighton presented a certificate of appreciation to Brad Kessler of B. K. Welding for the sign in the City Council Chambers.

Firefighter, Reserve Firefighter, and Fire Dispatcher of the Year

Mayor Creighton and CAL FIRE/Atwater City Fire Division Chief Rahn recognized Firefighter of the Year, Apparatus Engineer Adam Seward; Reserve Firefighter of the Year, Thomas King; and Fire Dispatcher of the Year, Jennifer Carter.

Police Officer and Public Safety Dispatcher of the Year

Mayor Creighton and Police Chief Salvador recognized Police Officer of the Year, Reserve Police Officer Michael Friedberg; and Public Safety Dispatcher of the Year, Kathy Mathis. Police Chief Salvador introduced Diana Westmoreland representing Senator Caballero who provided a corrected Senate Certificate, Assembly Certificate and Congressional Certificate to Reserve Police Officer Friedberg, spelling his name correctly.

PRESENTATIONS:

Buhach Colony High School Debate Team

Mayor Pro Tem Raymond introduced members of the Buhach Colony High School Speech and Debate Team who spoke about the fundamental benefits of participating in speech and debate, the different types of speaking events in which the team competes, and their collective passion for speech and debate. Mayor Pro Tem Raymond presented certificates of appreciation to the team members. City Council Members Cale and Vierra congratulated the team.

ENGIE Services regarding a solar and battery storage project at the Wastewater Treatment Plant

Ashu Jain, Senior Manager for ENGIE Services, provided an overview of the company and their services. He reviewed the many projects that have been completed in the Valley and their experience with wastewater treatment facilities. He proposed that the City of Atwater could avoid about 70% of their current electricity costs. He also indicated that public entities can save between 40-45% of electricity costs at facilities that do not have solar. By installing a 3-megawatt system the City will reap considerable savings. He also cited that they offer summer internships through the Parks and Recreation Department. He stated that if the City Council is interested, ENGIE will return with a formal proposal.

CONSENT CALENDAR:

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

WARRANTS:

1. May 13, 2019

ACTION: *Approval of warrants as listed.*

MINUTES: (Audit and Finance Committee)

2.
 - a) January 12, 2015 – Regular meeting
 - b) February 9, 2015 – Regular meeting
 - c) March 9, 2015 – Regular meeting
 - d) May 26, 2015 – Regular meeting
 - e) June 22, 2015 – Regular meeting
 - f) September 28, 2015 – Regular meeting
 - g) October 26, 2015 – Regular meeting
 - h) December 14, 2015 – Regular meeting

 - i) February 25, 2019 – Regular meeting

ACTION: *Acceptance of minutes as listed.*

RESOLUTIONS:

3. Approving and ratifying Side Letter of Agreement with AFSCME representing Miscellaneous Bargaining Unit (City Manager Waterman and Human Resources Director Del Real)

ACTION: *Adoption of Resolution No. 3086-19 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 Miscellaneous 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.*

4. Authorizing grant application submittal to San Joaquin Valley Air Pollution Control District for Emergency Vehicle Replacement Program (CAL FIRE/Atwater City Fire Battalion Chief Slate)

ACTION: *Adoption of Resolution No. 3085-19 authorizing a grant application*

submittal to the San Joaquin Valley Air Pollution Control District for the Public Benefit (Emergency Vehicle Replacement Program) Grant Program and authorizes and directs the City Manager to execute all documents related to the grant submission and implementation, if awarded, on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

5. Waiving the second reading and adopting Ordinance No. CS 1013 approving zone change for Aspenwood Subdivision (Legacy Estates) located east of Shaffer Road, southeast of Santa Fe Drive, and north of Camellia Drive (Senior Planner Thompson, VVH)

ACTION: Waives the second reading and adopts Ordinance No. CS 1013 approving Zone Change No. 19-2 changing the zoning designation of a 39 lot subdivision, Aspenwood Subdivision (Legacy Estates) located east of Shaffer Road, southeast of Santa Fe Drive, and north of Camellia Drive to Low Density Residential (R-1)(10).

