



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

July 22, 2019

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:31 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Pro Tem Raymond presiding.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra (5:40 PM), Mayor Pro Tem Raymond
Absent: Mayor Creighton
Staff Present: City Manager Waterman, Interim City Attorney Sanchez, Deputy City Clerk Martin

CLOSED SESSION: (General Services Conference Room)

Mayor Pro Tem Raymond invited public comment on Closed Session items.

No one came forward to speak.

Mayor Pro Tem Raymond adjourned the meeting to the General Services Conference Room for Closed Session at 5:32 PM. Closed Session was called to order at 5:35 PM.

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: Maria Barletta, Donahue Schriber Realty

Property Location: APN 150-160-026

Closed Session adjourned at 6:01 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:04 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 Ambriz.

INVOCATION:

The Invocation was led by Pastor Donald Borgwardt.

ROLL CALL:

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

Absent: Mayor Creighton

Staff Present: City Manager Waterman, Interim City Attorney Sanchez, Public Works Director Haddix, CAL FIRE Battalion Chief Slate, General Services Manager/Chief Building Official Pereida, Senior Planner Thompson (VVH), Accountant II Tejeda, Code Enforcement Officer Garcia, Deputy City Clerk/Executive to the City Manager Martin

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Sanchez reported that one item was considered but that no reportable action was taken.

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, Raymond, Ambriz; Noes: None; Absent: Creighton. The motion passed.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel was not present.

CONSENT CALENDAR:

Agenda item #5 under Call for Bids/RFPs, "Rejecting proposals and authorizing re-advertising and release of revised Request for Proposals for landscape maintenance services in Landscape Maintenance Districts," was removed from the consent calendar for separate discussion and possible action.

Agenda item #7 under Agreements, "Approving Site Lease Agreement with T-Mobile West, LLC for antenna facilities at Osborn Park," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

1. July 22, 2019

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. June 10, 2019 – Regular meeting

ACTION: Approval of minutes as listed.

TREASURER'S REPORT:

3. June 30, 2019

ACTION: Acceptance of report as listed.

RESOLUTIONS:

4. Establishing Fiscal Year 2019-20 Appropriations Limitation (Accountant II Tejada)

ACTION: Adoption of Resolution No. 3102-19 establishing Fiscal Year 2019-20 Appropriations Limitation.

CALL FOR BIDS/RFPs:

5. Rejecting proposals and authorizing re-advertising and release of revised Request for Proposals for landscape maintenance services in Landscape Maintenance Districts (Public Works Director Haddix)

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

AGREEMENTS:

6. Approving Amendment No. 1 to Professional Services Agreement with JJA CPA, Inc. for City financial audit services (Accountant II Tejada)

ACTION: *Approval of Amendment No. 1, in a form approved by the Interim City Attorney, to Professional Services Agreement with JJA CPA, Inc. for City financial audit services extending the term of services to June 30, 2020 and increasing the not to exceed amount by \$42,500; and authorizes and directs the City Manager to execute the Amendment on behalf of the City.*

7. Approving Site Lease Agreement with T-Mobile West, LLC for antenna facilities at Osborn Park (Public Works Director Haddix)

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

8. Waiving formal procurement process and ratifying a Purchasing Agreement for repairs to Ferrara Pumper Fire Truck (Public Works Director Haddix)

ACTION: *Waives the formal procurement process and ratifies a Purchase Agreement with Hi-Tech EVS, Inc., Oakdale, California, in an amount not to exceed \$31,766.78 for Ferrara Pumper Fire Truck repairs.*

9. Approving Automatic Aid/Mutual Aid Agreement with County of Merced regarding fire and other related emergency services (CAL FIRE Battalion Chief Slate)

ACTION: *Approval of Automatic Aid/Mutual Aid Agreement, in a form approved by the Interim City Attorney, with the County of Merced regarding fire and other related emergency services; and authorizes and directs the Mayor to execute the Agreement on behalf of the City.*

10. Resolution authorizing a Purchase and Sale Agreement with Atwater Sales, LLC for certain property located on Fruitland Avenue, APN: 150-160-026; releasing Atwater Sales, LLC from obligations under certain Deferred Improvement Agreements; and authorizing entering into a Deferred Improvement Agreement with Merced Irrigation District (General Services Manager Pereida)

