

**CITY OF ATWATER
CITY COUNCIL
AND
SUCCESSOR AGENCY TO THE ATWATER
REDEVELOPMENT AGENCY**

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

January 8, 2018

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 6:01 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 Mead.

ROLL CALL: (City Council/Governing Board)

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

Absent: None

Staff Present: Interim City Manager deWerk, City Attorney Terpstra, City Clerk Hyler III, Battalion Chief Wight, Human Resources Director Del Real, Police Chief Joseph, Public Works Director Shaw, Community Services Manager Rahn, Community Development Director Waterman, Chief Building Inspector Pereida, Analyst Dunford, Finance Director Deol, Recording Secretary Rasmussen

MAYOR'S ANNOUNCEMENT:

Mayor Price announced the appointment of three (3) Commission Members to the scheduled vacancies on the City of Atwater Community Development and Resources Commission for the term of four (4) years, term ending December, 2021.

Gary Brice, Linda Dash, Ron Daughtery all appointed to CDRC for four year term.

SUBSEQUENT NEED ITEMS: (The City Clerk shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the City Council present at the meeting.)

There were no subsequent need items.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Item #5 was removed from the agenda for consideration at a future meeting.

Item #7 was moved from Claims Against the City to Agreements.

MOTION: Mayor Pro Tem Vineyard moved to approve the agenda as amended, to remove item #5 from the agenda for future consideration and to move item #7 under Agreements in the Consent Calendar. The motion was seconded by Council Member Creighton. Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: None. Motion passed.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**

New chairman coming this year; Jerry O'Banion.

Drought came to an end this year but flooding followed; OES was activated for a 2 wk period.

County is working with partners to construct Black Rascal watershed with funds from 10 mill grant federal.

Open meetings were held to identify goals and priorities throughout the county.

Port of LA agreement at Castle achieved.

Web access increased.

Marijuana ordinance completed.

Solar structures to promote energy efficiency in county facilities.

Prayer has been added to County Supervisor meetings.

Agendas are being published much sooner.

Live stream meetings has also been achieved.

Atwater/Merced Expressway work continues.

Sheriff's deputies wages are being increased.

VIPER program has been hugely successful.

Revenue sharing agreement with City of Atwater and Merced County achieved.

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda. Please state your name and address for the record. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda.

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of five (5) minutes.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

DON MARTIN- Atwater Commented on the appointment of a permanent City Manager. Suggested that candidates appear before the Council and have it open to the public. Candidates would be provided financial status of city. They would present 30 minute program to citizens and council. Council will then appoint one of the two candidates.

RICHARD JOHNSON – ATWATER Urged an end to destructive behavior of Council. Concerned for negative behavior of council members and having no City Manager for over a year. Questioned the Mayor's behavior and complained about alleged assault and alleged resistance to being removed from chambers.

JEANNIE KNIGHT - Welcomed Art de Werk.

ERIC Limon – Elimon@repulicservices.com 209- 587-0106 working on the restoration and renovation of Veterans Park pavilion.

HARRY MARKARIAN- Le Grand. The pavilion at Veterans Park is being rehabbed in the kitchen area and outside areas. BBQ pit is being redone, plumbing, electrical, drywall has all been donated. Old freezers, cabinets and stoves were removed. Volunteers have been onsite every day since Christmas. Donations are coming from all over the county because of ties to the former Castle AFB. Central Valley Disposal presented \$2,000 to the City for Veterans Park renovation only.

Greg McDaniel – Atwater Historical Society for Bloss Home. City of Atwater will no longer maintain grounds potentially. AHS Bloss Home would like to control the home and take over maintenance. Future event for Bloss Home is to fence the home and protect the grounds. Mr. Bloss bedroom will be restored, lighting will be upgraded and several other projects will be completed. Encourage people to become members of Atwater Historical Society.

