



CITY OF ATWATER

CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

ACTION MINUTES

November 13, 2017

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:02 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 Pro Tem Vineyard, Mayor Price

Absent: None

Staff Present: Interim City Manager Bramble, City Attorney Terpstra, Deputy City Clerk Saavedra, Recording Secretary Rasmussen

CLOSED SESSION: (Conference Room A)

City Attorney Terpstra announced a request for a subsequent need item, Conference with Legal Counsel - Potential Litigation, requiring immediate action subsequent to the agenda being posted.

City Attorney Terpstra announced that Conference with Labor Negotiator regarding AFSCME Local 2703, Miscellaneous Unit and Clerical Unit, was removed from the Closed Session agenda in its entirety.

MOTION: Mayor Pro Tem Vineyard moved to approve the Closed Session agenda as amended, to delete Conference with Labor Negotiator regarding AFSCME Local 2703, Miscellaneous Unit and Clerical Unit, and to include the subsequent need item, Conference with Legal Counsel - Potential Litigation. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.

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 5:12 PM.

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

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: Deputy City Attorney Henderson and Human Resources Director Del Real; Bargaining Units: AFSCME Local 2703 – Miscellaneous Unit and Clerical Unit

This item was removed from the Closed Session agenda in its entirety.

Conference with Legal Counsel – Potential Litigation – Government Code Section 54956.9(b): Number of cases: (1)

Closed Session adjourned at 5:37 PM.

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 6:02 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/Executive Director Bramble, City Attorney Terpstra, CAL FIRE Battalion Chief Wight, Human Resources Director Del Real, Police Chief Joseph, Acting Public Works Director Shaw, Grants Manager Waterman, Chief Building Official Pereida, City Clerk/Board Secretary Hylar III, City Treasurer Heller, Recording Secretary Rasmussen*

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Terpstra announced that details regarding the Public Employee Appointment Process: City Manager will be provided later in the agenda. He reported that no action was taken and staff was given direction regarding the potential litigation item. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Mayor/Board Chair Price announced that agenda item #16 under City Attorney Reports/Updates, "City Manager Appointment and Employment Agreement," will be reported on immediately following the consent calendar.

MOTION: *City Council Member/Board Member Vierra moved to approve the agenda as amended, to move agenda item #16, "City Manager Appointment and Employment Agreement," to immediately follow the consent calendar. The motion was seconded by Mayor Pro Tem/Board Vice Chair Vineyard and the vote was: Ayes: Vineyard, Vierra, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.*

CEREMONIAL MATTERS:

Presentation to retired Police Officer Chris Hambrecht

Mayor Price and Police Chief Joseph presented retiring Police Officer Chris Hambrecht with a Certificate of Appreciation for his 17 years of dedicated service to the City of Atwater.

Presentation to Linda Dash

Mayor Price presented Linda Dash with a Certificate of Appreciation recognizing her work as an advocate for the homeless and homeless veterans.

PRESENTATIONS:

Report regarding the Violence Interruption and Prevention Emergency Response (VIPER) Team by Merced County District Attorney Larry Morse II

Merced County District Attorney Morse discussed the aspects of the VIPER program and its successes in gang violence prevention, reducing the homicide rate in Merced County and youth intervention programs. The VIPER project is a three year project made possible by State of California funds and at the end of the three year term, the County will ask each City to help fund the program's continuance.

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported on the completion of an agreement between the County of Merced and the Port of Los Angeles for business at Castle. He announced the Merced County policy on cannabis is in place and effective on December 15, 2017, and the Invest Merced website is now available and accessible.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

GLORIA PEREZ, Coordinator of LOVE ATWATER, thanked all who assisted and encouraged everyone to participate in the April 2018 project.

RICHARD JOHNSON, Atwater, spoke about issues regarding raids at his home and the treatment he received from the Police Department at the last City Council meeting.

DANNY HERNANDEZ, Atwater, addressed the incident at the last City Council meeting and spoke in support of the actions of the Police Department. He also encouraged Mr. Johnson to find a resolution to the issues.