ACTION: *Makes the finding that the project is categorically exempt under the California Environmental Quality Act ("CEQA") section 15061 (b) (3), "common sense" exemption; and adoption of Resolution No. 3103-19 authorizing a Purchase and Sale Agreement with Atwater Sales, LLC, in a form approved by the Interim City Attorney, for certain property located on Fruitland Avenue, APN: 150-160-026; releases Atwater Sales, LLC from obligations under certain Deferred Improvement*

Agreements; authorizes entering into a Deferred Improvement Agreement with Merced Irrigation District; and authorizes and directs the City Manager to execute the Agreements on behalf of the City.

CLAIMS AGAINST THE CITY:

11. Claim No. 2019-9

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2019-9 be rejected.

CALL FOR BIDS/RFPS:

Rejecting proposals and authorizing re-advertising and release of revised Request for Proposals for landscape maintenance services in Landscape Maintenance Districts (Public Works Director Haddix)

Public Works Director Haddix reported that the original proposal was lacking in details related to the scope of work. He advised that a more comprehensive proposal should be prepared to better define the scope of work desired.

One person questioned whether the City is outsourcing the work. He stated that weed abatement is needed throughout the City.

MOTION: City Council Member Vierra moved to reject all proposals for landscape maintenance services in Landscape Districts; and to authorize re-advertising and release of revised Request for Proposals for landscape maintenance services within City of Atwater Landscape Maintenance Districts. 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.

AGREEMENTS:

Approving Site Lease Agreement with T-Mobile West, LLC for antenna facilities at Osborn Park (Public Works Director Haddix)

Public Works Director Haddix reported that the Agreement meets all City standards and provides for a positive fiscal impact to the City.

City Manager Waterman reported that the City will receive \$16,000 each year, with COLAs added each following year.

One person questioned the benefit of the lease and whether the City has other antennas in place.

City Manager Waterman responded that the City has several antennas in other locations within the City and that negotiations yielded a fiscal benefit to the City.

MOTION: *City Council Member Cale moved to approve a Site Lease Agreement, in a form approved by the Interim City Attorney, with T-Mobile West, LLC for antenna facilities located at Osborn Park for the initial term of five (5) years with four (4) automatic renewals of five (5) years each; 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: Ambriz, Vierra, Cale, Raymond; Noes: None; Absent: Creighton. The motion passed.*

PUBLIC HEARINGS:

Confirming Engineer's Reports and ordering the Annual Levy for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2019-20 (General Services Manager Pereida)

General Services Manager/Chief Building Official Pereida provided a summary of the Engineer's reports and the rates for annual assessments.

Mickey Ashley, Senior Project Analyst at Willdan Financial, clarified that this is not a new assessment and that it has been collected annually for years. He also provided a summary of the assessment rates per household.

Mayor Pro Tem Raymond re-opened the public hearing for this item.

One person stated that he is already paying for services and is concerned about the rates.

No one else came forward to speak, and Mayor Pro Tem Raymond closed the public hearing.

MOTION: *City Council Member Vierra moved to adopt Resolution No. 3096-19 confirming the Engineer's Reports as amended, to maintain current rate assessments in the Landscape Assessment Maintenance Districts without any increase for Fiscal Year 2019-20, and to order the continued maintenance of the City of Atwater Lighting and Drainage Maintenance Districts and levy of assessments for Fiscal Year 2019-20. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Vierra, Ambriz, Raymond; Noes: None; Absent: Creighton. The motion passed.*

Ordinance approving One Plant Atwater, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary located at 261 Business Parkway, Atwater (General Services Manager Pereida)

Senior Planner Thompson (VVH) provided a summary of the application and the Development Agreement. He clarified that this Type 10 license will include a retail component with a store front operation.

Mayor Pro Tem Raymond opened the public hearing for this item.

Two persons spoke in opposition to a saturation of retail establishments in the City of Atwater, and one of those people also expressed concern for a location outside the Industrial Park area.

No one else came forward to speak, and Mayor Pro Tem Raymond closed the public hearing.

