



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

July 13, 2020

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:02 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 Rich Miller.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond (via teleconference)

Absent: Mayor Creighton

Staff Present: City Manager Waterman, City Attorney Splendorio (via teleconference), Police Chief Salvador, Finance Director Jacobs-Hunter, Public Works/Community Development Director Thompson, Information Technology Manager Lamerson, Administrative Assistant Billings, Deputy City Clerk Martin

SUBSEQUENT NEED ITEMS:

None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: *City Council Member Ambriz moved to approve the agenda as posted. 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.*

CEREMONIAL MATTERS:

Patriotic Porch Parade Winners

City Council Member Vierra, Atwater Police Officers Association Representative Dave Sarginson, and Administrative Assistant Billings presented certificates of recognition to the winners of the 2020 Patriotic Porch Parade.

CONSENT CALENDAR:

MOTION: *City Council Member Cale moved to approve the Consent Calendar as listed. 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.*

WARRANTS:

1. July 13, 2020

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. a) June 22, 2020 – Special meeting
b) June 22, 2020 – Regular meeting

ACTION: *Approval of minutes as listed.*

RESOLUTIONS:

3. Initiates proceedings for the annual assessments levy with respect to the various maintenance districts for Fiscal Year 2020-21 (Public Works/Community Development Director Thompson)

ACTION: *Adoption of Resolution No. 3160-20 initiating proceedings for the annual assessment levy with respect to the various maintenance districts for Fiscal Year 2020-21 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California.*

4. Ordering the Engineer to prepare and file reports, declaring the City's intent to

collect assessments, preliminarily approving Engineer's Reports, and setting a public hearing for the collection of annual levy for various assessment maintenance districts for Fiscal Year 2020-21 (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3161-20 ordering the Engineer to prepare and file reports for the collection of annual levy for various assessments for the Lighting and Drainage and Landscape Maintenance Districts for Fiscal year 2020-21; and adoption of Resolution No. 3162-20 declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2020-21, granting preliminary approval of the Engineer's Reports, and setting a public hearing date for said assessments for July 27, 2020.

5. Establishing a Coin Toss to be the tie-breaking method used to resolve tie votes resulting from an election (City Clerk Armstrong)

ACTION: Adoption of Resolution No. 3164-20 establishing a coin toss to be the tie-breaking method used to resolve tie votes resulting from an election pursuant to Section 15651 of the Elections Code.

AGREEMENTS:

6. Approving Memorandum of Understanding with the Fresno County Sheriff's Office regarding California High Intensity Drug Trafficking Area (Police Chief Salvador)

ACTION: Approval of Memorandum of Understanding (MOU), in a form approved by the City Attorney, with the Fresno County Sheriff's Office regarding California High Intensity Drug Trafficking Area (HIDTA) Task Force; and authorizes and directs the City Manager to execute the Memorandum of Understanding on behalf of the City.

PUBLIC IMPROVEMENTS:

7. Accepting Third Street Sidewalk Improvement Project as complete (Public Works/Community Development Director Thompson)

ACTION: Accepts work done under the contract for Third Street Sidewalk Improvements, City Project No. 18-1 as complete; authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$4,074.15.

PUBLIC HEARINGS:

Naming the field located on the Northwest side of Osborn Park, commonly known as Osborn Field, the "Frank Reopente Memorial Field" (Public Works/Community Development Director Thompson)

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

Tom Legg provided background information regarding his request for this field to be named after Frank Reponte.

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. 3151-20 approving the naming of the field located on the Northwest side of Osborn Park, commonly known as Osborn Field, the "Frank Reponte Memorial Field." 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.

Waiving the first reading and introducing an ordinance approving zone change from Planned Development (PD-26) to Business Park (BP) for property located North of Bell Drive and West of Truckee Drive (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson provided background information and explained the benefits of the zone change.

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 make a finding that the project is categorically exempt under the California Environmental Quality Act ("CEQA") Guidelines, Section 15305 "Minor Alterations to Land Use Limitations; and to waive the first reading and introduce Ordinance No. CS 1031 approving Zone Change No. 20-9-0100 changing the zoning designations of property located north of Bell Drive and west of Truckee Drive (APN: 001-134-012) from Planned Development (PD) to Business Park (B-P). The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Vierra, Ambriz, Raymond; Noes: None; Absent: Creighton. The motion passed.

Waiving the first reading and introducing ordinance amending Development Agreement by and between the City of Atwater and Central Cal Brothers, Inc. regarding Cannabis Business Pilot Program for cannabis cultivation, manufacturing, dispensary, and distribution on property located at 664 Railroad Avenue, Atwater (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson provided background information and explained the reasoning behind the Amendment.

City Manager Waterman clarified to the City Council that the Amendment to the Development Agreement only adds licensing and does not change the public benefit amount.

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

The applicant, Central Cal Brothers, Inc., spoke thanking the City Council and stated they were present to answer questions.

One person spoke asking for the City to provide an explanation regarding the cannabis businesses throughout the City.

