



# CITY OF ATWATER

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## CITY COUNCIL AND ATWATER PUBLIC FINANCING AUTHORITY

### ACTION MINUTES

**August 28, 2017**

REGULAR SESSION: (Council Chambers)

*The City Council of the City of Atwater and the Board of Directors of the Atwater Public Financing Authority 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/Chairperson Price presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Mayor/Chairperson Price.*

INVOCATION:

*The Invocation was led by Police Chaplain McClellan.*

ROLL CALL: (City Council/Board of Directors)

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

**Absent:** *None*

**Staff Present:** *Interim City Manager/Executive Director Bramble, Deputy City Attorney Henderson, Police Chief Joseph, Recreation Supervisor Rahn, Chief Building Official Pereida, Grants Manager Waterman, City Clerk/Board Secretary Hyler III, City Treasurer Heller, Recording Secretary Bengtson-Jennings*

SUBSEQUENT NEED ITEMS:

***Interim City Manager/Executive Director Bramble announced a request for a subsequent need item, a petition from Atwater High School for assistance with their annual Homecoming parade, requiring immediate action subsequent to the agenda being posted.***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

***Police Volunteer Vineyard announced that Police Volunteer Don Martin has decided to resume Police Volunteer duties. Consequently, "Ceremonial Matters, Presentation to Don Martin," was removed from the agenda in its entirety.***

***MOTION: City Council Member/Board Member Creighton moved to approve the agenda as amended, to delete Ceremonial Matters and to include the Subsequent Need Item, which will be considered under Interim City Manager Reports/Updates. The motion was seconded by Mayor/Chairperson Price and the vote was: Ayes: Vineyard, Vierra, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.***

CEREMONIAL MATTERS:

Presentation to Don Martin

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

COMMENTS FROM THE PUBLIC:

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

***GLORIA PEREZ, Love Atwater, spoke regarding an upcoming event, Love Our Downtown and Volunteer Appreciation Day, to be held October 14, 2017 beginning at 9:00 AM with a rally in front of the Atwater Chamber of Commerce building on Third Street. The event will include a farmers' market, band, fashion show, and car show.***

***A youth representative of Atwater Girl Scout Troop 3048 spoke regarding a proposed service project, a farmers' market to be held the second Thursday of every other month from 5:00 – 8:30 PM in the parking lot on First Street and Broadway Avenue.***

***JOY VON MUELLER, Atwater Girl Scout Troop 3048 Leader, further spoke in regard to the proposed farmers' market, which is currently in the planning stages, and the desire to kick off the event in sponsorship with Love Our Downtown and Volunteer Appreciation Day on October 14, 2017.***

**RICHARD JOHNSON, Atwater, voiced his opinion concerning the right to protest and stated his wish to be heard.**

**FRANK JOHNSON, Modesto, addressed federal law concerning marijuana and spoke of the alleged falsification of documents.**

**CHRIS STREHO, Atwater, questioned why Mr. Johnson continually "bashes" the City and stated, "The people do not want to know."**

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

**CONSENT CALENDAR:**

**Agenda item #4 under Resolutions, "Approving the annual Local Transportation Fund (LTF) claim," 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 Raymond and the vote was: Ayes: Vineyard, Vierra, Raymond, Price; Noes: Creighton; Absent: None. The motion passed.**

**WARRANTS:**

1. August 28, 2017

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

**MINUTES: (City Council)**

2. a) Regular meeting, July 24, 2017  
b) Regular meeting, August 14, 2017

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

**MINUTES: (Community Development and Resources Commission)**

3. a) Regular meeting, June 21, 2017  
b) Regular meeting, July 19, 2017

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

**RESOLUTIONS:**

4. Approving the annual Local Transportation Fund (LTF) claim (Grants Manager Waterman)

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

**RESOLUTIONS:**

Approving the annual Local Transportation Fund (LTF) claim (Grants Manager Waterman)

***Interim City Manager Bramble spoke regarding the submittal of the annual claim for disbursements of Local Transportation Funds and the list of potential projects/site locations City staff has identified, where funding could be best utilized, for City Council consideration.***