ANNUAL PETITIONS AND COMMUNICATIONS:

6. Request from CAL FIRE/Atwater City Fire Department for MDA "Boot Drive" (CAL FIRE/Atwater City Fire Battalion Chief Slate)

ACTION: Approval of request from CAL FIRE/Atwater City Fire Department for annual Muscular Dystrophy Association (MDA) "Boot Drive" from 7:00 AM to 1:00 PM on Saturday, May 25, 2019.

7. Request from Atwater Pentecost Association for assistance with Annual Festival procession (Cesar Avila, President)

ACTION: Approval of request from Atwater Pentecost Association, contingent upon receipt of current liability certificate, for assistance with their Annual Festival procession on Sunday, June 30, 2019, leaving Atwater Pentecost Club (APC) at 8:30 AM down Third Street, right onto Broadway Avenue, right onto Winton Way proceeding to Saint Anthony's Church and returning to APC down Winton Way, left onto Grove Avenue, and right onto Third Street.

FUNDING AND BUDGET MATTERS:

Acceptance of Audited Financial Statements for the Fiscal Year ended June 30, 2018 (JJACPA Senior Accountant Brett Jones and Accountant II Tejada)

Accountant II Tejada introduced Brett Jones, JJACPA, Inc. to summarize the findings of the audit and issue a finding of "modified opinion," which is the highest finding that can be given. He also indicated that the General Fund deficit remains but did not affect the overall opinion.

MOTION: *Mayor Pro Tem Raymond moved to accept the Audited Financial Statements for the Fiscal Year ended June 30, 2018 and to direct the City Manager to file the Statements with the State of California Controller's Office and to the various financial institutions as appropriate. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Raymond, Cale, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

PUBLIC HEARINGS:

Ordinance approving Central Cal Brothers, Inc. Development Agreement regarding Cannabis Business Pilot Program for property located at 664 Railroad Avenue, Atwater (City Attorney White)

City Attorney White provided a summary of the Development Agreement.

Mayor Creighton opened the public hearing for this item.

One person spoke regarding the location of the proposed business. General Services Manager/Chief Building Official Pereida advised that the location is near the former Atwater Packing Company.

One person asked if this facility was a growing facility or a dispensary. City Attorney White responded that the facility is a dispensary.

One person asked where the cannabis funds will be employed. Mayor Creighton responded that funds will first be utilized to reduce debt.

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 1008 approving Central Cal Brothers, Inc. Development Agreement, in a form approved by the City Attorney, regarding Cannabis Business Pilot Program for property located at 664 Railroad Avenue, Atwater; 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 Vierra and the vote was: Ayes: Raymond, Cale, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

Ordinance approving MJI, LLC Development Agreement regarding Cannabis Business Pilot Program for property located at 460 Airpark Road, Atwater (City Attorney White)

City Attorney White provided a summary of the Development Agreement and advised that this is a grow facility.

Mayor Creighton opened the public hearing for this item.

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

MOTION: *City Council Member Cale moved to waive the first reading and introduce Ordinance No. CS 1010 approving MJJ, LLC Development Agreement, in a form approved by the City Attorney, regarding Cannabis Business Pilot Program for property located at 460 Airpark Road, Atwater; 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: Ambriz, Cale, Raymond, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

MAYOR AND CITY MANAGER'S REPORT:

Update on the Merced County Association of Governments One Voice 2019 Advocacy Trip – Washington, DC

City Manager Waterman reported that the One Voice trip achieved meetings with the Department of Justice, Housing and Homeless Department, representatives from the House of Representatives and the Senate. They also met with the House committees for Energy and Commerce, Agriculture and Rural Development, and Economic Development. She thanked Congressman Costa for hosting the teams at dinner.

