



# CITY OF ATWATER

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## CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

### ACTION MINUTES

**January 22, 2018**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:03 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 de Werk, City Attorney Terpstra, Recording Secretary Rasmussen*

CLOSED SESSION: (Conference Room A)

*Mayor Price invited public comments on Closed Session items.*

*No one came forward to speak.*

*Mayor Price adjourned the meeting to Conference Room A for Closed Session at 5:06 PM. Closed Session was called to order at 5:09 PM.*

Pursuant to Government Code Section 54957(b)(1), Public Employee Performance Evaluation - City Attorney (Contract Review for Professional Services)

Conference with Labor Negotiator - Government Code Section 54957.6. Agency Negotiators: Interim City Manager de Werk and Human Resources Director Del Real; Bargaining Unit: Atwater Police Officers Association

***Closed Session adjourned at 6:09 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 6:14 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 City Council Member/Board Member Raymond.***

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 de Werk, City Attorney Terpstra, City Clerk/Board Secretary Hyler III, City Treasurer Heller, CAL FIRE Battalion Chief Wight, Human Resources Director Del Real, Interim Public Works Director Shaw, Recreation Supervisor Rahn, Interim Community Development Director Waterman, Finance Director Deol, Recording Secretary Rasmussen***

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:

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

**COMMENTS FROM THE PUBLIC:**

**Notice to the public was read.**

**LINDA DASH, Atwater, questioned if Closed Session items could be discussed.**

**City Attorney Terpstra responded that they could not.**

**RICHARD JOHNSON, Atwater, chastised City Council members and specifically the Mayor.**

**CHERYL HALLMAN, Merced, teacher at Bellevue School in Atwater, expressed concern for the condition of the neighborhood in which her students live. She is working with others on clean up and restoration activities and asked for City Council support for the project and assistance in directing her to local resources.**

**LORI JOHNSON, Atwater, asked Mayor Price to resign.**

**JEANNIE KNIGHT, Atwater, urged the Mayor to stay in office and continue working.**

**LARRY BERGMAN, Atwater, praised the City Council and the Mayor for their service to the community. He stated being tired of the negative comments aimed at the City Council.**

**RICH HOWARD, Atwater, stated he is coaching the new First Tee golf program in Atwater and cited some ongoing traffic concerns along Fairway Drive and Green Sands Road. He praised the City Council and Mayor Price for their work.**

**FRANK JOHNSON, Modesto, expressed concern for the City Council's internal and external issues. He thanked Interim City Manager de Werk for his willingness to meet with him personally.**

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

**CONSENT CALENDAR:**

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

WARRANTS:

1. January 22, 2018

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

MINUTES: (City Council)

2. Special meeting, January 8, 2018

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

AGREEMENTS:

3. Resolution approving Agreement for Special Services with Merced County for law enforcement communication services (Interim Police Chief Echevarria)

**ACTION: Adoption of Resolution No. 3004-18 approving an Agreement for Special Services, in a form approved by the City Attorney, with Merced County, in an amount not to exceed \$40,800, for law enforcement communication services, and authorizes and directs the Interim City Manager to execute the Agreement on behalf of the City.**

4. Approving Professional Services Agreement with Rosenow Spevacek Group, Inc. ("RSG") for Fiscal Year 2018/19 for Successor Agency consulting services (Interim Community Development Director Waterman)

**ACTION: Approval of Professional Services Agreement, in a form approved by the City Attorney, for Fiscal Year 2018/19 Successor Agency consulting services to RSG, Inc. of Santa Ana, California in an amount not to exceed \$25,000; and authorizes and directs the Interim City Manager to execute the Agreement on behalf of the City.**

RESOLUTIONS:

5. Declaring the City's intent to convey City owned real property located at 3116 Virginia Street and setting a public hearing for February 12, 2018 (Interim Community Development Director Waterman)

**ACTION: Adoption of Resolution No. 3003-17 regarding the City's intent to convey City owned real property located at 3116 Virginia Street, Assessor's Parcel No. 150-065-010, and sets a public hearing for February 12, 2018.**

