



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

January 27, 2020

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:03 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 Manager Waterman, Interim City Attorney Splendorio, Project Manager Lamerson, 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 5:04 PM. Closed Session was called to order at 5:11 PM.

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (2)

Closed Session recessed to Regular Session at 5:51 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 Lori Johnson.

INVOCATION:

The Invocation was led by Pastor Rich Miller.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton
Absent: None
Staff Present: City Manager Waterman, Interim City Attorney Splendorio, Police Chief Salvador, CAL FIRE Battalion Chief Slate, Finance Director Jacobs-Hunter, Deputy City Clerk Martin

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Splendorio reported that the City Council considered two items and that no reportable action was taken.

Mayor Creighton announced that continuation of Closed Session is necessary.

SUBSEQUENT NEED ITEMS:

None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: *City Council Member Cale 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, Creighton; Noes: None; Absent: None. The motion passed.*

PRESENTATIONS:

Merced County Association of Governments update (Stacie Guzman, Executive Director)

Merced County Association of Governments Executive Director Guzman summarized the following:

- **Revenue increases from Measure V yielded an additional \$2 million to the City of Atwater for local transportation projects.**
- **The Bus for Us campaign to provide fixed-route county-wide ride service for all Merced College students is available when they pay a \$9.95 fee per semester at time of registration. She also noted that The Bus offers free fixed-route rides to all Merced County seniors, ADA eligible persons and veterans county-wide.**
- **YARTS is offering a roundtrip ticket to Yosemite National Park at \$7.50 per person with a maximum of two tickets per household. This offer is available for a limited time only. Additionally, free Yosemite National Park ride service days will be offered on April 18th and April 20th which coincides with the park's Free Gate Days.**
- **The Merced County landfill will now be open Saturdays.**

One person asked about potential increases at the landfill.

Merced County Association of Governments Executive Director Guzman responded that a new State law will require that the landfill separate food from non-food items at the site, and that an increase in fees is likely. She added that the new law requires compliance by 2022, and any increase has not yet been determined.

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

WARRANTS:

1. January 27, 2020

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. January 13, 2020 – Regular meeting

ACTION: Approval of minutes as listed.

TREASURER'S REPORTS:

3. a) November 30, 2019
b) December 31, 2019

ACTION: Approval of reports as listed.

RESOLUTIONS:

4. Approving an amended Statement of Investment Policy for Fiscal Year 2019-20 and delegating authority to the City Treasurer to invest funds in accordance with the Statement of Investment Policy (Finance Director Jacobs-Hunter)

ACTION: Adopts Resolution No. 3133-20 approving an amended Statement of Investment Policy for Fiscal Year 2019-20 and delegates authority to the City Treasurer to invest funds in accordance with the Statement of Investment Policy.

OTHER ACTIONABLE ITEMS:

5. Authorizing submittal of grant application for Fiscal Year 2020-21 Office of Traffic Safety Regional Collision Response and Extrication Improvement Program (CAL FIRE Battalion Chief Slate)

ACTION: Authorizes submittal of an application for Fiscal Year 2020-21 Office of Traffic Safety Grant for the Regional Collision Response and Extrication Improvement Program; and authorizes and directs the City Manager to execute the application and any other related documents pertaining to the grant application on behalf of the City.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Investment Management Agreement with Chandler Asset Management pertaining to TCP settlement funds (Finance Director Jacobs-Hunter)

Finance Director Jacobs-Hunter summarized previous action by the City Council to dedicate settlement funds solely for the use of remediation. She introduced Don Penner of Chandler Asset Management Group.

Don Penner, Chandler Asset Management Group, provided a Power Point presentation summarizing their history in working with public agencies. He also clarified how the settlement funds would be invested and that it would be customized to the needs of the City of Atwater; a meeting is scheduled for February 12, 2020 to sit with City staff and map out the City's needs. He also suggested investment strategies for the City's portfolios.

One person spoke concerning the cost of utilizing Chandler Asset Management Group, the timeline for starting the cleanup and why we are not utilizing our own Finance Director to manage the funds.

Mayor Creighton responded that processes are already in place to begin remediation starting with infrastructure. He also stated that investing the money increases the funds available for a much longer term, and that staff will meet with her to further respond to her concerns.

Finance Director Jacobs-Hunter responded that the cost of the investment services provided by Chandler Asset Management Group would be approximately \$30,000 annually; however, the returns will more than offset that cost.

MOTION: *City Council Member Cale moved to approve an Investment Management Agreement, in a form approved by the Interim City Attorney, with Chandler Asset Management, San Diego, California, to perform as Investment Advisers for the TCP settlement funds; 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, Raymond, Cale, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

Adopting a resolution approving Water Discontinuation Policy to comply with the Water Shutoff Protection Act Senate Bill 998 (Finance Director Jacobs-Hunter)

Finance Director Jacobs-Hunter provided a summary of the requirements related to Senate Bill 998. She advised that staff has created the City's policy changes required by SB 998.

One person spoke regarding some information he received about the City of Atwater having more shut offs than the City of Merced. He also asked if there were any provisions for repeat non-pay offenders.

Finance Director Jacobs-Hunter replied that the amount of shut offs in Atwater is not extraordinary on a percent of population scale. She added that no additional provisions for repeat offenders have been put in place.

One person questioned the length of time water could be shut off.

MOTION: *City Council Member Ambriz moved to adopt Resolution No. 3132-20 approving Water Discontinuation Policy to comply with the Water Shutoff Protection Act SB 998. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Vierra, Cale, Raymond, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke regarding her spiritual conviction to meet life challenges related to the City of Atwater.

One person spoke against holding the "Comments from the Public" section at the end of the agenda instead of at the beginning of the meeting. He praised the City Council for their progress on the Winton Way project.

One person spoke about the homeless issues in the Valley. He presented a petition regarding how to address homelessness in our area.

One person spoke about trash throughout the United States and the effects on animals. She summarized a project she is working on detailing ways to keep the community cleaner for all and asked the City to adopt a recycling program.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Vierra had nothing to report.

City Council Member Cale had nothing to report.

Mayor Pro Tem Raymond had nothing to report.

City Council Member Ambriz thanked the MCAG Executive Director for an excellent presentation. He wished family members a happy birthday, and announced that he and his wife are expecting a baby boy.

Mayor Creighton announced that Wyatt Pimentel passed away this past weekend.

ADJOURNMENT:

Mayor Creighton adjourned the Regular Session to Conference Room A for continuation of Closed Session at 7:03 PM.

The meeting was adjourned in memory of Wyatt Pimentel.

CLOSED SESSION:

Closed Session resumed at 7:10 PM.

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (2)


Closed Session adjourned at 8:30 PM.

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Splendorio reported that no reportable action was taken. The Closed Session agenda was completed.

ADJOURNMENT:

The meeting adjourned at 8:35 PM.



JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
P-M Transcription Services