MICHAEL NUGARA, Atwater, cited the U.S. Constitution regarding freedom of speech as it relates to Mr. Johnson and his issues.

FRANK JOHNSON, National Association for the Advancement of All Peoples, questioned the deficit spending in Atwater and stated concern for the lack of follow up on the State Controller's audit findings.

CAL FIRE Captain Ayuso announced a tri-tip dinner to be held at Station 41 on December 9, 2017 from 1:00 to 4:00 PM to benefit Kops & Fire for Kids Christmas gifts.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #5 under Agreements, "Ratifying Side Letter Agreement with Miscellaneous and Clerical Bargaining Units," was removed from the consent calendar and the agenda in its entirety.

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

WARRANTS:

1. November 13, 2017

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. Regular meeting, October 23, 2017

ACTION: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

3. Regular meeting, September 20, 2017

ACTION: Acceptance of minutes as listed.

AGREEMENTS:

4. Approving a Professional Services Agreement with West Yost and Associates for engineering services related to the permitting and regulatory requirements pertaining to the former Wastewater Treatment Facility, the existing Regional Wastewater Treatment Plant and the Bert Crane Road Landfill (Acting Public Works Director Shaw)

ACTION: Approval of a Professional Services Agreement, in a form approved by the City Attorney, between the City of Atwater and West Yost and Associates, Davis, California in an amount not to exceed \$212,500 during Fiscal Year 2017-2018, to provide technical assistance for engineering services related to the permitting and regulatory requirements associated with the City's former Wastewater Treatment Facility (WWTF), existing Regional Wastewater Treatment Plant (RWWTP) and the Bert Crane Road Landfill; authorizes and directs the Mayor to execute the Professional Services Agreement on behalf of the City; and adoption of Resolution No. 2994-17 approving Budget Amendment No. 4 regarding Professional Services from Sanitation Enterprise Fund in the amount of \$20,000.

5. Ratifying Side Letter Agreement with Miscellaneous and Clerical Bargaining Units (Interim City Manager Bramble)

This item was removed from the consent calendar and the agenda in its entirety.

6. Awarding an amended Cooperative Lease Purchase Software and Services Agreement for RIMS Computer-Aided Dispatch and Records Management Software (Police Chief Joseph)

ACTION: Awards an amended Cooperative Lease Purchase Software and Services Agreement, in a form approved by the City Attorney, to Sun Ridge Systems, Inc., El Dorado Hills, California for the purchase of RIMS Computer-Aided Dispatch and Records Management Software in an amount not to exceed \$617,092; and authorizes and directs the Interim City Manager to execute the Agreement on behalf of the City.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

7. Police Department activities and projects for the month of October, 2017 (Police Chief Joseph)
8. Police Volunteer activities for the month of October, 2017 (Police Volunteer Vineyard)
9. Fire Department activities and projects for the month of October, 2017 (CAL FIRE Battalion Chief Wight)
10. Water Well Levels for the month of October, 2017 and Water Well Levels for 2016 (Acting Public Works Director Shaw)

ANNUAL PETITIONS AND COMMUNICATIONS:

11. Request from Saint Anthony/Immaculate Conception Church for assistance with annual procession

ACTION: Approval of request from Saint Anthony/Immaculate Conception Church for assistance with their annual procession on Tuesday, December 12, 2017 starting at 4:00 PM beginning at Ralston Park, to Juniper Avenue, and on to Saint Anthony Church.

12. Atwater Chamber of Commerce

ACTION: Approval of request from Atwater Chamber of Commerce for assistance with their annual Christmas Parade scheduled for Friday, December 1, 2017 starting at 7:00 PM beginning in front of Foster Freeze, traveling south on Winton Way, east on Broadway Avenue, and ending at the Bloss House; and use of electricity boxes along the route.

CITY ATTORNEY REPORTS/UPDATES:

City Manager Appointment and Employment Agreement

Mayor Price introduced Graeme Mitchell as the new City Manager candidate and invited discussion from City Council Members.

