



CITY OF ATWATER

CITY COUNCIL, FIRE PROTECTION DISTRICT, AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

ACTION MINUTES

June 12, 2017

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 4:07 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/Community Development Director McBride, City Attorney Terpstra, Deputy City Clerk Saavedra, 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 4:09 PM. Closed Session was called to order at 4:15 PM.

Pursuant to Government Code Section 54957, Public Employee Appointment: Interim City Manager

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (2)

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

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: Community Development Director McBride

Property Location: APN 150-065-010

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Acquisition. Agency Negotiator: Community Development Director McBride

Property Location: APN 150-160-026

Closed Session adjourned at 5:58 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater, the Board of Directors of the Fire Protection District, and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency met in Regular Session this date at 6:07 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor/Board President/Board Chair Price presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor/Board President/Board Chair Price.

INVOCATION:

The Invocation was led by Police Chaplain McClellan.

ROLL CALL: (City Council/Board of Directors/Governing Board)

Present: City Council Members/Board Members Creighton, Raymond, Vierra, Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard, Mayor/Board President/Board Chair Price

Absent: None
Staff Present: *Interim City Manager/Executive Director/Community Development Director McBride, City Attorney Terpstra, CAL FIRE Battalion Chief Pimentel, CAL FIRE Battalion Chief Schmitz, Finance Director Deol, Human Resources Director Del Real, Police Chief Joseph, Acting Public Works Director Shaw, Recreation Supervisor Rahn, City Clerk/Board Clerk/Board Secretary Hyler III, Recording Secretary Bengtson-Jennings*

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Terpstra announced that one candidate for Interim City Manager was interviewed during Closed Session and an offer of employment is forthcoming. He reported that no action was taken and staff was given direction concerning the remaining Closed Session agenda items. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

CEREMONIAL MATTERS:

Presentation to Dora Anderson

Mayor Price presented a Certificate of Recognition to Dora Anderson, Ms. Atwater California Plus America Beauty Pageant Community Service State Queen.

Presentation to first responders to the Applegate Exit accident

Mayor Price announced the names of the first responders to the Applegate Exit accident, and he and Police Chief Joseph presented Certificates of Recognition to those in attendance.

Presentation to City Employees for responding to traffic and pedestrian accidents

Mayor Price and Police Chief Joseph acknowledged Chief Building Official Mark Pereida and Civil Engineering Assistant Ramon Garcia for responding to traffic and pedestrian accidents.

PRESENTATIONS:

The Merced County Tobacco Control Program (MCTCP) (Jessica Kazakos, Program Coordinator)

Two representatives from the Merced County Youth Advisory Board spoke regarding the County's Tobacco Control Program and "wiping out second hand smoke."

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported on several items:

- *The Merced County Development Services Center, also known as the "One-Stop Permitting Center," will celebrate its grand opening on Monday, June 19, 2017 at 4:00 PM at its present location on the second floor of the Merced County Administration Building, 2222 M Street, Merced.*
- *The Board of Supervisors will consider for adoption its FY 2017/18 Proposed Budget at their June 20, 2017 meeting.*
- *June has been proclaimed "All Dads Matter" month, to reinforce the importance of promoting responsible fatherhood. An event will be held Saturday, June 17, 2017 at Applegate Park.*
- *June also has been proclaimed "Elder Abuse Awareness" month, to increase awareness about elder and dependent adult abuse.*
- *The California State Association of Counties (CSAC) Institute offers a multi-course study of county government, and a ceremony will be held June 16, 2017 for those receiving credentials, including Supervisor McDaniel.*
- *A County-wide intern program has been established, and two new interns will join Supervisor McDaniel for this summer.*

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

DEBBIE MACIAS, AFSCME Business Representative, Mid Management Unit, stated for the record that the Mid Management Unit is not "failing to cooperate" in the meet and confer process regarding the issue of furloughs, and they have proposed three options to possibly restore services to the community.

DARRYL DAVIS, Merced Branch 1047 NAACP President, read a letter to the community concerning a supposed NAACP discrimination investigation into the Atwater Police Department, and he apologized for any misconceptions. He reiterated that Mr. Johnson has no authority to act on behalf of the NAACP.