Public Works/Community Development Director Thompson responded to the public's request and provided an explanation regarding the City's zoning districts and how it permits cannabis businesses to operate at its locations.

City Council Member Vierra requested that staff provide an explanation at the next meeting regarding which cannabis businesses are currently operating, where they are located, and where each cannabis applicant is at in the application process.

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

MOTION: City Council Member Ambriz moved to waive the first reading and introduce Ordinance No. CS 1030 approving First Amendment to the Development Agreement, in a form approved by the City Attorney, by and between the City of Atwater and Central Cal Brothers regarding Cannabis Business Pilot Program for cannabis cultivation, manufacturing, dispensary, and distribution on property located at 664 Railroad Ave, Atwater; and to authorize and direct the City Manager to execute the Amendment on behalf of the City. 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.

REPORTS AND PRESENTATIONS FROM STAFF:

Resolution approving an amendment to Power Purchase Agreement for energy related improvements to City of Atwater facilities with California Solar 3, LLC (Public Works/Community Development Director Thompson)

City Manager Waterman and Public Works/Community Development Director Thompson provided background information regarding the Amendment to the Power Purchase Agreement and explained that the Amendment addressed only the expansion and compensation schedule of the original Power Purchase Agreement.

City Council Member Vierra addressed her concerns and requested Cal Solar 3, LLC to provide a further explanation regarding the need for the Amendment.

Ashu Jain, Senior Manager of Cal Solar 3, LLC, stated that back in December 2019, the City Council approved two Power Purchase Agreements to the Solar Project, both of which are installed at the Waste Water Treatment Plant. The proposed Amendment pertains to the second Power Purchase Agreement and will expand the Solar Project site by 800 Kilowatts resulting in the City saving \$3.7 million over the next thirty years without needing to invest any additional resources into the project due to PG&E's change on energy rates.

MOTION: City Council Member Cale moved to adopt Resolution No. 3158-20 approving an amendment to the Power Purchase Agreement, in a form approved by the City Attorney, with California Solar 3, LLC for the installation of a ground-mounted solar project at the Wastewater Treatment Plant (WWTP) as per the requirements of California Government Code Section 4217.10-4217.18; and to authorize and direct the City Manager to execute the Amendment to the Agreement, and any and all related documents in order to implement the project, on behalf of the City. 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.

Resolution approving a budget amendment to 1,2,3 TCP Fund (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson provided the background information and history regarding the need for the budget amendment.

MOTION: City Council Member Vierra moved to adopt Resolution No. 3163-20 approving Budget Amendment No. 11 amending Fiscal Year 2019-20 Budget to increase 1,2,3-TCP Fund. 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.

Approving contract change orders to General Construction Contract Rolfe Construction Company for the Winton Way Reconstruction Project (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson and City Manager Waterman provided background information on the need for the change order.

MOTION: City Council Member Vierra moved to certify and re-approve Contract Change Orders 1 through 6; and to approve Change Order 7 and 8 to General Construction Contract to Rolfe Construction Company for the Winton Way Reconstruction Project, Project No. 15-1 in an amount totaling: \$587,608.50. 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.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Deputy City Clerk Martin read into the record two comments received by email from the public. One person requested a report out on the number of illegal fireworks seized in the City of Atwater during the July 4th holiday, and one person expressed her concerns regarding trees surrounding her home and creating a potential hazard.

One person spoke providing their recommendations on how to handle the City's issue on homelessness and thanked the City for supporting local businesses and churches.

Police Chief Salvador provided a response to the public comment on the City's efforts with addressing the City's issue on homelessness and also reported out on the Police Department's confiscation of illegal fireworks.

No one else came forward to speak.

CITY COUNCIL MATTERS:

Discussion and possible action regarding a four month stay on water rate increase (Council Member Ambriz)

City Council Member Ambriz stated his recommendation to delay the price increase on water rates and explained the need to help the public during the crisis.

City Council Members Vierra and Cale agreed with the decision to delay the water rate increase to help the public.

Finance Director Jacobs-Hunter provided background information on why the water rate increase occurs and also explained that the delay on the water rate increase for four months will result in a decrease in the water fund by about \$132,000.

ACTION: City Council Member Ambriz moved to put a stay on the water rate increase for four months, starting August 1, 2020. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Vierra, Raymond; Noes: Nones; Absent: Creighton. The motion passed.

City Council comments

City Council Member Cale congratulated the Patriotic Porch Parade winners and reminded the public to use the cooling centers at City Hall.

City Council Member Vierra thanked law enforcement for spending their July 4th working to keep the community safe.

City Council Member Ambriz thanked Mayor Creighton for providing a live feed of Cruising for Independence, and reminded the public to be safe when going out in public.

Mayor Pro Tem Raymond congratulated District Four for winning first place in the Patriotic Porch Parade.

ADJOURNMENT:

Mayor Pro Tem Raymond adjourned the meeting in memory of Martha Jantzen, Nada Pazin, and Carlos Torres.

The meeting adjourned at 7:17 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Richard Vang
Deputy City Clerk