MOTION: City Council Member Creighton moved to approve the appointment of Graeme Mitchell as City Manager and approve the Employment Agreement. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Raymond, Creighton; Noes: Vineyard, Price; Absent: None. The motion passed.

GRAEME MITCHELL spoke briefly about his background and vision for the future of Atwater.

ERIC LEE, Atwater, congratulated the City Council upon conclusion of their search efforts.

City Council Member Raymond commented that it had been a long process but that Mr. Mitchell's pedigree is stellar.

City Council Member Vierra spoke as to the length of the search and the impressive and inspiring vision of Mr. Mitchell.

City Council Member Creighton welcomed Mr. Mitchell and expressed looking forward to the future.

Mayor Pro Tem Vineyard welcomed Mr. Mitchell and offered his full support.

Mayor Price recalled the five City Managers he has worked with in his term and stated that protecting the City is his paramount consideration. He offered his full support to Mr. Mitchell so "we can all succeed."

Mayor Price called a recess at 7:02 PM.

The City Council returned to the dais and Mayor Price resumed the meeting at 7:34 PM.

PETITIONS AND COMMUNICATIONS:

Request from Atwater Ministers Association and partnering churches for assistance with Thanksgiving Food and Hope Giveaway and Gathering Event

Interim City Manager Bramble reported that Veterans Park is the location of the event and the hours are from 11:00 AM to 2:00 PM on November 18, 2017.

Police Chief Joseph stated that he would put extra patrols on for the event.

Mayor Pro Tem Vineyard reported that volunteers are available to assist.

MOTION: City Council Member Creighton moved to approve the request from Atwater Ministers Association and partnering churches for assistance with their Thanksgiving Food and Hope Giveaway and Gathering Event to be held Saturday, November 18, 2017 from 11:00 AM to 2:00 PM in Atwater Veterans Park with police presence as community outreach. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vineyard, Creighton, Raymond, Vierra, Price; Noes: None; Absent: None. The motion passed.

FUNDING AND BUDGET MATTERS:

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

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

PUBLIC HEARINGS:

Appealing the decision of the Community Development and Resources Commission decision not to make determination of public convenience or necessity (1485 Broadway Avenue) (City Attorney Terpstra)

Mayor Price opened the public hearing.

CYRIL LAWRENCE, Merced, Attorney for Raj Randhawa, presented related information in support of adopting Resolution No. 2995-17 under the public convenience criteria.

ALISA TREVINO, Atwater, spoke in support of adopting Resolution No. 2995-17 recognizing the long standing business and dedication to Atwater.

MR. SINGH, Atwater, spoke in opposition to adopting Resolution No. 2995-17 citing harm to his existing business as direct competition.

ADAM REED, Atwater, Community Development and Resources Commissioner, spoke regarding the decision making process of the Commission and the consideration of over-saturation of the area with this type of business.

RAJ RANDHAWA, Atwater, spoke in support of granting the appeal and adopting Resolution No. 2995-17 since the license will meet the public convenience criteria.

DANNY HERNANDEZ, Atwater, spoke against granting the appeal citing that it will make liquor too accessible and adds to excess use of alcohol, adds to police burden, and the area is already saturated.

No one else came forward to speak and Mayor Price closed the public hearing.

MOTION: City Council Member Vierra moved to adopt Resolution No. 2995-17 granting the appeal on behalf of 89 Cent Plus Store located at 1485 Broadway Avenue ("Store") and making a determination that the public convenience or necessity would be met by issuance of a Type 20 license at the Store. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vierra, Vineyard, Raymond, Price; Noes: Creighton; Absent: None. The motion passed.

INTERIM CITY MANAGER REPORTS/UPDATES:

Fiscal Year 2016-17 year-end budget review and resolution approving a Budget Amendment to amend the Fiscal Year 2016-17 budget

Interim City Manager/Executive Director Bramble reported that this resolution is in response to the Controller's requirements for audit correction. A total of nine amendments are involved in this resolution and typical of the issues are PERS retirement, investor reimbursement, the CDBG program, fire facility impact fee and others covered in the audit.