Frank JOHNSON, Modesto. NAAACPJOP. Spoke about financial controls within the city and compliance with state auditor's findings of the past in 2013-14. He is told new audit is coming. Questioned former City Manager actions and former council member financial gain from solar contract.

Helen Amarant-Atwater. Council is encouraged to work collaboratively and display more decorum when conducting city business. Welcomed Mr. de Werk

ERIC LEE – applauded de Werk for willingness to complete deeper background check. Questions the process for interviews and selection of City Managers; citizens will be involved in the actions of the Council.

MANUEL PINTO – ATWATER. Welcomed Mr. de Werk. Questioned the cost of selection for City Manager. Questioned the conduct of the Council.

DARIN DUPONT – ATWATER. Youth will not remain here when the council acts in such a toxic manner. Stop finger pointing and take care of business.

CONSENT CALENDAR:

NOTICE TO THE PUBLIC

Background information has been provided on all matters listed under the Consent Calendar, and these items are considered to be routine. All items under the Consent Calendar are normally approved by one motion. If discussion is requested on any item, that item will be removed from the Consent Calendar for separate action.

Agenda item #5 under Agreements, “Approving Lease and Operating Agreements with Atwater Historical Society for use of Bloss House and grounds,” was removed from the consent calendar for consideration at a future meeting.

Agenda Item #8 under “Police Department activities and projects for the month of December, 2017,” was removed from the consent calendar for separate discussion.

Agenda Item #9 under “Fire Department activities and projects for the month of December, 2017,” was removed from the consent calendar for separate discussion.

Agenda Item #10 under “Water levels for the month of December, 2017 and Water Levels for the month of December, 2016,” was removed from the consent calendar for separate discussion.

WARRANTS:

1. December 20, 2017

Action: Approval of warrants as listed.

MINUTES: (City Council)

2. Regular meeting, December 11, 2017

Action: Approval of minutes as listed.

RESOLUTIONS:

3. Adopting City of Atwater Salary Schedule A-18, effective January 1, 2018 (Human Resources Director Del Real)

Action: Adoption of Resolution No. 3009-18 adopting City of Atwater Salary Schedule A-18, effective January 1, 2018.

4. Adopting Recognized Obligation Payment Schedule 2018-19 for the July 1, 2018 through June 30, 2019 period and adopting Administrative Budget for Fiscal Year 2018-19 (Interim Community Development Director Waterman)

Action: Adoption of Resolution No. SA 2018-1 adopting Recognized Obligation Payment Schedule 2018-19 for the July 1, 2018 through June 30, 2019 period and adopting Administrative Budget for Fiscal Year 2018-19.

AGREEMENTS:

Accepting Change Order regarding Winton Way Reconstruction Project

5. **Accepting Change Order regarding Winton Way Reconstruction Project Approving Lease and Operating Agreements with Atwater Historical Society for use of Bloss House and grounds (Recreation Supervisor Rahn)**

ACTION: Removed from agenda for future meeting consideration.

6. **Accepting Change Order regarding Winton Way Reconstruction Project (Interim Community Development Director Waterman)**

ACTION: Acceptance of Change Order No. 1 for Project No. 15-1, Winton Way Reconstruction Project; and authorizing and directing the Interim City Manager, or his designee, to sign any related documents on behalf of the City.

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6300).

7. **Claim No. 2017-18**

ACTION: Claim No. 2017-18 is rejected.

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

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

8. ***Police Department activities and projects for the month of December, 2017 Police Chief Joseph reported that homicides are down due to prosecution rates, VIPER program, and work of personnel. Updating vehicles so that all units look the same. In floor lift at Public Works department is not***

sufficient to service the police vehicles. Public Works Directed advised that they are exploring new four-post lift.

