



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

July 10, 2017

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:01 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Price presiding.*

ROLL CALL:

**Present:** City Council Members Creighton, Raymond, Vierra, Mayor Price

**Absent:** Mayor Pro Tem Vineyard

**Staff Present:** Interim City Manager Bramble, Deputy City Attorney Henderson, 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 5:02 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)

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: Deputy City Attorney Henderson and Human Resources Director Del Real;

Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Miscellaneous Unit and Clerical Unit

***Closed Session adjourned at 6:00 PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Regular Session this date at 6:17 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 McClellan.***

ROLL CALL:

***Present: City Council Members Creighton, Raymond, Vierra, Mayor Price***

***Absent: Mayor Pro Tem Vineyard***

***Staff Present: Interim City Manager Bramble, Deputy City Attorney Henderson, Community Development Director McBride, Human Resources Director Del Real, Police Chief Joseph, Acting Public Works Director Shaw, Recreation Supervisor Rahn, City Clerk Hyler III, Recording Secretary Bengtson-Jennings***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***Deputy City Attorney Henderson 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:

***Agenda item #4 under Resolutions, "Prohibiting enacting proposed personnel actions prior to adoption of Fiscal Year 2017/18 Budget," was removed from the agenda in its entirety and will be placed on the next regular City Council meeting agenda of July 24, 2017.***

***Agenda item #6 under Agreements, "Approving the Atwater Community Center Lease Agreement with Yosemite Church," was removed from the agenda in its***

*entirety and will be placed on the next regular City Council meeting agenda of July 24, 2017.*

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

**CEREMONIAL MATTERS:**

Presentation to Allen Russell

***Mayor Price and Police Chief Joseph presented a Certificate of Appreciation to Police Volunteer Allen Russell for 12 years of dedicated service to the City of Atwater.***

**COMMENTS FROM THE PUBLIC:**

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

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

**CONSENT CALENDAR:**

***Agenda item #3 under Resolutions, "Authorizing the Issuance of Wastewater Revenue Refunding Bonds; authorizing and directing execution of an Indenture of Trust, Continuing Disclosure Agreement, Escrow Agreements and a Bond Purchase Contract; authorizing the sale of bonds; approving an Official Statement; and providing other matters properly relating thereto," was removed from the consent calendar for separate discussion and possible action.***

***Agenda item #11 under Informational Items Only (No Action Required), "Police Department activities and projects for the month of June, 2017," was removed from the consent calendar for separate discussion.***

***Agenda item #12 under Informational Items Only (No Action Required), "Police Volunteer activities for the month of June, 2017," was removed from the consent calendar for separate discussion.***

***Agenda item #13 under Informational Items Only (No Action Required), "Fire Department activities and projects for the month of June, 2017," was removed from the consent calendar for separate discussion.***

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

WARRANTS:

1. July 10, 2017

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

MINUTES: (City Council)

2. Regular meeting, June 12, 2017

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

RESOLUTIONS:

3. Authorizing the issuance of Wastewater Revenue Refunding Bonds; authorizing and directing execution of an Indenture of Trust, Continuing Disclosure Agreement, Escrow Agreements and a Bond Purchase Contract; authorizing the sale of bonds; approving an Official Statement; and providing other matters properly relating thereto (Community Development Director McBride)

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

4. Prohibiting enacting proposed personnel actions prior to adoption of Fiscal Year 2017/18 Budget (Deputy City Attorney Henderson)

***This item was removed from the agenda in its entirety and will be placed on the next regular City Council meeting agenda of July 24, 2017.***

5. Approving Fiscal Year 2015/16 Regional Surface Transportation Program Exchange Funds (Community Development Director McBride)

**ACTION: Adoption of Resolution No. 2964-17 authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2017/18.**

AGREEMENTS:

6. Approving the Atwater Community Center Lease Agreement with Yosemite Church (Recreation Supervisor Rahn)

***This item was removed from the agenda in its entirety and will be placed on the next regular City Council meeting agenda of July 24, 2017.***

7. Approving PG&E Products and Services Agreement regarding LS2 Street Light Turnkey Replacement Project (Acting Public Works Director Shaw)

**ACTION: Adoption of Resolution No. 2969-17 approving Products and Services Agreement, in a form approved by the City Attorney, with Pacific Gas and Electric (PG&E) for LED Street Light Turnkey Replacement Project, City Project No. 17-2; and authorizes the City Manager or his designee to execute the Products and Services Agreement and any necessary documents relating to the project on behalf of the City.**

8. Master Recipient Funding Agreement between the City of Atwater and Merced County Association of Governments for Fiscal Year 2017-18 (Community Development Director McBride)

**ACTION: Approval of Master Recipient Funding Agreement between the City of Atwater and Merced County Association of Governments (MCAG) for Fiscal Year 2017-18.**

9. Authorizing the preparation and execution of a Professional Services Agreement for emergency information technology services (Community Development Director McBride)

**ACTION: Authorizes the preparation and execution of a Professional Services Agreement, in a form to be approved by the City Attorney, with TMPros for emergency information technology services.**

CLAIMS AGAINST THE CITY:

