



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

August 8, 2016

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.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Price.

ROLL CALL:

Present: City Council Members Raymond, Rivero, Vineyard, Mayor Pro Tem Bergman, Mayor Price

Absent: None

Staff Present: City Manager/Police Chief Pietro, Deputy City Attorney Henderson, City Clerk Del Real, Recording Secretary Saavedra

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(b): Number of cases: (1)

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

Closed Session adjourned at 5:31 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:00 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 Mead.

ROLL CALL:

Present: City Council Members Raymond, Rivero, Vineyard, Mayor Pro Tem Bergman, Mayor Price

Absent: None

Staff Present: City Manager/Police Chief Pietro, Deputy City Attorney Henderson, Police Lieutenant Joseph, Community Development Director McBride, Interim Public Works Director Faretta, CAL FIRE Battalion Chief Pimentel, City Clerk Del Real, Recording Secretary Saavedra

MAYOR OR DEPUTY CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Deputy City Attorney Henderson reported on two (2) title changes to two (2) City employees: City Manager/Police Chief Pietro's title will remain City Manager; Lieutenant Joseph's title will change to Acting Police Chief. She also reported that City Manager Pietro intends to retire on December 31, 2016. Staff was given direction regarding the process for selection of a City Manager to replace City Manager Pietro upon his retirement. The Closed Session agenda was completed.

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

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: Mayor Pro Tem Bergman moved to approve the agenda as posted. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Rivero, Raymond, Bergman, Vineyard, Price; Noes: None; Absent: None. The motion carried.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

ADAM REED, Atwater, congratulated City Manager Pietro on his retirement and thanked him for serving the City. He stated it would be prudent to wait for the new council before appointing a new City Manager. He spoke regarding garage sales and questioned if an encroachment permit was required for yard sales that encroach upon the City's right of way and requested the City look at a specific location where continual yard sales occur.

LORI JOHNSON, Atwater, spoke regarding her claim against the City and the money she received. She would like someone on the City Council to answer her questions.

BOBBIE FRYE, representing Rancho Grande Mobile Home Park residents, spoke regarding the owners of the senior mobile home park changing the park into a family park. She asked for City Council assistance to prohibit the change.

ROBERT BRIA, Atwater, spoke regarding Rancho Grande Mobile Home Park not having a place for children to play and is concerned that a child will get hit or killed playing in the streets. He hoped the City Council can assist in keeping the park a senior park.

Mayor Pro Tem Bergman requested the City Manger look into this item and take action if possible.

City Manger Pietro responded that he is currently working with City Attorney Terpstra on this matter and that contact will be made with the group in the near future.

No one else came forward to speak.

CONSENT CALENDAR:

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

WARRANTS:

1. August 8, 2016

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

MINUTES: (City Council)

2. Regular meeting, July 25, 2016

ACTION: Approval of minutes as listed.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

3. Waiving the second reading and adopting Ordinance No. CS 975 amending Title 12 "Streets, Sidewalks and Public Places" of the Atwater Municipal Code, to add Chapter 12.34, "Use of City Property" (Community Development Director McBride)

ACTION: Waives the second reading and adopts Ordinance No. CS 975 amending Title 12 of the Atwater Municipal Code.

REPORTS:

4. Monthly review of local drought emergency (City Attorney Terpstra)

ACTION: Reaffirms the facts and findings in Resolution No. 2823-15 declaring the existence of a local drought emergency.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

5. Police Department activities and projects for the month of July, 2016 (Police Lieutenant Joseph)
6. Police Volunteer activities for the month of July, 2016 (Police Volunteer Vineyard)
7. Fire Department activities and projects for the month of July, 2016 (CAL FIRE Battalion Chief Pimentel)
8. Public Works Department activities and projects for the month of July, 2016 (Interim Public Works Director Faretta)

ANNUAL PETITIONS:

9. Request from Atwater Chamber of Commerce for assistance with Annual Fall Festival (Robert Vargas, President)

ACTION: Approval of request from Atwater Chamber of Commerce for assistance with the Annual Fall Festival to include street closures as follows: 3rd Street from Fir Avenue to Grove Avenue, to include Grove Avenue west of 3rd Street to Atwater Medical Center parking lot.

CITY COUNCIL MATTERS:

Discussion and possible action regarding installation of a security wall/fencing around Police Department parking lot (Mayor Price)

MOTION: *City Council Member Vineyard moved to direct staff to bypass the normal bid process and move forward with an immediate emergency purchase not to exceed \$30,000. The motion was seconded by Mayor Pro Tem Bergman and the vote was: Ayes: Vineyard, Bergman, Raymond, Rivero, Price; Noes: None; Absent: None. The motion carried.*

The original sub-committee of Mayor Pro Tem Bergman and City Council Member Vineyard will assist staff in reviewing the bids for the fencing project. City Council Member Raymond was appointed as an alternate.

JEANNIE KNIGHT, Atwater, stated a chain link fence would not be good because it can be cut and questioned if donations could be accepted to construct the fence. She asked if it was legal for her to put dumpsters in Atwater and donate the proceeds to the construction and placement of the fence.

LINDA DASH, Atwater, stated she is willing to make the first donation and knows the money to be used for the fence could also be used for something else. She questioned if the City could front the money for the project and then be reimbursed or offset with future donations.

LORI CHAVEZ, Atwater, suggested a boot drive to receive donations.

ATWATER POLICE DETECTIVE VIERRA, representing the Atwater Police Officers Association (APOA), thanked everyone for taking a proactive role and stated nothing fancy is needed, he knows the realization is there is no way to eliminate a threat, the fence is being requested in order to limit the threat during the transition from personal vehicles to police vehicles. APOA has met with Mayor Pro Tem Bergman; the Police Department also feels the financial constraints and does not want to burden the City as they are not asking for a bullet proof wall.

City Council comments and requests for future agenda items

City Council Member Vineyard thanked everyone for their prayers and kind words for the issues he has been facing. He stated he still has work ahead and hopes to be present at the next City Council meeting.

City Council Member Rivero reminded everyone that school would be in session starting next week; many of the children are new at walking to school. He cautioned the public to drive slowly and take their time during the new school year and stated that God willing this will be a good and safe school year.

City Council Member Raymond wished a Happy Birthday to one of the greatest men he ever met – his dad.

Mayor Pro Tem Bergman wished Mike a Happy Birthday and thanked Frank Pietro for his many years of service as a Police Officer and working his way up to Chief. He congratulated the newly appointed Acting Police Chief Joseph and added that he has many years with the Police Department and will do well. He thanked Linda Dash for standing up and making a donation. He invited the public to make donations and stated he is willing to take calls for donations, line things up and get it set.

Mayor Price thanked Frank Pietro for his many years as a Police Office in the City and is extremely proud to have Frank by his side. He stated there was a Chamber Coffee at the Community Center hosted by Pastor Jeff Leis and Yosemite Church who have done phenomenal work and spent a lot of money on the Community Center adding new hardwood floors and a sound system and invited the public to visit the Community Center to see the changes. He stated that yesterday was National Purple Heart Day and thanked surviving veterans who have earned the honor for their service and for those passed on may God hold them in his hands.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

The meeting was adjointed in memory of Vincent Holland.

The meeting adjourned at 6:36 PM.



JEANNA DEL REAL, CMC
CITY CLERK

By: Margarita E. Saavedra,
Recording Secretary