MARY McWATTERS, AFSCME Business Representative, Miscellaneous and Clerical Units, stated that they are currently bargaining in good faith with City representatives, and she reminded the City Council of the financial sacrifices the

employees in the Miscellaneous and Clerical Units have made.

FRANK JOHNSON, CEO for the National Association for the Advancement of All People, spoke concerning accountability and punishment for those who break the law.

MARK (would not reveal his last name or address for fear of retaliation) spoke regarding the recently alleged "inappropriate" actions of the Interim City Manager.

ART URIBE, Owner of A-1-A Preston's Lock Shop, questioned what the City is doing to clean up Broadway Avenue.

GARY BRICE, Atwater, spoke regarding the Atwater Elementary School District's summer food program at various parks in Atwater, mobile food carts, recycling bins, and yard sales.

ERIC LEE, Atwater, suggested the City establish an Adopt-A-Road program in Atwater to help clean up Atwater Blvd. He suggested replacing the welcome sign and working with Tree Partners Foundation to replant said area. He stated his commitment to maintain the two City parking lots on Third Street and Fourth Street.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #10 under Informational Items Only (No Action Required), "Police Department activities and projects for the month of May, 2017," was removed from the consent calendar for separate discussion.

Agenda item #13 under Informational Items Only (No Action Required), "Water Well Levels for the month of May, 2017," was removed from the consent calendar for separate discussion.

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

WARRANTS:

1. June 12, 2017

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. a) Regular meeting, May 8, 2017
b) Regular meeting, May 22, 2017

ACTION: Approval of minutes as listed.

RESOLUTIONS:

3. Authorizing submittal of grant application to United States Department of Justice, Office of Community Oriented Policing Services for funding under 2017 COPS Hiring Program (Police Chief Joseph)

ACTION: Adoption of Resolution No. 2962-17 authorizing submittal of grant application to the United States Department of Justice, Office of Community Oriented Policing Services (COPS) for funding under 2017 COPS Hiring Program (CHP); provides staff direction to apply for two (2) new Police Officers, or apply to retain two (2) Police Officers scheduled to be laid off; and authorizes the City Manager or his designee to execute any agreements or documents relating to participation and administration of grant, if awarded, on behalf of the City.

4. Declaring City's intent to collect annual levy for various Assessment Maintenance Districts for Fiscal Year 2017/18, preliminarily approving the Engineer's Reports and setting a public hearing date (Community Development Director McBride)

ACTION: Adoption of Resolution No. 2960-17 ordering the City's Assessment Engineer to prepare and file the Engineer's Reports for the collection of the proposed annual assessments for the Lighting and Drainage and Landscape Maintenance Districts for Fiscal Year 2017/18; and adoption of Resolution No. 2961-17 granting preliminary approval of the Engineer's Reports, declaring the City's intention to levy and collect the annual assessments for various Assessment Maintenance Districts for Fiscal Year 2017/18 and setting a public hearing date for said assessments for June 26, 2017.

PUBLIC IMPROVEMENTS:

5. Accepting new Tier 4 Wheel Loader purchase (Acting Public Works Director Shaw)

ACTION: Acceptance of work done under contract to manufacture and deliver a new Tier 4 Wheel Loader, City Project No. 14-10, Bid Call No. 672-16; authorizes 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 \$171,870.50.

6. Accepting new Tier 4 Tractor Loader purchase (Acting Public Works Director Shaw)

ACTION: Acceptance of work done under contract to manufacture and deliver a new Tier 4 Tractor Loader, City Project No. 14-09, Bid Call No. 673-16; authorizes

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 \$92,794.73.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Waiving the second reading and adopting Ordinance No. CS 983 approving sales tax revenue sharing between the City of Atwater and the County of Merced (Interim City Manager/Community Development Director McBride)

ACTION: Waives the second reading and adopts Ordinance No. CS 983 approving sales tax revenue sharing between the City of Atwater and the County of Merced.

