



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

February 26, 2018

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 Price presiding.

ROLL CALL:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price

Absent: None

Staff Present: Interim City Manager de Werk, City Attorney Terpstra, Recording Secretary Rasmussen

CLOSED SESSION: (Conference Room A)

Mayor Price invited public comments on Closed Session items.

No one came forward to speak.

Mayor Price adjourned the meeting to Conference Room A for Closed Session at 5:06 PM. Closed Session was called to order at 5:10 PM.

Public Employee Appointment – Pursuant to Government Code Section 54957(b)(1), Interim City Attorney

Conference with Legal Counsel – Potential Litigation – Pursuant to Government Code Section 54956.9: Number of cases: (1)

Closed Session adjourned at 6:02 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 Price presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Price.

INVOCATION:

The Invocation was led by Police Chaplain McClellan.

ROLL CALL:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Pro Tem Vineyard, Mayor Price

Absent: None

Staff Present: Interim City Manager de Werk, City Attorney Terpstra, City Clerk Hyler III, City Treasurer Heller, CAL FIRE Battalion Chief Wight, Human Resources Director Del Real, Interim Public Works Director Shaw, Recreation Supervisor Rahn, Interim Community Development Director Waterman, Finance Director Deol, Recording Secretary Rasmussen

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Terpstra reported that no action was taken and that staff was given direction. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS:

None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Under "Presentations:" the report regarding changes to Atwater's air space was moved to follow agenda item #5 "City of Atwater Organizational Restructure Project: positioning the City for financial solvency: Phase One of Two" and "Fiscal Year 2017-18 Mid Year Budget Review and resolution approving budget amendment to amend Fiscal Year 2017-18".

MOTION: City Council Member Vierra moved to approve the agenda as amended. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

COMMENTS FROM THE PUBLIC:

JOHN RIIS CHRISTENSEN, Atwater, spoke regarding the past history of assistant police chiefs and noted that Police Chief Joseph had no assistant chiefs, nor did he have any sergeants for support. He has heard conflicting explanations as to Police Chief Joseph's dismissal and asked if it had been a personal attack on Police Chief Joseph.

RICHARD JOHNSON, Atwater, expressed anger and dismay at the actions of Police Chief Joseph. He further requested a major investigation of the entire Police Department.

ANDY KROTIK, Atwater, expressed his deep sorrow and sadness on the passing of Mike Raymond. He described him as a generous and caring human being who helped many people get their first home. He extended his heartfelt condolences to City Council Member Brian Raymond and his family. He shared that he had initial concerns over the appointment of Mr. de Werk as Interim City Manager, but then he met with Mr. de Werk and stated that Mr. de Werk deserved a public apology and that he saw him as a good man whom he respects. He also said that the attacks on the Police Department and the Interim Police Chief coming from the media and on Facebook need to stop; it's time to look forward and move the City forward.

LORI JOHNSON, Atwater, spoke about an incident that occurred at an October, 2017 regular City Council meeting and made claims against the Mayor and police officers.

YSIDRO DELGADO, Atwater, (through an interpreter) presented Interim Police Chief Echevarria with an award of appreciation for his service to the community and congratulated him on his role as Interim Police Chief.

LARRY BERGMAN, Atwater, expressed grief and sorrow for the passing of Mike Raymond. He remembered him as a huge supporter of youth activities and youth baseball in particular.

NANCY REDDING, Atwater, raised questions about the recent incident involving the U.S. Immigration (ICE) officials profiling and intimidating four adult males at the Circle K store. She further stated that the same ICE agents went to a private residence at 6:00 AM that day claiming to be "police", not ICE, to gain entry and that this should not happen in Atwater.

CAL FIRE UNIT CHIEF NANCY KOERPERIC, spoke to the issue of CAL FIRE working for the past seven months without a contract. She further acknowledged that she is working with Interim City Manager de Werk to finalize a contract and is pleased that the Interim City Manager understands both the police and fire side of operations. She cleared up misconceptions about how CAL FIRE operates stating that only fire personnel work for the City and that all buildings and equipment belong to the City of Atwater. She said she was grateful for the Measure H funds that bought the ladder fire truck.

DON LAUGHTON, Atwater, explained the meaning of the term "interim" as being meant to preserve the status quo, and stated his concern that some of the changes being considered are premature and not within the jurisdiction of the Interim City Manager.

LUPE DELGADO, Atwater, claimed that ICE agents invaded the community and our citizens need to feel safe. This is harming families and innocent children. She asked if ICE agents had the right to identify themselves as "police" instead of ICE agents.

City Council Member Vierra asked the Interim Police Chief to address the question about ICE agents claiming to be "police".

Interim Police Chief Echevarria responded that federal agents are in fact police and that local police departments cannot prevent them from enforcing.

LOUIS AVILA, Atwater, commented (through an interpreter) that he is concerned over the ICE agents in Atwater. He expressed his strong feelings that families need to be protected and that Governor Brown signed SB54 into law; he asked the City Council to do the same and asked if they were willing to become a Sanctuary City.

DANNY HERNANDEZ, Atwater, addressed a member of the audience personally and was reminded that all comments must be directed to the City Council. He then questioned the timing of the no confidence vote regarding Police Chief Joseph citing newspaper articles.

KEITH POLASKI, Atwater, identified the City's financial deficit and expressed his concern for the money spent to get another Interim City Manager. He asked if the background check on Mr. de Werk had been completed and had Mr. de Werk signed the release of his 201 file.

No one else came forward to speak.