PETITIONS AND COMMUNICATIONS:

6. Request from Valley Children's Hospital for Annual Kids Day Fundraiser

**ACTION: Approval of request from Valley Children's Hospital to hold their 31<sup>st</sup> Annual Kids Day Newspaper Sales at various locations within the city limits of Atwater on March 6, 2018 from 5:00 AM through 3:00 PM.**

**INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):**

7. Police Volunteer activities for the month of December, 2017 (Police Volunteer Vineyard)

**FUNDING AND BUDGET MATTERS:**

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

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

**PUBLIC HEARINGS:**

Waiving the first reading and introducing Ordinance No. CS 992 amending Chapter 12.32 of the Atwater Municipal Code entitled "Trees;" and adopting Resolution No.3000-17 Urban Forest Tree Master Plan (Interim Community Development Director Waterman)

***Interim Community Development Director Waterman gave a brief report on the background of the proposed ordinance and was supported by a presentation from Elizabeth Lanum (Davey Resource Group) detailing the goals and plans, as well as identification of funding sources.***

***Mayor Price opened the public hearing.***

***RICHARD HOWARD, Atwater, expressed concern for a tree plan that might include fruit bearing trees. He urged the City Council to avoid planting fruit bearing trees.***

***Mayor Price responded to Mr. Howard that himself and staff have worked closely with Jim Williamson of Tree Partners on that same issue.***

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

**MOTION: Mayor Pro Tem Vineyard moved to waive the first reading and introduce Ordinance No. CS 992 amending Chapter 12.32 of the Atwater Municipal Code entitled "Trees;" and to adopt Resolution No. 3000-17 adopting the 2018 Urban Forest Tree Master Plan. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.**

INTERIM CITY MANAGER REPORTS/UPDATES:

Verbal report regarding potential restructuring of the Community Development and Resources Commission

***The issue has been under review and a full report will be provided to the City Council at a future meeting.***

Request for a POST-level background investigation of Interim City Manager

***Interim City Manager de Werk commented that he is making the request to put any concerns from the public or others about this background to rest.***

***MOTION: City Council Member Vierra moved to authorize and direct the City Attorney to retain an independent firm or organization to conduct an employment POST-level background investigation of Interim City Manager de Werk. The motion was seconded by City Council Member Creighton and the votes was: Ayes: Raymond, Vierra, Creighton, Vineyard, Price; Noes: None; Absent: None. The motion passed.***

CITY COUNCIL MATTERS:

City Council comments

***City Council Member Raymond thanked the Recording Secretary for clearing up any misconception about the technical difficulties experienced during the meeting.***

***City Council Member Vierra offered praise for Art de Werk volunteering an in depth background investigation and his dedication to the City. She further stated that the City Council is working together and urged citizens to contact her directly with any issues or concerns.***

***City Council Member Creighton had nothing to report.***

***Mayor Pro Tem Vineyard advised that he will be attending a grant writing class (at no cost to the City) in an effort to better understand and assist in securing funds for the City. He also reported that former Mayor and volunteer, Joan Faul, is at home resting comfortably after her surgery. He reminded everyone that flu and pneumonia is still a real danger and urged everyone to get their shots and go to the doctor if you feel ill.***

***Mayor Price reported that the 4<sup>th</sup> of July Committee met and a theme was selected for the 2018 celebration; Salute to First Responders. They also discussed initiating a special evening event on the 3<sup>rd</sup> of July as a way to kick off the celebration. He cited the disrepair of the dividing lines on Winton Way and***

***suggested that perhaps some Measure "V" (MCAG) money could be used to make them safer. He also offered healing thoughts and prayers for Joan Faul.***

***Upon advice from his attorney, Mayor Price made a brief statement that there would be no discussion of any recent newspaper articles in which he is mentioned.***

**CLOSED SESSION:**

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

**ADJOURNMENT:**

***The meeting adjourned at 7:07 PM.***

  
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DON HYLER III, CITY CLERK/BOARD SECRETARY

By: Lesa Rasmussen,  
Recording Secretary