



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**April 10, 2017**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:00 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:** City Attorney Terpstra, Deputy City Clerk Waterman, Recording Secretary Bengtson-Jennings

CLOSED SESSION: (Conference Room A)

*Mayor Price invited public comments on Closed Session items.*

*No one came forward to speak at this time.*

*Mayor Price adjourned the meeting to Conference Room A for Closed Session at 5:01 PM. Closed Session was called to order at 5:03 PM.*

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (3)

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(a): Name of case: Gonzales vs. City of Atwater, Case Number: CV002234

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: Deputy City Attorney Henderson and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Miscellaneous Unit and Clerical Unit

***Closed Session adjourned at 5:53 PM.***

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 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 McBride, City Attorney Terpstra, CAL FIRE Battalion Chief Pimentel, Finance Director Deol, Human Resources Director Del Real, Police Chief Joseph, Interim Public Works Director Faretta, City Clerk Hyler III***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

- Special meeting April 10, 2017 at 1:00 PM

***City Attorney Terpstra announced that the City Council conducted interviews for the appointment of City Manager. No reportable action was taken and staff was given direction.***

- April 10, 2017 at 5:00 PM

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

SUBSEQUENT NEED ITEMS: ***None.***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

*City Clerk Hyler III announced a request to remove agenda item #9 under Reports and Presentations from Staff, "Verbal update regarding code enforcement activities and potential code modifications relating to nuisance abatement," in its entirety and to place the item on the next regular City Council meeting agenda of April 24, 2017.*

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

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

*Merced County District 3 Supervisor McDaniel introduced Merced County District 4 Supervisor Lloyd Pareira whose representation boundary includes portions of Atwater.*

*Supervisor Pareira introduced himself and spoke of his willingness to assist with City/County relations and community issues.*

*Supervisor McDaniel announced that he engaged in open discussions with each city in Merced County concerning the topic of marijuana. He spoke regarding SB-1, the newly adopted transportation funding Senate Bill (gas tax), and regarding Measure V, the Merced County transportation sales tax, and how each will affect local residents and improve roads.*

CEREMONIAL MATTERS:

Certificates of Appreciation to Heller Park volunteers

*Mayor Pro Tem Vineyard presented Certificates of Appreciation to Francisco Sandoval, Froylan Aguilar Bucio, and Victor Avila for cleaning and maintaining Heller Park, for keeping the park cement areas clear of graffiti, and for their community involvement with the youth surrounding Heller Park.*

*JOY VON MUELLER, Atwater, praised Victor Avila not only for his efforts in cleaning Heller Park, but for mentoring the local children as well.*

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

***JEANIE KNIGHT, Atwater, questioned the proper protocol to report drug use at local parks.***

***Police Chief Joseph clarified that drug use and loitering in City parks should be reported to the Police Department.***

***ERIC LEE, Atwater, thanked the Public Works Department for their hard work in keeping storm drains clean and roads clear in light of the wet year.***

***No one else came forward to speak.***

CONSENT CALENDAR:

***MOTION: City Council Member Raymond moved to approve the consent calendar as listed. 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.***

WARRANTS:

1. April 10, 2017

***ACTION: Approval of warrants as listed.***

MINUTES: (City Council)

2. a) Regular meeting, March 27, 2017  
b) Adjourned meeting, March 28, 2017

***ACTION: Approval of minutes as listed.***

AWARD OF BIDS:

3. Awarding contract for the purchase of two (2) Dump Trucks (Interim City Manager McBride)

***ACTION: Awards a contract, in a form approved by the City Attorney, for the purchase of two (2) new Title 23, Tier 4 Dump Trucks, City Project No. 14-11, Bid Call No. 676-17 to Fred M. Boerner Motor Co., Huntington Park, California in the amount of \$214,750.18; and authorizes the City Manager or his designee to execute the contract agreement on behalf of the City.***

4. Awarding contract for Congestion Management and Air Quality (CMAQ) Project CML 5254(020), Buhach Road Sidewalk Infill Project (Interim City Manager McBride)

**ACTION:** Awards a contract, in a form approved by the City Attorney, for construction of Buhach Road Sidewalk Infill Project, City Project No. 14-4, to FBD Vanguard Construction, Livermore, California in the amount of \$127,825; and authorizes the City Manager to execute the contract agreement on behalf of the City.

