



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

January 9, 2017

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:04 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 Creighton, Raymond, Vierra, Vineyard,
Mayor Price

Absent: None

Staff Present: City Attorney Terpstra, 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 5:05 PM. Closed Session was called to order at 5:12 PM.

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

Closed Session adjourned at 5:45 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:01 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 Creighton, Raymond, Vierra, Vineyard, Mayor Price

Absent: None

Staff Present: Interim City Manager McBride, City Attorney Terpstra, Acting Police Chief Wisdom, CAL FIRE Battalion Chief Pimentel, Finance Director Deol, Human Resources Director Del Real, Interim Public Works Director Faretta, City Clerk Hyler III, 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:

Mayor Price announced an addition to the agenda, a Ceremonial Matter to present a Certificate of Adjournment for the regular City Council meeting of January 9, 2017 to the family of Manuel Bairos, Jr., to be placed prior to Presentations.

MOTION: *Mayor Price moved to approve the agenda as amended. 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.*

CEREMONIAL MATTERS:

Certificate of Adjournment

Mayor Price presented a Certificate of Adjournment to the family of Manuel Bairos, Jr. and announced that tonight's regular City Council meeting will be adjourned in his name.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel announced that last week three new Board of Supervisors were sworn into office and that he is currently serving as Vice Chair/Acting Chair of the Board of Supervisors. He reported on his involvement with One Voice and the procurement of a ten million dollar grant for flood relief. And, he stated that his staff will present the Castle Reuse Plan at the next regular City Council meeting.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

BOB CALAWAY, Atwater, addressed the friends and colleagues of Frank Pietro and spoke of Mr. Pietro's accomplishments as City Manager. He voiced his disappointment that Mr. Pietro was not allowed to continue in a part time, volunteer capacity as Acting Police Chief in the absence of Police Chief Joseph.

FRANK JOHNSON, President of Stanislaus County NAACP, spoke of the City's financial situation and the need for fiscal transparency.

ERIC LEE, Atwater, presented Mayor Price with a large signed gavel "that won't break" commissioned by Greg McDaniel.

GREG McDANIEL, Atwater, invited the public to assist with putting away the Christmas decorations at the Bloss Home on January 10, 2017 at 9:30 AM. He announced that the next Atwater 4th of July Committee meeting will be held on January 18, 2017 at 6:30 PM at the Bloss Home.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #2 under Reports, "Monthly review of local drought emergency," was removed from the consent calendar for separate discussion and possible action.

Agenda item #3 under Informational Items Only (No Action Required), "Police Department activities and projects for the month of December, 2016," was removed from the consent calendar for separate discussion.

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

WARRANTS:

1. January 9, 2017

ACTION: Approval of warrants as listed.

REPORTS:

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

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

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

3. Police Department activities and projects for the month of December, 2016 (Police Chief Joseph)

This item was removed from the consent calendar for separate discussion.

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

REPORTS:

Monthly review of local drought emergency (City Attorney Terpstra)

City Council Member Creighton questioned if the local drought emergency is still in effect in light of the Governor's letter of relief.

MOTION: City Council Member Creighton moved to remove the City of Atwater from drought emergency participation. The motion was seconded by Mayor Price and the vote was: Ayes: Vierra, Vineyard, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Police Department activities and projects for the month of December, 2016 (Police Chief Joseph)

Interim City Manager McBride announced that Sergeant Wisdom will be assuming additional duties as Acting Police Chief in the absence of Police Chief Joseph. Acting Police Chief Wisdom will be assisted by Chief of Police Ruben Chavez of Livingston and his staff who will act as mentors and be an additional resource for the City Council, the public, Acting Police Chief Wisdom, and the Atwater Police Department.

Chief of Police Chavez, City of Livingston, spoke of how he and his department can provide assistance, which they have provided in the past, such as in decision making, with field calls and visits, etc.

REPORTS AND PRESENTATIONS FROM STAFF:

Annual report regarding solar savings (Requested by City Council Member Raymond; Presented by Finance Director Deol)

Finance Director Deol presented an annual solar report in which the City lost approximately \$75,000 to date. She stated that the City must purchase additional energy from PG&E each month because the solar panels are not producing enough energy as planned.

ERIC LEE, Atwater, spoke of the ad hoc committee which was formed to research solar and energy cost savings, the solar contract, the rebates promised but never received, and the overall "bad deal."

LINDA DASH, Atwater, asked City Attorney Terpstra to review the contract and consider proposing modifications if possible.

By consensus, the City Council directed Interim City Manager McBride and City Attorney Terpstra to review the Power Purchase Agreement with CGY Atwater I LLC (Conergy), to meet with Conergy representatives to discuss the contract and the lack of efficiency in the solar panels and the overall lack of cost savings, and to obtain energy rates from other utility companies.

CITY COUNCIL MATTERS:

Approval of Annual 2017 Regular Meeting Schedule Calendar

MOTION: Mayor Price moved to approve the 2017 Regular Meeting Schedule Calendar as amended, to include the Citizens' Oversight Committee for Public Safety Transactions and Use Tax quarterly meetings. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

Discussion and possible action regarding seating of the City Council, staff, press and department directors during City Council Meetings

City Council Member Vierra spoke regarding the seating of the City Council, staff, press, and department directors during City Council Meetings.