MOTION: City Council Member Vierra moved to waive the first reading and introduce Ordinance No. CS 1016 approving One Plant, LLC Development Agreement, in a form approved by the Interim City Attorney, regarding Cannabis Business Pilot Program for property located at 261 Business Parkway, 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 Ambriz and the vote was: Ayes: Ambriz, Cale, Vierra, Raymond; Noes: None; Absent: Creighton. The motion passed.

Ordinance approving WB Pharms, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and dispensary on property located on Sycamore Avenue, west of Winton Way, Atwater (General Services Manager Pereida)

City Manager Waterman reported that the applicant has requested that the item be continued to the next regular City Council meeting on August 12, 2019.

Mayor Pro Tem Raymond opened the public hearing for this item.

No one came forward to speak, and Mayor Pro Tem Raymond closed the public hearing.

MOTION: City Council Member Vierra moved to continue the public hearing to the regular meeting of August 12, 2019. The motion was seconded by City Council Member Cale and the vote was: Ayes: Vierra, Cale, Ambriz, Raymond; Noes: None; Absent: Creighton. The motion passed.

Ordinance approving Cannable, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary on property located at 741 Enterprise Court, Atwater (General Services Manager Pereida)

City Manager Waterman reported that the applicant has requested that the item be continued to the next regular City Council meeting on August 12, 2019.

Mayor Pro Tem Raymond opened the public hearing for this item.

No one came forward to speak, and Mayor Pro Tem Raymond closed the public hearing.

MOTION: City Council Member Vierra moved to continue the public hearing to the regular meeting of August 12, 2019. The motion was seconded by City Council Member Cale and the vote was: Ayes: Ambriz, Vierra, Cale, Raymond; Noes: None; Absent: Creighton. The motion passed.

Consider a resolution approving application submittal for Statewide Park Development and Community Revitalization Program Grant Fund (Proposition 68) (City Manager Waterman and Executive to the City Manager Martin)

Executive to the City Manager Martin provided a summary of the grant proposal and the proposed location of Osborn Park to receive any awarded funds. She also noted that many community partners are in support of the grant application.

Mayor Pro Tem Raymond opened the public hearing for this item.

One person spoke about the poor condition of the restrooms at Osborn Park.

No one else came forward to speak, and Mayor Pro Tem Raymond closed the public hearing.

MOTION: City Council Member Cale moved to adopt Resolution No. 3101-19 authorizing submittal of an application to the California Department of Parks and Recreation, Office of Grants and Local Services, Statewide Park Development and Community Revitalization Program (Proposition 68); and to authorize and direct the City Manager to execute the application, Grant Agreement, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded. The motion was seconded by City Council Member Ambriz 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.

Two people spoke regarding the Cadet program in the City of Atwater and expressed their concern regarding the program.

One person spoke about the condition of trees at Manuel Barrios Park.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Vierra questioned the partnership activities between Tree Partners and the City of Atwater and how citizens should contact the proper

authority with any questions or concerns. She also expressed her excitement for the opportunity to apply for the parks grant. She congratulated and welcomed the new Code Enforcement Officer, Dan Garcia.

City Manager Waterman responded that the Tree Partners assist City staff with maintenance and education. She also indicated that citizens should contact the Public Works Department at (209)357-6370 with any concerns.

City Council Member Ambriz reported that code enforcement is an issue, and he welcomed Code Enforcement Officer Dan Garcia. He also reported on the success of his office hours to meet with constituents.

City Council Member Cale encouraged everyone to hydrate and find a cool place as the heat index will be rising during the next week. He welcomed the new Code Enforcement Officer. He also commended Public Works Director Haddix for his work to address the local issues.

Mayor Pro Tem Raymond responded to concerns about the PAL Cadets program and encouraged citizens to contact the Chief of Police and work to make the program even more successful while addressing the question of ages of cadets. He also welcomed the new Code Enforcement Officer, Dan Garcia. He announced a "Coffee with the Chief of Police" at 9:00 AM at Jantz Café on August 6, 2019.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Mayor Pro Tem Raymond adjourned the meeting at 7:40 PM.



JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
P-M Transcription Services