MOTION: Mayor Pro Tem/Board Vice Chair Vineyard moved to adopt Resolution No. 2993-17 approving Budget Amendment No. 7 amending the Fiscal Year 2016-17 Budget. The motion was seconded by Mayor/Board Chair Price and the vote was: Ayes: Raymond, Vierra, Creighton, Vineyard, Price; Noes: None; Absent: None. The motion passed.

Approving proposed refunding of 2008 Wastewater Bonds

Todd Price, Hilltop Securities, reported the refinance of the 2008 bonds could save \$2.2 million over the life of the bond. The bonds are planned to be sold about February 15, 2018. First savings may be realized in May 2018 of about \$50,000.

MOTION: Mayor Pro Tem Vineyard moved to adopt Resolution No. 2997-17 approving proposed refunding of the 2008 Wastewater Bonds; and to authorize and direct the Interim City Manager to pursue the steps necessary to issue the obligations and reappoint A. M. Peché & Associates, LLC, as municipal advisor, Hilltop Securities, Inc. as underwriter, and Nossaman, LLP as bond counsel and disclosure counsel for the offering of the obligations. 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.

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal update regarding the City Tow Yard (Police Chief Joseph)

Police Chief Joseph reported on the status and operation of the City Tow Yard.

Declining FY 2016 Staffing for Adequate Fire and Emergency Response (Safer) Program (Grants Manager Waterman and CAL FIRE Battalion Chief Wight)

Grants Manager Waterman reported that the City applied for a grant to bring staff levels up to 4 as required. A financial hardship waiver was approved, however the cost to the City for the match is over \$1 million and no waiver is available for that match.

CAL FIRE Battalion Chief Wight reported that the City is still eligible to apply at a later date.

MOTION: Mayor Pro Tem Vineyard moved to adopt Resolution No. 2992-17 rejecting FY 2016 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Award; and to authorize and direct the Interim City Manager or his designee to sign any related documents for rejection of the grant on behalf of the City. The motion was seconded by Mayor Price and the vote was: Ayes: Vierra, Creighton, Vineyard, Raymond, Price; Noes: None; Absent: None. The motion passed.

CITY COUNCIL MATTERS:

City Council discussion and possible direction regarding placing Measure H on the 2018 ballot

KEITH PELOWSKI, Atwater, commented that it's not really up to the people to decide what they want. Set a goal for the funds and be transparent in the expenditures.

MARY McWATTERS, AFSCME Local 2703 Business Agent, stated that Miscellaneous and Clerical employees voted for Measure H and supported it. Please remember City staff who are suffering and who keep the City running.

City Council comments

City Council Member Raymond wished everyone a Happy Thanksgiving and welcomed Mr. Mitchell again. He thanked Interim City Manager Bramble for his dedication and service to the City of Atwater.

City Council Member Vierra wished all a Happy Thanksgiving and welcomed to Mr. Mitchell. She thanked Interim City Manager Bramble for his work during a tough time.

City Council Member Creighton welcomed Mr. Mitchell and expressed hope for the future and Happy Thanksgiving.

Mayor Pro Tem Vineyard wished all a Happy Thanksgiving and announced that collections for Kops & Fire for Kids starts on November 24th. The Christmas Parade will be held on December 1st from 7:00 to 9:00 PM. A BBQ will be held at Walmart on December 2nd to bring awareness to the Kops & Fire for Kids program. The Audit and Finance Committee meeting will be held on December 11th in the City Council Chambers. He stated that Hep C is on the rise again and urged vaccinations for City staff. Five City Council Members all have five different viewpoints but all want to move the City forward.

Mayor Price thanked Interim City Manager Bramble for his dedication to Atwater. He noted that calls have been coming in regarding vehicles on the street and cars on lawns but no addresses are given. When reporting please provide addresses so staff can follow up. He wished all a Happy Thanksgiving and be safe on the roads when the rains come. He requested that everyone keep leaves off the streets during the rains as it keeps our drains open.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

The meeting adjourned at 9:17 PM.



Don Hyler III, City Clerk/Board Secretary

By: Lesa Rasmussen,
Recording Secretary