



CITY OF ATWATER

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

ACTION MINUTES

June 26, 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.

ROLL CALL:

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

Absent: Mayor Pro Tem Vineyard

Staff Present: Acting City Manager/Human Resources Director Del Real, City Attorney Terpstra, Deputy City Clerk Waterman, 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 5:06 PM. Closed Session was called to order at 5:15 PM.

Conference with Legal Counsel – Anticipated Litigation – Government Code Section 54956.9(b): Number of cases: (2)

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 6:20 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 6:26 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor/Board President/Board Chair Price presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

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

INVOCATION:

The Invocation was led by Police Chaplain McClellan.

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

Present: City Council Members/Board Members Creighton, Raymond, Vierra, Mayor/Board President/Board Chair Price

Absent: Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard

Staff Present: Acting City Manager/Executive Director/Human Resources Director Del Real, City Attorney Terpstra, CAL FIRE Battalion Chief Pimentel, Finance Director Deol, Police Chief Joseph, Acting Police Sergeant Novetzke, Acting Public Works Director Shaw, Recreation Supervisor Rahn, City Clerk/Board Clerk/Board Secretary Hyler III, Recording Secretary Bengtson-Jennings

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Terpstra announced that staff was given direction to prepare a resolution regarding district elections for City Council consideration at the next regular City Council meeting of July 10, 2017. He reported that no action was

taken and staff was given direction concerning the remaining Closed Session agenda items. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Agenda item #10 under City Attorney Reports/Updates, "Verbal update regarding City of Atwater Purchasing Manual," was removed from the agenda in its entirety and will be placed on the next regular City Council meeting agenda of July 10, 2017.

Agenda item #11 under 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," was removed from the agenda in its entirety and will be placed on the next regular City Council meeting agenda of July 10, 2017.

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

CEREMONIAL MATTERS:

Police Officer of the Year

Mayor Price and Police Chief Joseph presented a Certificate of Recognition to Police Officer of the Year, Patrick Radke.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

FRANK JOHNSON, Modesto, stated that threats, harassment, and intimidation will not prevent him from continuing to exert his First Amendment right, the Constitutional protection of freedom of speech.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #4 under Agreements, "Authorizing the Atwater Community Center Lease Agreement with Yosemite Church," was removed from the consent calendar for separate discussion and possible action.

Agenda item #6 under Resolutions, "Authorizing issuance and sale of Tax Allocation Refunding Bonds, approving the form of an Indenture of Trust, approving the form of an Escrow Agreement, and authorizing other certain actions," was removed from the consent calendar for separate discussion and possible action.

Agenda item #7 under Resolutions, "Approving the City of Atwater Debt Management Policy," was removed from the consent calendar for separate discussion and possible action.

MOTION: City Council Member/Board Member Creighton moved to approve the consent calendar as amended. The motion was seconded by Mayor/Board President/Board Chair Price and the vote was: Ayes: Vierra, Creighton, Price; Noes: Raymond; Absent: Vineyard. The motion passed.

WARRANTS:

1. June 26, 2017

ACTION: Approval of warrants as listed.

MINUTES: (Community Development and Resources Commission)

2. Special meeting, April 5, 2017

ACTION: Acceptance of minutes as listed.

AGREEMENTS:

3. Approving Interim City Manager Employment Agreement

ACTION: Approval of Interim City Manager Employment Agreement and authorizes and directs the Mayor to execute the Agreement on behalf of the City.

4. Authorizing the Atwater Community Center Lease Agreement with Yosemite Church (Interim City Manager/Community Development Director McBride)

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

PUBLIC IMPROVEMENTS:

5. Accepting Atwater Boulevard – Winton Way Signal and Safety Improvement Project No. 14-7 (Interim City Manager/Community Development Director McBride)

ACTION: Acceptance of work done under contract for construction of Atwater Boulevard – Winton Way Safety Improvement Project, City Project No. 14-7, Bid Call No. 669-14; authorizes and directs 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 \$60,021.80.

RESOLUTIONS:

6. Authorizing issuance and sale of Tax Allocation Refunding Bonds, approving the form of an Indenture of Trust, approving the form of an Escrow Agreement, and authorizing other certain actions (Interim City Manager/Executive Director/Community Development Director McBride)

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

7. Approving the City of Atwater Debt Management Policy (Interim City Manager/Community Development Director McBride)

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

AGREEMENTS:

Authorizing the Atwater Community Center Lease Agreement with Yosemite Church (Interim City Manager/Community Development Director McBride)

City Council Member Creighton voiced his concerns with the “appearance” of the Atwater Community Center and the lack of staff to upkeep the grounds.

MARY McWATTERS, AFSCME Business Representative, Miscellaneous and Clerical Units, reminded the City Council that contracting out employee work is a meet and confer item.

By consensus, the City Council requested that City Attorney Terpstra present a proposal to Yosemite Church whereby the Lease Agreement will reflect a reduction in the rental fees for the use of the facility in exchange for Yosemite Church maintaining the grounds.

RESOLUTIONS:

Authorizing issuance and sale of Tax Allocation Refunding Bonds, approving the form of an Indenture of Trust, approving the form of an Escrow Agreement, and authorizing other certain actions (Interim City Manager/Executive Director/Community Development Director McBride)

Albert Peché with A.M. Peché & Associates, LLC and Katherine Thursby with Nossaman, LLP spoke and answered questions regarding the issuance and sale of Tax Allocation Refunding Bonds.