10. Claim No. 2017-7

**ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2017-7 be rejected.**

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

11. Police Department activities and projects for the month of June, 2017 (Police Chief Joseph)

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

12. Police Volunteer activities for the month of June, 2017 (Police Volunteer Vineyard)

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

13. Fire Department activities and projects for the month of June, 2017 (CAL FIRE Battalion Chief Pimentel)

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

14. Water Well Update (Acting Public Works Director Shaw)

RESOLUTIONS:

Authorizing the Issuance of Wastewater Revenue Refunding Bonds; authorizing and directing execution of an Indenture of Trust, Continuing Disclosure Agreement, Escrow Agreements and a Bond Purchase Contract; authorizing the sale of bonds; approving an Official Statement; and providing other matters properly relating thereto (Community Development Director McBride)

***Albert Peché with A.M. Peché & Associates, LLC spoke regarding the refinancing of the City's 2010 and 2011 Wastewater Revenue Bonds.***

***Albert Reyes with Nossaman, LLP spoke regarding the legal documents associated with refinancing the Wastewater Revenue Bonds.***

***MOTION: Mayor Price moved to adopt Resolution No. 2971-17 authorizing the issuance of, not to exceed \$70,000,000 in the principal amount, Wastewater Revenue Refunding Bonds (the "2017 Bonds") and authorizing and directing the execution of an Indenture of Trust, Continuing Disclosure Agreement, Escrow Agreements, and a Bond Purchase Contract; authorizing the sale of bonds; and approving the form of the Official Statement required for the refinancing of the 2010 and 2011 Wastewater Revenue Bonds. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Raymond, Creighton, Price; Noes: None; Absent: Vineyard. The motion passed.***

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Police Department activities and projects for the month of June, 2017 (Police Chief Joseph)

***Police Chief Joseph spoke regarding the abundance of illegal fireworks displayed this year and the consequences associated with such illegal activities. He announced that 30 vehicles are currently impounded in the City's tow yard.***

***Mayor Price voiced his concerns with this year's illegal firework displays and asked staff to re-visit the City's fireworks ordinance and draft a joint Police Department/CAL FIRE plan for the purpose of educating and helping to deter the use of illegal fireworks next year.***

Police Volunteer activities for the month of June, 2017 (Police Volunteer Vineyard)

***Police Chief Joseph presented the Police Volunteer activities report for the month of June, 2017 due to the absence of Police Volunteer Vineyard.***

Fire Department activities and projects for the month of June, 2017 (CAL FIRE Battalion Chief Pimentel)

***CAL FIRE representatives were not available to present the Fire Department activities and projects report for the month of June, 2017.***

**PUBLIC HEARINGS:**

Confirming the engineer's reports and ordering the annual levy for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2017/18 (Community Development Director McBride)

***Community Development Director McBride spoke regarding the minimal changes proposed for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2017/18.***

***City Council Member Creighton stated his concerns with the "apparent" lack of landscape maintenance of the Districts and asked staff to implement a plan to ensure proper maintenance, which will include irrigation and removal of dead trees.***

***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 Creighton moved to adopt Resolution No. 2963-17 confirming the engineer's reports and ordering the continued maintenance of the City of Atwater Lighting and Drainage and Landscape Assessment Maintenance Districts and levy of assessments for Fiscal Year 2017/18. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Creighton, Vierra; Noes: Raymond, Price; Absent: Vineyard. The motion failed.***

**CITY COUNCIL MATTERS:**

City Council comments

***City Council Member Raymond thanked the 4<sup>th</sup> of July Committee for their efforts with this year's event. He spoke of the need for staff to repair damaged sidewalks as they present a hazard and potential liability to the City.***

***City Council Member Vierra reported a sidewalk tripping hazard in front of the Atwater library. On behalf of the City Council, she welcomed Interim City Manager Bramble.***

***City Council Member Creighton spoke regarding the July 4<sup>th</sup> event - the great parade, good food, numerous vendors, and excellent fireworks show. He thanked all of those who helped with this year's event. Also, he requested staff review the City's current water ordinance and draft changes that will allow citizens to water their yards three days a week.***

**Mayor Price announced that this year's 4<sup>th</sup> of July event attracted approximately 16,500 people, and he thanked all of the "hard-working" 4<sup>th</sup> of July Committee members. He announced the recent Chamber of Commerce ribbon cutting ceremony for the re-opening of the Applegate Exit. He thanked Community Development Director McBride and Mike Williams of Williams Tank Lines for their efforts in overseeing the restoration of the area. And, he spoke regarding the decline in Sheriff Deputies in Merced County and the need for surrounding communities to offer assistance as necessary.**

**By consensus, the City Council requested the City Manager coordinate a Budget Workshop and prepare a Notice of Special Meeting.**

**Interim City Manager Bramble thanked the City Council for their support and stated he looks forward to the challenges ahead. He re-affirmed the City Council's requests from tonight's meeting.**

CLOSED SESSION:

**Closed Session was not necessary.**

ADJOURNMENT:

**Mayor Price adjourned the meeting at 7:29 PM.**

  
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DON HYLER III  
CITY CLERK

By: Kim Bengtson-Jennings,  
Recording Secretary