PRESENTATIONS:

Proposed changes to controlled air space over the City of Atwater (Richard Hill, Chief Air Traffic Controller for Castle Airport)

This item was moved to follow item number five "City of Atwater Organizational Restructure Project: Phase One of Two" and "Fiscal Year 2017-18 Mid Year Budget Review and resolution approving budget amendment to amend Fiscal Year 2017-18 Budget" on the agenda.

CONSENT CALENDAR:

Agenda Item #2 under Agreements, "Approving Agreement for Interim City Attorney services with Churchwell White, LLP," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

1. February 26, 2018

ACTION: Approval of warrants as listed.

AGREEMENTS:

2. Approving Agreement for Interim City Attorney services with Churchwell White, LLP (Interim City Manager de Werk)

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

3. Claim No. 2018-1

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2018-1 be rejected.

AGREEMENTS:

Approving Agreement for Interim City Attorney services with Churchwell White, LLP (Interim City Manager de Werk)

MOTION: Mayor Pro Tem Vineyard moved to retain Terpstra Henderson as Interim City Attorney and utilize an RFP process to retain attorney services. The

motion was seconded by Mayor Price and the vote was: Ayes: Vineyard, Price; Noes: Raymond, Vierra, Creighton. The motion failed.

MOTION: *City Council Member Creighton moved to approve the Agreement for Interim City Attorney services with Churchwell White, LLP, Sacramento, California for Interim City Attorney Services; and authorizes and directs the Mayor to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Vierra.*

City Council Member Creighton withdrew his motion and City Council member Vierra withdrew her second of the motion; the item will be considered in closed session to follow the open session.

FUNDING AND BUDGET MATTERS:

Treasurer's Report for the month of January, 2018 (City Treasurer Heller)

MOTION: *Mayor Pro Tem Vineyard moved to approve the City Treasurer's Report for the month of January, 2018. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.*

City of Atwater Organizational Restructure Project, positioning the City for financial solvency: Phase One of Two

Fiscal Year 2017-18 Mid Year Budget Review and Resolution approving budget amendment to amend Fiscal Year 2017-18 Budget (Interim City Manager de Werk)

MOTION: *City Council Member Creighton moved to approve the City of Atwater Organizational Restructure Project for Administration, Community Development, and Finance Department, and to adopt Resolution No. 3012-18 approving Budget Amendment No. 7 amending the Fiscal Year 2017-18 Budget; and to authorize and direct the Interim City Manager to take the necessary actions to implement Phase One of the City of Atwater Organizational Restructure Project; and adopts Resolution No. 3016-18 amending the City of Atwater Classification Plan and adopting Salary Schedule B-18, effective March 1, 2018. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Raymond, Vierra; Noes: Vineyard, Price; Absent: None. The motion passed.*

Mayor Price called a recess at 8:48 PM.

The City Council returned to the dais and Mayor Price resumed the meeting at 8:58 PM.

PRESENTATIONS:

Proposed changes to controlled air space over the City of Atwater (Richard Hill, Chief Air Traffic Controller at Castle Airport)

Castle Airport Manager, Scott Malta, advised that Richard Hill was not available to attend so he will do the presentation. He described the proposed changes by the FAA to airspace and the control tower at Castle Airport and an area of approximately 4.6 miles around Castle Airport. This proposal will take away the majority of Atwater's protected air space; the decision could come about May of 2018. Mr. Malta requested that the City Council submit a letter of opposition to the FAA proposed changes and authorize the Mayor to execute the letter on behalf of the City.

MOTION: City Council Member Raymond moved to authorize and direct the Mayor to execute a letter of opposition, regarding the Federal Aviation Administration's proposed changes to the airspace and control tower at Castle Airport and the surrounding area. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vineyard, Vierra, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal report regarding telecommunications outages at Public Works Department (Interim Public Works Director Shaw)

Interim Public Works Director reported that calls to the Public Works Department are not being ignored but rather the telephones are inoperable and attempts are being made to correct the problems. He offered a cell phone number for direct contact to Public Works by using 209-357-6372 which will be immediately redirected to a cell phone where messages can be retrieved.

CITY COUNCIL MATTERS:

City Council comments

CITY COUNCIL MEMBER RAYMOND, expressed his gratitude for each person up on the dais and many in the community who have been very supportive regarding the recent loss of his father.

CITY COUNCIL MEMBER VIERRA, had nothing to report.

CITY COUNCIL MEMBER CREIGHTON, had nothing to report.

MAYOR PRO TEM VINEYARD, reminded the public about the Spring Clean Up Day, the date and time of operation. He also commented on the continuing problem of yard sales in the community. He requested that the cannabis

ordinance be brought back for more consideration and possible changes. Reported that he spoke with a constituent who brought the idea of a micro hospital coming to Atwater, and he requested follow up on that item. He also asked for a full comparison of reinstating a City operated Fire Department and using CAL FIRE.

MAYOR PRICE, Reported that during the weekend the community suffered another loss, Leslie Kim Loeser "Kimmie", wife to Skippy Loeser of the VFW Hall lost her life in a traffic accident. Our chaplain Jim McClellan also lost his father. He shared his deepest sympathy to the entire Raymond family and especially Brian Raymond regarding the loss of his father.

CITY ATTORNEY TERPSTRA, Suggested that the City Council offer the position of Interim City Attorney or full time City Attorney to Churchwell White and that he will make this a smooth transition for the City.

MOTION: Mayor Pro Tem Vineyard moved to approve the Agreement for Interim City Attorney services with Churchwell White, LLP, Sacramento, California and authorizes and directs the Mayor to execute the Agreement on behalf of the City. The motion was seconded by Council Member Vierra and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 9:23 PM in the memory of Kimmie, Jim McClellan's father, Mike Raymond and all those who have lost someone dear.



DON HYLER III, CITY CLERK

By: Lesa Rasmussen,
Recording Secretary