



# CITY OF ATWATER

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## CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

### ACTION MINUTES

**January 23, 2017**

REGULAR SESSION: (Council Chambers)

*The City Council of the City of Atwater and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency 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/Board Chair Price presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

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

INVOCATION:

*The Invocation was led by Police Chaplain Mead.*

ROLL CALL: (City Council/Governing Board)

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

**Absent:** *None*

**Staff Present:** *Interim City Manager McBride, City Attorney Terpstra, Acting Police Chief Wisdom, CAL FIRE Battalion Chief Schmitz, Finance Director Deol, Human Resources Director Del Real, Interim Public Works Director Faretta, Acting Police Sergeant*

**Novetzke, City Clerk/Board Secretary Hyler III, City Treasurer Heller, Recording Secretary Bengtson-Jennings**

SUBSEQUENT NEED ITEMS: **None.**

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

**MOTION: Mayor Pro Tem/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: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.**

COMMENTS FROM THE PUBLIC:

**Notice to the public was read.**

**ADAM REED, Atwater, asked staff to look into a potential road hazard, a dip in the road in which excessive water puddles after heavy rains on the east side of Winton Way between Broadway Avenue and Atwater Blvd.**

**FRANK JOHNSON, Modesto, spoke regarding several items: public comments at City Council meetings, the solar contract, training for City Council members, and the lack of cultural diversity.**

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

PRESENTATIONS:

Castle Reuse Plan (Mark Hendrickson, Merced County Director of Community and Economic Development)

**Mark Hendrickson, Merced County Director of Community and Economic Development, presented the County's Castle Development Strategic Plan and answered questions from the City Council and the public.**

**NORMAN STUBBS, owner of property at Castle, asked numerous questions regarding the sequence of development at Castle and how such development will affect the airport.**

**ADAM REED, Atwater, spoke in favor of Merced County's Castle Development Strategic Plan and stated that change is good.**

**ERIC LEE, Atwater, voiced his concerns regarding the lack of an aviation component to the Castle Development Strategic Plan and the potential loss of runway length, and he questioned if a commission will be formed and future meetings scheduled to allow for further public input.**

**Merced County District 3 Supervisor McDaniel stated that Merced County does not fit into the "circle of profitable area" for large air cargo companies looking to expand and that the County's focus for Castle should be on development first.**

**Mayor Price called a recess at 7:16 PM.**

**The City Council returned to the dais and Mayor Price resumed the meeting at 7:30 PM.**

Fiscal Year 2016/17 Financial Update (Finance Director Deol)

**Finance Director Deol presented a Fiscal Year 2016/17 financial update as of January 17, 2017.**

Financial Recovery Plan (Interim City Manager McBride)

**Interim City Manager McBride presented a financial recovery plan for the City of Atwater based on Municipal Resource Group's 2012 Fiscal Sustainability Report and the recent City Council Special Meeting/workshop notes of January 5, 2017. He spoke regarding the list of possible action plan items that staff created to help the City recover financially.**

**By consensus, the City Council requested that Interim City Manager McBride circulate the list of possible action plan items to the City Council for prioritizing before the next financial workshop, the date to be determined.**

**Interim City Manager McBride announced that a joint special meeting of the City Council and the Community Development and Resources Commission will be held January 31, 2017 at 6:00 PM regarding Proposition 64.**

Restructuring CalPERS Side Fund Benefit Pension Options (Eric Scriven, Principal, NHA Advisors, LLC)

**Eric Scriven, Principal, NHA Advisors, LLC, presented an overview of the City's CalPERS unfunded actuarial liability (UAL), the current payment plan, and the options for the potential restructuring of the CalPERS Side Funds.**

**MOTION: Mayor Pro Tem Vineyard moved to direct staff to move forward with the next step in the process of restructuring the CalPERS debt of up to \$4.5 million and using no more than four City properties/assets as collateral, contingent upon the assets having a clear title. The motion was seconded by Mayor Price.**

**SUBSTITUTE MOTION: City Council Member Vierra moved to direct staff to move forward with the application process of restructuring the CalPERS debt, utilizing all City assets as necessary, and to consider any and all other restructuring options to be presented to the City Council at a future meeting for possible action. The motion failed for lack of a second.**

**SUBSTITUTE MOTION:** *Mayor Pro Tem Vineyard amended his basic motion in its entirety, to direct staff to proceed with researching options which could culminate in restructuring the Cal PERS UAL and to move forward with the Preliminary Financing Schedule for February: finalize list of potential pledged assets, contingent upon clear titles, for City Council consideration and to circulate the legal documents for review and content; and to explore all other restructure options specifically but not limited to the CalPERS Fresh Start Program. Mayor Price amended his second and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.*

*Mayor Price called a recess at 9:27 PM.*

*The City Council returned to the dais and Mayor Price resumed the meeting at 9:33 PM.*

**CONSENT CALENDAR:**

***ADAM REED, Atwater, voiced his concerns regarding the sale of City parks/assets.***

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

**WARRANTS:**

5. January 23, 2017

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

**MINUTES:** (City Council)

6. a) Regular meeting, December 12, 2016
- b) Special meeting, December 15, 2016
- c) Special meeting, January 5, 2017

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

**RESOLUTIONS:**

7. Authorizing transfer of property located at Manuel Bairos Park to the Atwater Elementary School District (Interim City Manager McBride)

**ACTION:** *Adoption of Resolution No. 2933-17 authorizing the transfer of a portion of Manuel Bairos Park to the Atwater Elementary School District for the expansion of Peggy Heller School.*

AGREEMENTS:

