



# CITY OF ATWATER

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

### ACTION MINUTES

**August 14, 2017**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:02 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.*

ROLL CALL: (City Council)

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

**Absent:** City Council Member Creighton

**Staff Present:** Interim City Manager Bramble, Deputy City Attorney Ruppel, 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 5:03 PM. Closed Session was called to order at 5:05 PM.*

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (1)

***Closed Session adjourned at 5:38 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 6:03 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 Mead.***

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

***Present: City Council Members/Board Members Raymond, Vierra, Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard, Mayor/Board President/Board Chair Price***  
***Absent: City Council Member/Board Member Creighton***  
***Staff Present: Interim City Manager/Executive Director Bramble, Deputy City Attorney Ruppel, CAL FIRE Battalion Chief Schmitz, Police Chief Joseph, Recreation Supervisor Rahn, Chief Building Official Pereida, City Clerk/Board Clerk/Board Secretary Hyler III, Recording Secretary Bengtson-Jennings***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***Deputy City Attorney Ruppel 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:

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

CEREMONIAL MATTERS:

Presentation to Atwater Police Cadets and Advisors

***Mayor Price and Police Chief Joseph presented certificates of recognition to the Atwater Police Cadets and Advisors for assisting with traffic control during the 4<sup>th</sup> of July events.***

Presentation of Adopt-A-Park signs for Heller Park and Walter Park

***Mayor Pro Tem Vineyard presented Adopt-A-Park signs for Heller Park and Walter Park to the Neighborhood Watches and the City of Atwater.***

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

***Merced County District 3 Supervisor McDaniel was not in attendance.***

COMMENTS FROM THE PUBLIC:

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

***FRANK JOHNSON, Modesto, stated that he is waiting for a response to numerous questions in which “the people have a right to know” and that he will not allow threats to undermine his First Amendment rights.***

***ERIC LEE, Atwater, spoke regarding the recent Detwiler fire and thanked Mayor Price for the tour of “fire assets/operations” at Castle.***

***GARY BRICE, Atwater, stated that he, too, advocates for one’s First Amendment rights, but questions who “we” or “the people” are that Mr. Johnson references.***

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

CONSENT CALENDAR:

***MOTION: Mayor Pro Tem Vineyard moved to approve the consent calendar as listed. 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.***

WARRANTS:

1. August 14, 2017

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

MINUTES: (City Council)

2. Regular meeting, July 10, 2017

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

RESOLUTIONS:

3. Approving Housing Successor Agency Property Development and Disposition deadline extension (Interim City Manager Bramble)

**ACTION: Adoption of Housing Successor Agency Resolution No. HSA 2017-1 extending the period for Development or Disposition of Properties transferred from the former Atwater Redevelopment Agency.**

AGREEMENTS:

4. Consideration of revised Atwater Police Department Tow Service Agreement and Rotational Tow Listing Application (Deputy City Attorney Ruppel)

**ACTION: Approval of the revised Tow Service Agreement and Rotational Tow Listing Application; and authorizes the Chief of Police to execute the Agreements with tow service operators consistent with the approved revisions.**

5. Approving Atwater Community Center Lease Agreement with Yosemite Church (Interim City Manager Bramble)

**ACTION: Approval of the Atwater Community Center Lease Agreement, in a form approved by the City Attorney, with Yosemite Church, and authorizes and directs the City Manager to sign the Lease Agreement on behalf of the City.**

6. Approving Sales Tax Rebate Program Participation Agreement regarding Bertha's Home Furniture (Finance Director Deol)

**ACTION: Approval of Sales Tax Rebate Program Participation Agreement, in a form approved by the City Attorney, with Bertha Flores Mendoza (Bertha's Home Furniture).**

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

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

FUNDING AND BUDGET MATTERS:

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 (Interim City Manager Bramble)

*Interim City Manager/Executive Director Bramble presented an overview of the proposed 2017-18 Fiscal Year Budget and addressed City Council questions/concerns.*

*By consensus, the City Council agreed to keep a reserve of \$50,000 for Fiscal Year 2017-18.*

*ERIC LEE, Atwater, stated that a reserve fund of \$50,000 is a good start but that the City is "giving away" a lot more than that on the flea market, street vendors, etc. in lost sales tax.*