Mayor Creighton reported his meetings regarding trade agreements, veterans' affairs, and housing and urban development. He also reported that any Housing Element issues with the State have been resolved save one item and that issue will be resolved by Fall.

REPORTS AND PRESENTATIONS FROM STAFF:

State of the Atwater Fire Department presentation (CAL FIRE/Atwater City Fire Battalion Chief Slate)

Battalion Chief Slate provided an overview of the activities within the City of Atwater including the staffing levels, the station facilities, vehicles and equipment, and the firefighter reserve program. He also reported on the number of calls that each station responded to and that most of those calls were medical related; a total of 4,000 calls for service were responded to in 2018. He reported that funds from Measure H have increased in 2018.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person asked if the water contamination testing was done prior to filtration or after; and where are we on resolving the issue. Mayor Creighton reported that there is no filtration system on City wells. Monitoring continues monthly to find any

contaminants. The City Attorney further advised that existing litigation will address how to remedy issues at the well sites.

One person spoke regarding a flickering light at his neighborhood. Mayor Creighton acknowledged that the Public Works Department will correct the problem.

One person spoke asking if the City can get a complete bill regarding the Johnsons; and are there any Police Officers still on paid administrative leave. City Attorney White responded that he will provide all information that is legal to release.

Three people spoke against the proposed gas station at Winton Way and Elm Avenue. One person who spoke claimed a lack of due process regarding notice to homeowners. Two people also cited a dangerous situation at Sierra Vista Street and Drakeley Avenue and requested a four-way stop be placed at that location. Mayor Creighton responded regarding the proposed gas station and advised that the City Council has limited authority over property rights and the State Bureau of Alcohol and Beverage Control governs the granting of a license.

One person spoke requesting in writing what is needed in order for them to get their water service restored. Mayor Creighton advised that the City Attorney will be in contact and advise how to get water restored.

One person announced that May 19, 2019 a Law Enforcement Appreciation event will be held at 10:30 AM at Victory Baptist Church. Firefighters will be honored on September 8, 2019.

One person asked about working with the City Council regarding issues related to the indigenous peoples of the community and asked to schedule a meeting at a future date.

No one else came forward to speak.

CITY COUNCIL MATTERS:

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

Greg Olzack, President of the Atwater Historical Society, provided information regarding new signage regarding access to the grounds. Mayor Creighton questioned the language in the signage and suggested adding the word "for access" to the signs being posted.

City Manager Waterman thanked the Historical Society for their positive participation at a recent meeting. She also shared a concern for the wording on the

proposed signs. President Olzack responded that the final sign will reflect changes to assure that access without cost is always an option.

One person spoke suggesting new language for the signs and will work with the Bloss Historical Society.

City Council comments

City Council Member Vierra had no comments.

City Council Member Raymond expressed belated wishes for a Happy Mother's Day. He also commended the Atwater Police Department for their work in reducing the speeding events on Juniper Avenue.

City Council Member Ambriz also expressed belated wishes for a Happy Mother's Day as well as thanks to all teachers celebrating Teacher Appreciation Week.

City Council Member Cale stated that he appreciated the report regarding the One Voice trip, and he praised the Buhach Colony High School speech and debate team.

Mayor Creighton thanked the Atwater Police Department for their quick response to an accident near his home and for their patrol saturation of the Secretariat and Determine neighborhoods.

CLOSED SESSION:

Mayor Creighton adjourned the meeting to Conference Room A to resume Closed Session items at 8:22 PM. Closed Session resumed at 8:32 PM.

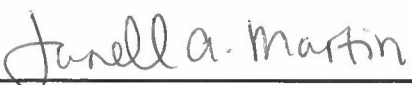
Closed Session adjourned at 10:50 PM.

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Mayor Creighton announced that no reportable action was taken and staff was given direction. The Closed Session agenda was completed.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at approximately 10:55 PM



Janell Martin, Deputy City Clerk

By: Lesa Rasmussen
P-M Transcription Services