8. Ratifying Side Letter Agreement with Atwater Police Officers Association (Interim City Manager McBride)

***ACTION: Adoption of Resolution No. 2934-17 ratifying a Side Letter of Agreement with Atwater Police Officers Association (APOA), and authorizing and directing the City Manager to execute the agreement, in a form approved by the City Attorney, on behalf of the City.***

AWARD/REJECTION OF BIDS:

9. Awarding contract for the purchase of Wheel Loader (Interim City Manager McBride)

***ACTION: Awards a contract, in a form approved by the City Attorney, for the purchase of a new Title 23, Tier 4 Wheel Loader, City Project No. 14-10, Bid Call No. 672-16 to Papé Machinery Inc., French Camp, California in the amount of \$173,870.50; and authorizes the City Manager or his designee to execute the contract agreement on behalf of the City.***

10. Awarding contract for the purchase of Tractor Loader (Interim City Manager McBride)

***ACTION: Awards a contract, in a form approved by the City Attorney, for the purchase of a new Title 23, Tier 4 Tractor Loader, City Project No. 14-09, Bid Call No. 673-16 to Papé Machinery Inc., French Camp, California in the amount of \$94,794.73; and authorizes the City Manager or his designee to execute the contract agreement on behalf of the City.***

11. Rejecting bids for the purchase of two (2) Dump Trucks (Interim City Manager McBride)

***ACTION: Rejects all bids from Bid Call No. 674-16, City Project No. 14-11, Two (2) Title 23, Tier 4 Dump Truck Replacement Project; and approves specifications and authorizes advertising Bid Call No. 675-17, Two (2) Title 23, Tier 4 Dump Truck Replacement Project, Re-Bid.***

PUBLIC IMPROVEMENTS:

12. Accepting Broadway Revitalization and Pedestrian Safety Improvement Project as complete (Interim City Manager McBride)

***ACTION: Acceptance of work done under contract for construction of Broadway Streetscape revitalization and Pedestrian Safety Improvement Project, Project No. 14-8, Bid Call No. 670-14; 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 \$43,081.75.**

FUNDING AND BUDGET MATTERS

Treasurer's Report for the months of November, 2016 and December, 2016 (City Treasurer Heller)

**City Council Member Creighton directed Interim City Manager McBride to oversee and expedite the closure of the old Wastewater Treatment Plant.**

**MOTION: City Council Member Raymond moved to approve the Treasurer's Report for the months of November, 2016 and December, 2016. 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.**

REPORTS AND PRESENTATIONS FROM STAFF:

Adopting Recognized Obligation Payment Schedule and Administrative Budget for Fiscal Year 2017-18 (Executive Director McBride)

**MOTION: Mayor Pro Tem/Board Vice Chair Vineyard moved to adopt Resolution No. SA 2017-1 adopting the Recognized Obligation Payment Schedule 2017-18 for the July 1, 2017 through June 30, 2018 period and adopting the Administrative Budget for Fiscal Year 2017-18. The motion was seconded by City Council Member/Board Member Raymond and the vote was: Ayes: Creighton, Vineyard, Vierra, Raymond, Price; Noes: None; Absent: None. The motion passed.**

Authorizing contract with Rosenow Spevacek Group Inc. for Successor Agency Consulting Services for Fiscal Year 2017-18 (Executive Director McBride)

**MOTION: Mayor Pro Tem/Board Vice Chair Vineyard moved to approve a proposal for professional services, in a form to be approved by the City Attorney, with Rosenow Spevacek Group Inc. (RSG) to perform services to the Successor Agency to the Atwater Redevelopment Agency (Successor Agency) for Fiscal Year 2017-18; and to transmit the consulting services proposal to the Oversight Board for their consideration and possible action. The motion was seconded by City Council Member/Board Member Vierra and the vote was: Ayes: Vineyard, Vierra, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.**

Verbal update on proposed Measure H expenditures (Finance Director Deol)

**Finance Director Deol provided a verbal update on the proposed Measure H expenditures, which will require mid-year budget adjustments.**

**Acting Police Sergeant Novetzke spoke regarding the potential purchase of 2-3 Police Department vehicles, including armor/equipment.**

**Acting Police Chief Wisdom spoke regarding the potential purchase of new Police Department firearms and supplies.**

CITY COUNCIL MATTERS:

City Council comments

**City Council Member Raymond announced the mobile office hours for Merced County District 3 Supervisor McDaniel, which are the fourth Thursday of each month from 1:30 to 3:30 PM in the City Council Chambers. Representatives from Senator Canella's office, Assemblyman Gray's office, and Congressman Costa's office will be present as well.**

**City Council Member Vierra reported on her recent League of California Cities training and tour of the State Capitol. She requested an agenda item for the next regular City Council meeting, a presentation regarding the recruitment process for City Manager.**

**Mayor Pro Tem Vineyard announced two upcoming meetings: a community input meeting for the development of the Urban Forest Master Plan on January 25, 2017 at 6:00 PM at the Community Center and the joint City Council/Community Development and Resources Commission special meeting on January 31, 2017 at 6:00 PM at the Community Center regarding Proposition 64.**

**City Council Member Creighton spoke regarding the recent League of California Cities training and the networking that resulted. He announced his support of the Tree Partners Foundation efforts to beautify Broadway Avenue between First Street and Winton Way; he stated he would volunteer to assist and encouraged other City Council members to volunteer as well.**

**Mayor Price spoke of his recent penitentiary visit and ensuing discussions regarding the County's animal shelter and ways in which the prisoners can assist with socializing and training the animals. He proposed other ways in which the prisoners can lend a hand at no cost to the City such as with servicing parks and maintenance districts.**

ADJOURNMENT:

**The meeting adjourned at 10:36 PM.**



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DON HYLER III  
CITY CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,  
Recording Secretary