



# CITY OF ATWATER

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**CITY COUNCIL,  
FIRE PROTECTION DISTRICT,  
AND  
SUCCESSOR AGENCY TO THE ATWATER  
REDEVELOPMENT AGENCY**

**ACTION MINUTES**

**July 24, 2017**

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.*

ROLL CALL: (City Council)

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

**Absent:** None

**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 5:01 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: (4)

***Closed Session adjourned at 6:03 PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater, the Board of Directors of the Fire Protection District, and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency met in Regular Session this date at 6:07 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard presiding.***

PLEDGE OF ALLEGIANCE TO THE FLAG:

***The Pledge of Allegiance was led by Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard.***

INVOCATION:

***The Invocation was led by Police Chaplain Mead.***

ROLL CALL: (City Council/Board of Directors/Governing Board)

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

***Absent: Mayor/Board President/Board Chair Price***

***Staff Present: Interim City Manager/Executive Director Bramble, Deputy City Attorney Henderson, CAL FIRE Battalion Chief Pimentel, CAL FIRE Battalion Chief Schmitz, Community Development Director McBride, Finance Director Deol, Human Resources Director Del Real, Police Chief Joseph, Acting Public Works Director Shaw, Recreation Supervisor Rahn, City Clerk/Board Clerk/Board Secretary Hyler III, City Treasurer Heller, Recording Secretary Bengtson-Jennings***

***Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard announced that Mayor/Board President/Board Chair Price had to leave unexpectedly due to an emergency.***

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:

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

COMMENTS FROM THE PUBLIC:

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

***DEREK ROBINSON, Madera, announced his candidacy for the California State Senate - 12<sup>th</sup> District.***

***LINDA DASH, Atwater, reported a safety concern, wires hanging from the solar panels at City Hall.***

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

CONSENT CALENDAR:

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

WARRANTS:

1. July 24, 2017

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

MINUTES: (City Council)

2. Regular meeting, June 26, 2017

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

MINUTES: (Community Development and Resources Commission)

3. Regular meeting, May 17, 2017

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

RESOLUTIONS:

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

**ACTION: Adoption of Resolution No. 2972-17 regarding the Fiscal Year 2017/18 Budget.**

CLAIMS AGAINST THE CITY:

5. Claim No. 2017-5

**ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2017-5 be rejected.**

FUNDING AND BUDGET MATTERS:

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

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

CITY ATTORNEY REPORTS/UPDATES:

Approving revisions to the City's Records Retention Schedule and approving the destruction of documents maintained citywide in accordance with the City of Atwater Records Retention Schedule

**MOTION: City Council Member Vierra moved to adopt Resolution No. 2977-17 approving revisions to the City's Records Retention Schedule and approving the destruction of documents maintained citywide in accordance with the City of Atwater Records Retention Schedule. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard; Noes: None; Absent: Price. The motion passed.**

INTERIM CITY MANAGER REPORTS:

Resolution declaring the City's intent to transition from at-large to district-based councilmember elections, outlining specific steps to facilitate the transition and estimating a time frame for action

***Interim City Manager Bramble announced a minor change to the resolution, that any reference to "General Manager" be changed to "Interim City Manager."***

***City Council Member Raymond spoke for the record regarding freedom of speech and how district-based councilmember elections will silence the voice of thousands of people in Atwater.***

**City Council Member Creighton stated for the record that the Shenkman & Hughes threat of pursuit of a California Voting Rights Act claim against the City is “no more than a shakedown,” but nonetheless forces the City to expend significant staff time and monetary resources to initiate the transition to district-based councilmember elections.**

**MOTION: City Council Member Creighton “reluctantly” moved to adopt Resolution No. 2978-17 declaring the City’s intent to transition from at-large to district-based councilmember elections, outlining specific steps to facilitate the transition and estimating a time frame for action; and to authorize the Interim City Manager to enter into an agreement with a demographic consultant subject to the approval of the City Attorney’s office. The motion was “double reluctantly” seconded by City Council Member Vierra and the vote was: Ayes: Vierra, Creighton, Vineyard; Noes: Raymond; Absent: Price. The motion passed.**

**Interim City Manager Bramble suggested addressing agenda item #10 and agenda item #11 regarding the Lighting and Drainage Assessment Maintenance Districts and the Landscape Assessment Maintenance Districts prior to the 2017-18 Fiscal Year Budget item. By consensus, the City Council agreed.**

**REPORTS AND PRESENTATIONS FROM STAFF:**

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

**MOTION: City Council Member Raymond moved to adopt Resolution No. 2975-17 confirming the engineer’s reports and ordering the continued maintenance of the City of Atwater Lighting and Drainage Assessment Maintenance Districts and levy of assessments for Fiscal Year 2017/18 as amended, without any rate increases.**