CLAIMS AGAINST THE CITY:

5. Claim No. 2017-1

**ACTION:** After consideration and investigation, it is staff's recommendation that Claim No. 2017-1 be rejected.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

6. Police Department activities and projects for the month of March, 2017 (Police Chief Joseph)
7. Police Volunteer activities for the month of March, 2017 (Police Volunteer Vineyard)
8. Fire Department activities and projects for the month of March, 2017 (CAL FIRE Battalion Chief Pimentel)

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal update regarding code enforcement activities and potential code modifications relating to nuisance abatement (Code Enforcement Officer Velazquez)

***This item was removed from the agenda in its entirety and will be placed on the next regular City Council meeting agenda of April 24, 2017.***

Approving Budget Amendment No. 4 regarding the purchase and retrofitting of two (2) fire command vehicles (CAL FIRE Battalion Chief Pimentel)

**MOTION:** City Council Member Creighton moved to adopt Resolution No. 2941-17 approving Budget Amendment No. 4 regarding the purchase and retrofitting of two (2) fire command vehicles; to award a cooperative purchase of two (2) command vehicles to Courtesy Chevrolet of San Diego, California in an amount not to exceed \$87,288.54; and to authorize and direct the City Manager to execute the purchase agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

***DANIEL HERNANDEZ, Atwater, spoke in opposition to the purchase of two fire command vehicles, especially due to the City's on-going financial struggles.***

CITY COUNCIL MATTERS:

Discussion regarding contracting with Open.gov to provide the Smart Government Platform™ (Requested by City Council Member Raymond)

***City Manager McBride spoke regarding contracting with Open-gov to provide the Smart Government Platform™ for transparency and reported that more information is forthcoming.***

Discussion and possible action regarding suspending video production of City Council meetings (Requested by City Council Member Vierra)

***JIM SANDERS, JD Sanders Company LLC, spoke regarding video production of City Council meetings and current potential hazards, and he answered questions of the City Council.***

***JEANIE KNIGHT, Atwater, suggested a short term fix of rearranging the City Council chambers as before.***

***ERIC LEE, Atwater, voiced his displeasure with the manner in which this item was presented, and he stated that for transparency, every meeting should be video recorded.***

***DANIEL HERNANDEZ, Atwater, suggested holding City Council meetings at the Community Center until such time as the City Council Chambers can be “fixed” and made ADA compliant.***

***By consensus, the City Council directed the City Manager to consult the City’s Chief Building Official and Mr. Sanders to identify any possible hazards and to implement corrective action prior to the next regular City Council meeting.***

City Council comments

***City Council Member Raymond wished his son, Jacob, a Happy 13<sup>th</sup> Birthday.***

***City Council Member Vierra thanked the community for their prayers in anticipation of a new granddaughter making her way into the world this evening.***

***Mayor Pro Tem Vineyard announced that he will be unavailable at the end of the week for approximately ten days. He will meet with Police Chief Joseph to select a coordinator for the Police Department volunteers who will act in his absence.***

***City Council Member Creighton thanked the City of Dos Palos for their efforts hosting the recent City/County Dinner. He announced that the next City/County Dinner will be held at UC Merced. And, he wished everyone a Happy Easter.***

***Mayor Price announced that he will be extremely busy starting this Thursday preparing for and welcoming Air Force visitors to our community. He stated he can be reached via text at (209) 777-0675. He reported on a recent Elks Club event featuring law enforcement. He praised the Public Works Department for their responsive handling of the streets and gutters during this past wet winter.***

CLOSED SESSION:

***Closed Session was not necessary.***

ADJOURNMENT:

***The meeting adjourned at 7:22 PM.***

  
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DON HYLER III  
CITY CLERK

By: Kim Bengtson-Jennings,  
Recording Secretary