***By consensus, the City Council identified several other potential site locations.***

**MOTION: City Council Member Creighton moved to adopt Resolution No. 2982-17 approving the annual Local Transportation Fund (LTF) claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2017-18 as amended, for City staff to select the project in which to proceed and to present the choice to the City Council at the next regular City Council meeting of September 11, 2017. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Creighton; Noes: Raymond, Vineyard, Price; Abstain: Vierra; Absent: None. The motion failed.**

**SUBSTITUTE MOTION: City Council Member Vierra moved to continue this item to the next regular City Council meeting of September 11, 2017. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vierra, Vineyard, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.**

**FUNDING AND BUDGET MATTERS:**

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

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

**INTERIM CITY MANAGER REPORTS/UPDATES:**

Request from Atwater High School for assistance with their annual Homecoming parade

***Jessica Vera and Mia Granado, Atwater High School Leadership Class, spoke regarding the Atwater High School's request for assistance with their annual Homecoming parade.***

***MOTION:*** Mayor Pro Tem Vineyard moved to approve the Atwater High School's request for assistance with their annual Homecoming parade on September 15, 2017 beginning at 3:15 PM; the parade will start on Mitchell Avenue, turn left onto Winton Way, and continue to the high school on Fruitland Avenue. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

Approving first amendment to Installment Sale Agreement in connection with Series 2008 Bonds and providing other matters properly relating thereto

***Albert Peché with A.M. Peché & Associates, LLC spoke regarding the "successful sale" of the Series 2017A Bonds and the net present value savings of 6.58 million dollars. He thanked City staff for their assistance.***

***MOTION:*** City Council Member/Board Member Raymond moved to adopt Resolution No. 2984-17 and Resolution APFA 2017-1 authorizing an amendment to the Installment Sale Agreement of the Atwater Public Financing Authority (the "Authority"), Wastewater Revenue Bonds, Series 2008 (the "Series 2008 Bonds"), pursuant to which the City makes Installment Payments to the Authority in order to pay the principal of and interest on the Series 2008 Bonds. The amendment to the Installment Sale Agreement is a requirement of Assured Guaranty Municipal ("AGM") for providing bond insurance and a Debt Service Reserve Fund Surety ("DSR Surety") for the refinancing of the City's Wastewater Series 2010 and 2011 Wastewater Revenue Bond issues (the "Series 2010 and 2011 Bonds"). The motion was seconded by Mayor Pro Tem/Vice Chairperson Vineyard and the vote was: Vineyard, Creighton, Raymond, Vierra, Price; Noes: None; Absent: None. The motion passed.

***Mayor Price called a recess at 7:07 PM.***

***The City Council returned to the dais and Mayor Price resumed the meeting at 7:20 PM.***

**PUBLIC HEARINGS:**

2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program application (Grants Manager Waterman)

***Grants Manager Waterman spoke regarding the 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program application for new AR rifles for the Police Department.***

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

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

**MOTION: City Council Member Raymond moved to adopt Resolution No. 2980-17 authorizing submittal of an application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2017 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; to adopt Resolution No. 2981-17 approving Budget Amendment No. 1 regarding the 2017 JAG Grant; and authorizing and directing the Interim City Manager or his designee to execute the application, Grant Agreement, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vierra, Raymond, Creighton, Vineyard, Price; Noes: None; Absent: None. The motion passed.**

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.***

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

**MOTION: Mayor Price "reluctantly" moved to authorize and direct the Interim City Manager to move forward with District-based Councilmember Elections, to forward all public comments to National Demographics Corporation, the City's demographics consultant. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vineyard, Price; Noes: Raymond, Vierra, Creighton; Absent: None. The motion failed.**

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

***Deputy City Attorney Henderson spoke regarding Ordinance No. CS 985 and the proposed changes to Chapter 5.40 of the Atwater Municipal Code to ensure compliance with current state law.***

***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 waive the first reading and introduce Ordinance No. CS 985 amending Chapter 5.40 "Massage Therapy" of the Atwater Municipal Code. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Raymond, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.**

Waiving the first reading and introducing Ordinance No. CS 988 establishing an expedited, streamlined permitting process for electric vehicle charging stations (Chief Building Official Pereida)