MOTION: Mayor/Board President/Board Chair Price moved to adopt Resolution No. SA 2017-6 authorizing the issuance and sale of Tax Allocation Refunding Bonds, approving the form of an Indenture of Trust, approving the form of an Escrow Agreement, and authorizing other certain actions in connection with these approvals. The motion was seconded by City Council Member/Board Member Vierra and the vote was: Ayes: Vierra, Raymond, Creighton, Price; Noes: None; Absent: Vineyard. The motion passed.

Approving the City of Atwater Debt Management Policy (Interim City Manager/Community Development Director McBride)

City Attorney Terpstra stated that government code requires any issuer of public debt to provide to California Debt and Investment Advisory Commission a report of the proposed issuance of debt. In addition, a Debt Management Policy sets parameters for issuing and managing the debt.

MOTION: City Council Member Creighton moved to adopt Resolution No. 2966-17 approving the City of Atwater Debt Management Policy. The motion was seconded by Mayor Price and the vote was: Ayes: Creighton, Vierra, Raymond, Price; Noes: None; Absent: Vineyard. The motion passed.

FUNDING AND BUDGET MATTERS:

Treasurer's Report for the month of May, 2017 (Finance Director Deol)

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

INTERIM CITY MANAGER REPORTS:

Verbal report regarding the proposed Medical and Commercial Marijuana Ordinance No. CS 982

MARY McWATTERS, Community Development and Resources Commissioner, spoke regarding the possible limit on the number of physical locations, businesses, or regulatory licenses and clarified that product will not be sold out of these facilities.

SEAN ARNOLD, Atwater, requested the proposed ordinance contain a mechanism or definition of a reporting period for reporting suspicious activity.

DWIGHT LARKS, Gustine, spoke regarding security in general, programs to educate youth, and the reasons for allowing for dispensaries, one of which is the numerous grant programs available if retail activity is allowed.

ZACK DRIVON, Stockton attorney for local policy reform advocacy and consulting in the cannabis industry, stated that there are a number of local property owners, prospective investors, and competent operators who are ready to work collaboratively with the City. He spoke regarding several security issues.

SHELBY LUCERO, Sacramento activist, asked the City Council to take a closer look at the cannabis community and to consider using cannabis to rebuild infrastructure in Atwater.

STEPHANIE PEREZ, Merced attorney, spoke of the importance of educating children on health, safety, and welfare concerns surrounding marijuana.

MICHAEL SLESINSKI, Fremont doctor, retired, spoke of his desire to advocate from a safety and medical perspective for the City of Atwater in regard to commercial marijuana.

By consensus, the City Council provided input regarding several items in the proposed medical and commercial marijuana ordinance.

CITY ATTORNEY REPORTS/UPDATES:

Verbal update regarding City of Atwater Purchasing Manual

This item was removed from the agenda in its entirety and will be placed on the next regular City Council meeting agenda of July 10, 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)

This item was removed from the agenda in its entirety and will be placed on the next regular City Council meeting agenda of July 10, 2017.

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)

Mayor/Board President/Board Chair Price opened the public hearing for this item.

No one came forward to speak and Mayor/Board President/Board Chair Price closed the public hearing for this meeting.

City Council/Board Member Vierra acknowledged that the City Council is not involved in personnel matters; however, in the event adoption of the subsequent fiscal year budget is delayed, she requested City Attorney Terpstra establish policy by resolution. Said policy would prohibit the City from implementing any recommended employee personnel actions that would cause a fiscal impact unless a majority vote of the City Council is received prior to the action.

MOTION: Mayor/Board President/Board Chair Price moved to continue the public hearing to the regular City Council meeting of July 24, 2017; and to adopt Joint Authority Resolution No. 2968-17, Resolution No. AFD 2-2017, and Resolution No. SA 2017-7 authorizing the 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. The motion was seconded by City Council Member/Board Member Creighton and the vote was: Ayes: Vierra, Creighton, Raymond, Price; Noes: None; Absent: Vineyard. The motion passed.

By consensus, the City Council requested the City Manager delay approving any employee personnel actions that would cause a fiscal impact during this transitional period and requested the City Attorney prepare a resolution setting policy as discussed above for consideration at the next regular City Council meeting of July 10, 2017.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Raymond encouraged citizens to participate in this year's 4th of July festivities, and also to remember why we celebrate the holiday. He thanked CAL FIRE and the City's fire fighters for assisting with Field Day at Thomas Olaeta Elementary School.

City Council Member Vierra asked that everyone be safe and have fun this 4th of July. She thanked City Council Members Creighton and Raymond for their efforts "fixing up" the City Manager's office.

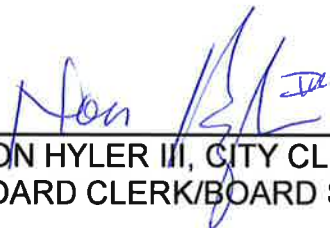
City Council Member Creighton spoke of the numerous phone calls he receives concerning broken trash can lids and asked questions of Allied Waste representative, Kyle Loreto. He asked the community to clean up homes and yards in anticipation of the influx of visitors for the 4th of July festivities, and he spoke regarding his plans to assist the Public Works Department in cleaning up Atwater. Those wishing to help may contact City Council members.

Kyle Loreto, Municipal Relations Manager with Allied Waste, reiterated that citizens with broken or missing trash can lids contact the company directly at (209) 827-7000.

Mayor Price spoke in regard to this year's 4th of July events from the morning run to the fireworks display. He announced that the City's tow yard is now operational with 11 vehicles currently impounded and that Jeanna Del Real is filling in for Scott McBride today as he celebrates his birthday.

ADJOURNMENT:

The meeting adjourned at 7:54 PM.



DON HYLER III, CITY CLERK
BOARD CLERK/BOARD SECRETARY

By: Kim Bengtson-Jennings,
Recording Secretary