



# CITY OF ATWATER

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## CITY COUNCIL

### ACTION MINUTES

**September 25, 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:** Interim City Manager Bramble, 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 5:01 PM. Closed Session was called to order at 5:05 PM.*

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(d)(2)-(4): Public Records Act

*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 6:07 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 Bramble, City Attorney Terpstra, CAL FIRE Battalion Chief Schmitz, CAL FIRE Battalion Chief Wight, Human Resources Director Del Real, Police Chief Joseph, Acting Public Works Director Shaw, Grants Manager Waterman, City Clerk Hyler III, City Treasurer Heller, Recording Secretary Bengtson-Jennings

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

*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:

*Agenda item #4 under Ordinances (Waiving Second Reading and Adoption), "Waiving the second reading and adopting Ordinance No. CS 987 amending Chapter 3.04 "Purchasing System" of the Atwater Municipal Code," was removed from the agenda in its entirety.*

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

CEREMONIAL MATTERS:

Proclamation:

- Freedom from Workplace Bullies Week

***Mayor Price read the proclamation designating the week of October 15, 2017 as "Freedom from Workplace Bullies Week."***

COMMENTS FROM THE PUBLIC:

***Notice to the public was read.***

***VIRGINIA JONES, Atwater, spoke of traffic/parking issues near Thomas Olaeta Elementary School before and after school hours and the safety of the children, and she asked that the Police Department assign a traffic officer to observe the traffic and enforce school zone law.***

***KATHY WOOD, Atwater, voiced her concerns regarding several issues: rarely driven vehicles parked on City streets, house trailers parked in front yards, and "junk" stored on driveways and cement pads, and she asked that City codes be enforced.***

***DANNY HERNANDEZ, Atwater, suggested building pedestrian bridges or installing sidewalks near schools to help ensure the children's safety.***

***FRANK JOHNSON, Modesto, spoke regarding the lack of diversity in the Police Department and his desire for change.***

***RICHARD JOHNSON, Atwater, spoke about his past run-ins with Police Department staff.***

***GABRIEL SANTOS, Atwater, questioned the recent installation of a memorial bench at Manuel Bairos Park, and he asked that the Police Department enforce park rules due to increased "inappropriate" activities after-hours.***

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

CONSENT CALENDAR:

***City Clerk Hyler III announced a typographical error, the listing of the regular City Council meeting minutes for August 28, 2017; said minutes were approved on September 11, 2017.***

***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: Vineyard, Creighton, Raymond, Vierra, Price; Noes: None; Absent: None. The motion passed.**

WARRANTS:

1. September 25, 2017

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

MINUTES: (City Council)

2. a) Special meeting, September 11, 2017 at 5:00 PM  
b) Special meeting, September 11, 2017 at 7:00 PM

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

AGREEMENTS:

3. Awarding a Cooperative Purchase Agreement for the purchase of two (2) lawn mowers (Acting Public Works Director Shaw)

**ACTION: Awards a Cooperative Purchase Agreement, in a form approved by the City Attorney, to Turfstar Western, Fresno, California in an amount not to exceed \$69,463.16 for the purchase of one (1) Toro Groundmasters 4000-D T4 compliant diesel 54HP mower and in an amount not to exceed \$23,730.28 for the purchase of one (1) Toro Groundmasters 3280D 2WD diesel 24.8HP mower for the Public Works Department; and authorizes and directs the Interim City Manager to execute the purchase agreement on behalf of the City.**

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

4. Waiving the second reading and adopting Ordinance No. CS 987 amending Chapter 3.04 "Purchasing System" of the Atwater Municipal Code (Deputy City Attorney Ruppel)

***This item was removed from the agenda in its entirety.***

ANNUAL PETITIONS:

5. Request from Atwater Elementary School District and Atwater Caring About Kids Community Council

**ACTION: Approval of the Atwater Elementary School District's and the Atwater Caring About Kids Community Council's request for assistance with their annual Red Ribbon Week activities in support of Drug-Free Atwater on Friday, October 20, 2017; to authorize the Police and Fire Departments to assist in escorting approximately 600 students and community members through**

***downtown Atwater beginning at Ralston Park, down Third Street to Broadway Avenue, right on Broadway Avenue to Winton Way, right on Winton Way to Fir Avenue, right on Fir Avenue and back to Ralston Park beginning at 11:30 AM; to approve road closure on Third Street between Fir and Grove Avenues from 11:15 AM to 1:00 PM; and to provide extra trash cans at Ralston Park.***