**SUBSTITUTE MOTION: City Council Member Creighton moved to adopt Resolution No. 2975-17 confirming the engineer’s reports and ordering the continued maintenance of the City of Atwater Lighting and Drainage Assessment Maintenance Districts and levy of assessments for Fiscal Year 2017/18. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Creighton, Vineyard; Noes: Raymond, Vierra; Absent: Price. The motion failed.**

Resolution confirming the engineer’s reports and ordering the annual levy for the Landscape Assessment Maintenance Districts for Fiscal Year 2017/18 (Community Development Director McBride)

**Interim City Manager Bramble stated for the record that if there are a substantial number of dead trees in any Landscape Assessment Maintenance District, reserve funds may be used for removal of said trees.**

**MOTION: City Council Member Vierra moved to adopt Resolution No. 2976-17 confirming the engineer's reports and ordering the continued maintenance of the City of Atwater Landscape Assessment Maintenance Districts and levy of assessments for Fiscal Year 2017/18. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vierra, Raymond, Creighton, Vineyard; Noes: None; Absent: Price. The motion passed.**

**PUBLIC HEARINGS:**

Adopting 2017-18 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Classification Plan and approving Salary Schedule B-17, effective July 1, 2017 (Finance Director Deol)

***Interim City Manager/Executive Director Bramble provided an overview of the 2017-18 Fiscal Year Budget.***

***Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard opened the public hearing for this item.***

***HELEN AMARANT, Atwater, questioned the future water source for the Ferrari Ranch project.***

***LINDA DASH, Atwater, spoke regarding safety issues in general and suggested allocating more money to the equipment maintenance budget.***

***No one else came forward to speak and Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard closed the public hearing.***

**MOTION: Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard moved to adopt Joint Authority Resolution No. 2958-17, Resolution No. AAFP 1-2017, and Resolution No. SA 2017-5 adopting the 2017-18 Fiscal Year Budget with any modifications from the budget workshops and public hearings; and to adopt Resolution No. 2959-17 amending the City of Atwater Classification Plan and adopting City of Atwater Salary Schedule B-17, effective July 1, 2017. The motion was seconded by City Council Member/Board Member Creighton and the vote was: Ayes: Creighton, Vineyard; Noes: Raymond, Vierra; Absent: Price. The motion failed.**

***City Council Member/Board Member Vierra stated that she would like to review the proposed 2017-18 Fiscal Year Budget one more time prior to consideration for adoption.***

**MOTION: City Council Member/Board Member Vierra moved to authorize the Interim City Manager to continue making required expenditures to meet current or immediate financial obligations relating to City operations until the 2017-18 Fiscal Year Budget is adopted, specifically regarding inter-fund loan payments. The motion was seconded by City Council Member/Board Member Raymond and the**

**vote was: Ayes: Creighton, Raymond, Vierra, Vineyard; Noes: None; Absent: Price. The motion passed.**

CITY COUNCIL MATTERS:

Request to evaluate and consider a three (3) day Watering Schedule (City Council Member Creighton)

***MOTION:* City Council Member Creighton moved to direct the City Attorney to draft a revision to the current water conservation code to allow for a three (3) day a week watering schedule prohibiting watering on Sundays and to include modified hours for the winter months, and to bring the item back for discussion and possible action at the next regular City Council meeting of August 14, 2017. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Creighton, Raymond, Vineyard; Noes: None; Absent: Price. The motion passed.**

City Council comments

***City Council Member Creighton announced that the City will host the next City/County Dinner on September 26, 2017, and the program speaker is David Souza, owner of Corbin Cash Distillery in Atwater. He announced that community members wishing to report potholes may call the Public Works Department at (209) 357-6370.***

***City Council Member Vierra thanked CAL FIRE and the City's fire personnel for their hard work fighting the various California wildfires. She spoke regarding the budget process and emphasized the importance of "living within our means."***

***City Council Member Raymond echoed City Council Member Vierra's comments concerning fire personnel and he sent prayers and condolences to those affected. He praised the Public Works Department for their efforts in cleaning up the City. And, he thanked Community Development Director McBride for his years of service to Atwater and wished him well in his future endeavors.***

***Mayor Pro Tem Vineyard spoke of the lives lost and the injuries sustained from the wildfires burning nearby. He recommended everyone clear their properties of dead brush to lessen the chance of risk. He thanked Community Development Director McBride for his service as well. He reminded the City Council to "remove yourself emotionally" in regard to the budget process.***

CLOSED SESSION:

***Continuation of Closed Session was not necessary.***

ADJOURNMENT:

***The meeting adjourned at 8:18 PM.***



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DON HYLER III, CITY CLERK  
BOARD CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,  
Recording Secretary