**MOTION:** *Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard moved to adopt Joint Authority Resolution No. 2958-17, Resolution No. AFPD 1-2017, and Resolution No. SA 2017-5 adopting the 2017-18 Fiscal Year Budget with any modifications from the budget workshops and public hearings as amended, to include \$50,000 in reserve funds; and to adopt Resolution No. 2959-17 amending the City of Atwater Classification Plan and adopting the City of Atwater Salary Schedule B-17, effective July 1, 2017. The motion was seconded by Mayor/Board President/Board Chair Price and the vote was: Ayes: Vierra, Vineyard, Price; Noes: Raymond; Absent: Creighton. The motion passed.*

CITY ATTORNEY REPORTS/UPDATES:

Verbal update regarding City of Atwater Purchasing Manual

*Deputy City Attorney Ruppel announced that the City's revised Purchasing Manual and accompanying ordinance will be provided to Interim City Manager Bramble this week for publication and for inclusion in the next regular City Council meeting agenda/packet of August 28, 2017.*

INTERIM CITY MANAGER REPORTS/UPDATES:

Adopting resolution for exception to the 180-day wait period; and approving employment agreement for Interim Finance Director

*Interim City Manager Bramble spoke regarding the employment agreement for Interim Finance Director including the list of special projects assigned to this temporary position.*

**MOTION:** *Mayor Pro Tem Vineyard moved to adopt Resolution No. 2979-17 for exception to the 180-day wait period pursuant to Government Code section 7522-*

**56 and 21224 for the position of Interim Finance Director; and to approve the Employment Agreement, in a form approved by the City Attorney, with Teri Albrecht for the Interim Finance Director position; and to authorize and direct the Mayor and the Interim City Manager to execute the Employment Agreement on behalf of the City. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Vierra, Vineyard, Price; Noes: None; Absent: Creighton. The motion passed.**

Approving the hiring or recall of certain designated positions and the associated expenditures prior to adoption of the 2017-18 FY Budget

**This item was not necessary due to the adoption of the 2017-18 Fiscal Year Budget.**

Verbal update regarding Sewer Bond refinancing

**Interim City Manager Bramble provided an update regarding Sewer Bond refinancing announcing that pricing and placing the bonds will take place this week.**

PUBLIC HEARINGS:

Public input regarding the criteria for voting districts for District-based Councilmember Elections (Interim City Manager Bramble)

**Interim City Manager Bramble spoke regarding the factors that need to be considered when moving forward with District-based Councilmember elections.**

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

**ERIC LEE, Atwater, spoke regarding the Atwater School District's current district boundaries and the possibility of mirroring such.**

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

**Mayor Price stated for the record that he is "110% against the districting idea."**

**MOTION: Mayor Pro Tem Vineyard moved to continue the public hearing regarding the composition of voting districts for District-based Councilmember elections to the regular City Council meeting of August 28, 2017. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vineyard, Vierra, Price; Noes: Raymond; Absent: Creighton. The motion passed.**

Waiving the first reading and introducing Ordinance No. CS 985 amending Chapter 5.40 "Massage Therapy" of the Atwater Municipal Code (Deputy City Attorney Ruppel)

**Deputy City Attorney Ruppel spoke regarding Ordinance No. CS 985 and the proposed changes to Chapter 5.40 of the Atwater Municipal Code to make it consistent with current state law.**

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

**GARY BRICE, Atwater, questioned who has authority over Massage Therapists.**

**No one else came forward to speak and Mayor Price closed the public hearing for tonight's meeting.**

**By consensus, the City Council directed the City Attorney to look into the zoning aspects concerning massage therapy.**

**MOTION: Mayor Pro Tem Vineyard moved to continue this item to the next regular City Council meeting of August 28, 2017. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Vierra, Raymond, Price; Noes: None; Absent: Creighton. The motion passed.**

**CITY COUNCIL MATTERS:**

City Council comments

**City Council Member Raymond reminded the community that school is back in session this week and to drive carefully.**

**City Council Member Vierra had nothing to report.**

**Mayor Pro Tem Vineyard reiterated City Council Member Raymond's comments that school is starting Wednesday; slow down and watch out for children.**

**Mayor Price thanked Mayor Pro Tem Vineyard for acting in his absence at the last regular City Council meeting. He spoke of the recent fires in the area and thanked all of the people who work "behind the scenes" to assist the firefighters and those on the front lines in their efforts.**

**Mayor Price announced a Town Hall meeting for Tuesday, September 19, 2017 at 6:00 PM at the Community Center, and he invited the public to attend.**

**CLOSED SESSION:**

**Continuation of Closed Session was not necessary.**

**ADJOURNMENT:**

**The meeting adjourned at 7:41 PM.**



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DON HYLER III, CITY CLERK  
BOARD CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,  
Recording Secretary