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Rosary Rally, to pray for the nation, at Ralston Park on October 14, 2017 from 12:00 PM to 3:00 PM (Ramona Geisbrect, 2017 Public Square Rosary Crusade Rally Captain)

***Ramona Geisbrect, 2017 Public Square Rosary Crusade Rally Captain, spoke regarding the Rosary Rally, and she invited the public to attend.***

FUNDING AND BUDGET MATTERS:

Treasurer's Report for the month of August, 2017 (City Treasurer Heller)

***Mayor Pro Tem Vineyard reported on recent and upcoming activities affecting the General Fund, and he announced that the next Audit and Finance Committee meeting will be held October 23, 2017 at 4:00 PM, in which the public is invited.***

***MOTION: City Council Member Creighton moved to approve the Treasurer's Report for the month of August, 2017. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Raymond, Creighton, Vineyard, Price; Noes: None; Absent: None. The motion passed.***

PUBLIC HEARINGS:

Waiving the first reading and introducing Ordinance No. CS 989 amending Chapter 2.10 "General Municipal Elections" of Title 2 "Administration and Personnel" of the Atwater Municipal Code to transition from an at-large election system to a district-based election system for City Council members (Interim City Manager Bramble)

***Douglas Johnson, National Demographic Corporation, provided an overview of the project timeline and spoke regarding the proposed voting district maps.***

***Mayor Price opened the public hearing for this item.***

***DANNY HERNANDEZ, Atwater, spoke in opposition to the transition from an at-large election system to a district-based election system for City Council members and how it may "divide the people."***

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

*City Attorney Terpstra provided an overview of the reason why the City must move toward district-based elections based on state and federal law as interpreted by the courts.*

**MOTION:** *City Council Member Vierra moved to approve the orange map creating the voting district maps for district-based Councilmember elections and to waive the first reading and introduce Ordinance No. CS 989 amending Chapter 2.10 "General Municipal Elections" of Title 2 "Administration and Personnel" of the Atwater Municipal Code to transition from an at-large election system to a district-based election system for City Council members. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Creighton, Vineyard, Vierra, Price; Noes: Raymond; Absent: None. The motion passed.*

CITY COUNCIL MATTERS:

City Council comments

*City Council Member Raymond wished Tami Fournier a Happy Birthday, and he asked for prayers for Andy Krotik's brother, Bart, who is battling cancer.*

*City Council Member Vierra stated that the City Council struggled with the topic of transitioning to a district-based election system, which she believes will divide the City, but that putting the City at risk for a law suit is not wise.*

*Mayor Pro Tem Vineyard announced that the Fall Clean-Up is scheduled for October 21, 2017, and he asked for community assistance to help pick up items from senior citizens or those unable to transport their items to the drop-off location. And, he announced that Kops and Fire for Kids starts right after Thanksgiving and that volunteers are needed to staff a table at Wal-Mart to solicit and collect donations. Those wishing to volunteer may contact Mayor Pro Tem Vineyard.*

*City Council Member Creighton asked Interim City Manager Bramble to address the issues at Manuel Bairos Park.*

*Mayor Price spoke regarding the Kops and Fire for Kids kick-off and toy drive for underprivileged children, and he spoke regarding the recent Town Hall Meeting. He asked that the next regular City Council meeting agenda include two items: the possible extension of Measure H and a draft resolution stating that the City of Atwater is a law and order city.*

*Mayor Price announced that citizens having trouble with the sound on the broadcast of the meeting may access the City Council meeting on YouTube Live.*

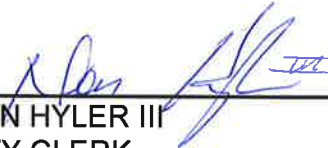
CLOSED SESSION:

*Continuation of Closed Session was not necessary.*

ADJOURNMENT:

**Mayor Price adjourned the meeting to the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, on September 27, 2017 at 5:00 PM for Closed Session regarding an update on the City Manager recruitment process.**

**The meeting adjourned at 7:28 PM.**

  
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DON HYLER III  
CITY CLERK

By: Kim Bengtson-Jennings,  
Recording Secretary