ANNUAL PETITIONS AND COMMUNICATIONS:

8. Atwater Pentecost Association for assistance with annual procession

ACTION: Approval of request from Atwater Pentecost Association for assistance with their annual Celebration of Holy Spirit Festa procession on Sunday, June 25, 2017, leaving Atwater Pentecost Club (APC) at 9:00 AM down Third Street, right on Broadway Avenue, right on Winton Way, and proceeding to Saint Anthony's Church and returning to APC down Winton Way, left on Grove Avenue, and right on Third Street.

9. Request from White Pines Court Neighborhood for block party

ACTION: Approval of request from White Pines Court Neighborhood to close White Pines Court between 4:00 PM and 12:00 AM on Tuesday, July 4, 2017 for annual block party.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

10. Police Department activities and projects for the month of May, 2017 (Police Chief Joseph)

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

11. Police Volunteer activities for the month of May, 2017 (Police Volunteer Vineyard)

12. Fire Department activities and projects for the month of May, 2017 (CAL FIRE Battalion Chief Pimentel)

13. Water Well Levels for the month of May, 2017 (Acting Public Works Director Shaw)

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

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Police Department activities and projects for the month of May, 2017 (Police Chief Joseph)

Police Chief Joseph answered questions of the City Council.

Water Well Levels for the month of May, 2017 (Acting Public Works Director Shaw)

Acting Public Works Director Shaw spoke regarding current water well levels.

Mayor Pro Tem Vineyard requested that future reports provide year-to-year comparisons as well.

CITY ATTORNEY REPORTS/UPDATES:

Verbal update regarding City of Atwater Purchasing Manual

City Attorney Terpstra stated that this item will be held over to the next regular City Council meeting of June 26, 2017 at which time a more detailed report will be presented.

City Council Member Creighton stepped down from the dais due to a prior commitment.

PUBLIC HEARINGS:

Amending Miscellaneous Fee Schedule (Finance Director Deol)

Mayor Price opened the public hearing for this item.

No one came forward to speak and Mayor Price closed the public hearing.

MOTION: Mayor Pro Tem Vineyard moved to adopt Resolution No. 2956-17 amending the Miscellaneous Fee Schedule. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Vineyard, Raymond, Price; Noes: None; Absent: Creighton. The motion passed.

Adopting 2017-18 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Classification Plan and approving Salary Schedule B-17, effective July 1, 2017 (Finance Director Deol)

Mayor/Board President/Board Chair Price opened the public hearing for this item.

LINDA DASH, Atwater, asked that the City Council hold another budget workshop to take a thorough look at the numbers, line item by line item.

No one else came forward to speak and Mayor/Board President/Board Chair Price closed the public hearing.

MOTION: Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard moved to continue the public hearing to the regular City Council meeting of June 26, 2017. The motion was seconded by City Council Member/Board Member Vierra and the vote was: Ayes: Raymond, Vierra, Vineyard, Price; Noes: None; Absent: Creighton. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal update regarding the City operated tow yard (Police Chief Joseph)

Police Chief Joseph provided an update regarding the City operated tow yard and announced that it should be in operation by Monday, June 19, 2017.

CITY COUNCIL MATTERS:

Verbal update regarding Department of Justice grants (requested by City Council Member Creighton)

Mayor Price announced that this item will be held over to the next regular City Council meeting of June 26, 2017 due to the absence of City Council Member Creighton.

City Council comments

City Council Member Raymond sent his thoughts to Civil Engineering Assistant Ramon Garcia for a speedy recovery for his father. He spoke of the poor condition of City parks in general and requested a RFP for park services.

City Council Member Vierra had nothing to report.

Mayor Pro Tem Vineyard thanked the two representatives from the Merced County Youth Advisory Board who spoke regarding the County's Tobacco Control Program. He referred to a recent newspaper editorial and spoke of the derogatory remarks made by a Community Development and Resources Commissioner.

Mayor Price spoke concerning this year's 4th of July event, and he encouraged the community to donate to the event (atwater4thofjuly.org). He spoke of the use of drones and reminded citizens not to fly drones in the vicinity of fire fighting efforts and not to fly drones within 5 miles of an airport, which is federal law. He announced two new Atwater business openings, Jams@209 Sports Bar and Grill and Round Table Clubhouse.

ADJOURNMENT:

The meeting adjourned at 7:28 PM.



DON HYLER III
CITY CLERK/BOARD CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,
Recording Secretary