By consensus, the City Council directed the City Attorney to proceed with restructuring the seating arrangement of the City Council, staff, press, and department directors during City Council Meetings, which will assist the public in identifying and addressing the individuals.

Discussion and possible action regarding increasing City Council training budget for FY 2016/17

City Council Member Creighton spoke regarding increasing the City Council training budget for Fiscal Year 2016/17; however, he asked for City Council and public input in light of the City's financial hardship.

LINDA DASH, Atwater, spoke in opposition to increasing the City Council training budget due to the City's financial struggles but encouraged the City Council to attend training at their own expense if possible.

ERIC LEE, Atwater, spoke in opposition to increasing the City Council training budget and suggested using outside resources for in-house training. Also, he stated his concerns with promoting Atwater in the hopes of bringing in new businesses due to the current blight throughout the City.

MIKE RAYMOND, Atwater, voiced his opinion that if City funds are approved for City Council training, every City Council member should benefit or no one should benefit; everyone should be treated the same.

GREG OLZACK, Atwater, spoke of the importance of training or "professional help," especially at the beginning of one's term of office.

Merced County District 3 Supervisor McDaniel stated that training is essential, and he suggested contacting the League of California Cities for in-house training possibilities.

FRANK JOHNSON, Modesto, stated his opinion that training is imperative, and sharing the knowledge gained through training will only benefit the City.

By consensus, the City Council directed staff to continue to allocate funds for City Council training during the budget process as appropriate.

Discussion and possible action regarding Atwater Municipal Code Section 2.04.050 "City Manager Powers and Duties" and Resolution No. 2554-10

City Attorney Terpstra stated that in order to modify Atwater Municipal Code 2.04.050 "City Manager Powers and Duties," an amendment to the ordinance is necessary.

By consensus, the City Council directed City Attorney Terpstra to draft an amendment to the ordinance and directed staff to place the item on the regular City Council meeting agenda of February 13, 2017.

City Council Reorganization/Mayor's Committee Assignments

- Mayor Pro Tem
- Merced County Association of Governments (1 representative and 1 alternate)
- League of California Cities Central Valley Division (1 representative and 2 alternates)
- City Audit and Finance Committee (2 representatives)
- LAFCO (1 representative)
- USP/Atwater Community Liaison Group (1 representative and 1 alternate)
- Atwater Community Services/Neighborhood Watch (1 representative)
- 4th of July Committee (1 representative)
- San Joaquin Valley Air Pollution Control District (1 representative and 1 alternate)

Mayor Price stated that two committee assignments have been eliminated as they are irrelevant at the present, the High Speed Rail Authority and UC Merced, and he stated that the LAFCO assignment is on-hold until City acceptance by the Agency.

Mayor Price announced committee assignments as follows: Mayor Pro Tem: Vineyard; Merced County Association of Governments: Price, alternate Raymond; League of California Cities Central Valley Division: Creighton, alternates Vineyard and Raymond; City Audit and Finance Committee: Vineyard and Vierra; LAFCO: Open; USP/Atwater Community Liaison Group: Raymond, alternate Vierra; Atwater Community Services/Neighborhood Watch: Vineyard; 4th of July Committee: Price; San Joaquin Valley Air Pollution Control District: Vierra, alternate Creighton.

MOTION: City Council Member Creighton moved to ratify the Mayor's Committee Assignments as announced. The motion was seconded by City Council Member Vineyard and the vote was: Ayes: Creighton, Raymond, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

ERIC LEE, Atwater, asked Mayor Price to ensure that one City Council member attends every future Community Development and Resources Commission and Citizens' Oversight Committee for Public Safety Transactions and Use Tax meetings.

City Council comments

City Council Member Raymond congratulated the newly appointed Mayor Pro Tem Vineyard and thanked Mr. Calaway for his efforts during the recent City Council Special Meeting/Workshop.

City Council Member Vierra stated that she looks forward to an exciting year and the upcoming training she will attend.

City Council Member Vineyard requested the community write letters supporting Assemblyman Gray's fight to protect the San Joaquin Valley water supplies by opposing the State Water Resources Control Board's proposed amendment to the Bay-Delta Plan. He read "12 Things to Always Remember." He asked that any future City Council Special Meeting/Workshop be held in the evenings in order to allow for better public participation.

City Council Member Creighton spoke regarding the recent City Council Special Meeting/Workshop and the "creative thinking." He requested another similar meeting in the near future in order to continue the process of moving forward and minimizing debt, and specifically to address the CalPERS debt.

By consensus, the City Council directed staff to research options for restructuring the CalPERS debt and to place this item on a near future regular City Council meeting agenda.

Mayor Price thanked the City Council, City staff, and the public for attending the recent City Council Special Meeting/Workshop. He thanked the facilitator, Carol Whiteside. He reminded citizens to be extremely cautious when driving in the rain, and he asked residents to remove leaves from drains and gutters in order to lessen water hazards. He spoke of the recent tragedy for the Dean family of Atwater and sent his condolences to the family.

CLOSED SESSION:

Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned in memory of Manuel Bairos, Jr. and Arizona Dean.

The meeting adjourned at 8:07 PM.



DON HYLER III
CITY CLERK

By: Kim Bengtson-Jennings,
Recording Secretary