**Chief Building Official Pereida spoke regarding Ordinance No. CS 988 establishing an expedited, streamlined permitting process for electric vehicle charging stations, which is mandated by state law.**

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

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

**Deputy City Attorney Henderson announced a minor change to Ordinance No. CS 988, 15.04.015(D) "Permit Application Processing" Subsection b, to replace the reference to "County" with "City" so that it reads, "...until approval is granted by the City."**

**MOTION: Mayor Pro Tem Vineyard moved to waive the first reading and introduce Ordinance No. CS 988 amending Chapter 15, "Building and Construction" of Chapter 15, "General Provisions" of the Atwater Municipal Code to include Article 19, "Expedited Electric Vehicle Charging Station Permitting" as amended, to replace the reference to "County" with "City." The motion was seconded by Mayor Price and the vote was: Ayes: Vineyard, Vierra, Creighton, Price; Noes: Raymond; Absent: None. The motion passed.**

Reviewing proposed Amendment No. 3 to approved Planned Development Final Development Plan (PDFDP) No. 03-3 located on the south side of Avenue Two (proposing to add three new house elevations to the approved PDFDP within the Las Casas Subdivision) (Senior Planner Hendrix)

**Deputy City Attorney Henderson announced a change in language to Resolution No. 2974-17, Section 3, to delete the second to last sentence, "If the City fails to do so, the applicant or applicant's successor in interest shall not thereafter be responsible to defend, indemnify or hold the City harmless."**

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

**WAYNE BRUNS, Atwater, long-time County builder, stated his desire for City Council approval and to move forward with the project.**

**MOTION: Mayor Pro Tem Vineyard moved to adopt Resolution No. 2974-17 approving Planned Development Final Development Plan (PDFDP) No. 03-3 Amendment No. 3 located on the south side of Avenue Two (proposing to add three new house elevations to the approved PDFDP within the Las Casas Subdivision) as amended, to delete the second to last sentence in Section 3. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Vineyard, Vierra, Raymond, Price; Noes: None; Absent: None. The**

***motion passed.***

**CITY COUNCIL MATTERS:**

City Council comments

***City Council Member Raymond sent his thoughts and prayers to those in Texas dealing with the recent devastation.***

***City Council Member Vierra requested verification of receipt of the City Council packet prior to every City Council meeting, and she requested further discussions with the City Attorney in regard to District-based Councilmember Elections.***

***Mayor Pro Tem Vineyard announced that the Patriot Day and National Day of Service and Remembrance event will be held September 11, 2017 at 6:00 PM at the Community Center. He thanked Caltrans and City staff for removing trash and shopping carts from around the City and for addressing the homeless situation in Atwater. He announced that next month is the Real Men Wear Pink kickoff, Childhood Cancer Awareness, Hodgkin's Lymphoma Awareness, Ovarian Cancer Awareness, Prostate Cancer Awareness, and Leukemia and Lymphoma Awareness. He encouraged everyone to show their support for these causes by wearing colors. And, he encouraged citizens to contact their state representatives in support of AB-18 and SB-5, both concerning park improvements.***

***City Council Member Creighton requested street sweeping around the City. He stated that "words do have meaning" and asked that City leaders be mindful when making public comments. He encouraged the community to donate to the Red Cross to assist the Texas flooding victims.***

***Mayor Price requested the Community Development and Resources Commission consider granting permission for more frequent parking lot car sales on Bellevue Road (possibly 7 a year) as it is a revenue generator. He announced that Stage Stop Sporting Goods, a gun shop and indoor shooting range in Atwater, is now open. He announced a Town Hall meeting will be held September 19, 2017 at 6:00 PM at the Community Center. And, he reminded the community that Kops and Fire for Kids fundraising will begin soon.***

***Mayor Price announced that the next City Council meeting of September 11, 2017 will begin at 7:00 PM due to the Patriot Day and National Day of Service and Remembrance event.***

**ADJOURNMENT:**

***The meeting adjourned at 8:08 PM.***





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DON HYLER III, CITY CLERK  
BOARD SECRETARY

By: Kim Bengtson-Jennings,  
Recording Secretary