9. *Fire Department activities and projects for the month of December, 2017* CAL FIRE Battalion Chief Wight reported that *he is exploring new information about New computer system like GPS for equipment. They are using a new fire trailer for training. Regarding the Thomas Fire event in southern California 3 strike teams, 15 engines and 40-50 personnel sent. The fire is still not fully contained, 286 acres burned and 92% contained to date.*
10. *Water Well Levels for the month of December, 2017 and Water Well Levels for 2016* Interim Public Works Director Shaw reported that well levels have come up a bit but not consistently in all aquifers. Repairs to Well 20 have not been completed; well 22 has been engineered but is also awaiting repairs. All city wells will need treatment for charcoal filtration and the cost per well is undetermined to date.

INTERIM CITY MANAGER REPORTS/UPDATES

11. Letter of support regarding a joint grant application supporting improved passenger rail service to Sacramento and the adoption of Resolution 3006-18.

Interim City Manager deWerk provided a review of the joint efforts to expand rail services in the Central Valley of California and a request for a letter of support from the San Joaquin Joint Powers Authority and the San Joaquin Regional Rail Commission.

MOTION: *Mayor Pro Tem Vineyard moved to Authorize and direct the Mayor and each Council Member to sign a letter of support regarding a joint grant application of the San Joaquin Joint Powers Authority and the San Joaquin Regional Rail Commission supporting the expansion of intercity passenger rail services in the California Central Valley and to adopt Resolution 3006-18. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.*

12. Verbal report regarding 2018 One Voice Program update – Merced County Association of Governments

Interim City Manager deWerk reported that a trip to Washington DC is planned for May to discuss with federal agencies and congressional representatives the issues important to Atwater and all of Merced County. The delegation which represents all of the county, collaboratively drafted an agenda. Representatives from the Atwater City Council have participated in the past and will consider participation for this year.

13. **Announcement regarding invitation to Interim City Manager Coffee – January 18, 2018 at 8:00 am in the City Council Chambers**

Interim City Manager deWerk discussed having an opportunity for the public and staff to meet with him to get any questions answered. The event is scheduled for January 18, 2018 and all staff and the general public are invited. The coffee will be held in City Council Chambers.

CITY COUNCIL MATTERS:

14. **Approval of Annual 2018 Regular Meeting Schedule Calendar**

ACTION: *City Council Member Vierra moved to approve the 2018 Regular Meeting Schedule Calendar; when regular meetings are cancelled, to authorize the Mayor and City Manager to sign any documents required to maintain essential City Services. Said documents shall be reviewed by the City Attorney and be scheduled for ratification of the entire City Council at the next regularly scheduled City Council meeting. 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.*

15. **City Council comments**

City Councilman Raymond reported serving on Congressman Jim Costa's selective service academies. There were nine applicants and they were great.

Vierra – Welcomed Mr. de Werk and expressed respect for all members. We will move forward.

Creighton – Welcomed Mr. de Werk. Thank public for comments and concerns about the city. Thanked the City staff for their efforts.

Vineyard- Welcomed everyone. Expressed a desire for time to find middle-ground and work forward. Thanked employees and staff for their passion and dedication. Thanked those who agreed to continue on the CDRC. Chief Research and Logistics, LLC contacted city regarding medical marijuana business to open in Atwater. They will present at the CDRC and then to Council. District elections are eleven (11) months away. If interested in running, do the homework. Talk to everyone and come to meetings. January is cervical cancer awareness month.

Price – Met with Mr. de Werk and shared ideas about development and other issues. Pledged to work closely with de Werk and move the city forward. LAFCO comment period for Ferrari Project only received one person expressing 2 concerns. Project is moving forward and will now go to County Board of Supervisors as a consent agenda item for approval. Annexation is expected shortly. Spoke with developers about getting

two hotels as opposed to just one. The rain creates some problems but we are still under water restrictions.

ADJOURNMENT:

Jim Vineyard – Hector Ortiz was a volunteer for the city started in November of 2017. He was a former police officer. He passed very suddenly. Funeral is Wednesday January 10th.

Jim Price – Doe Maurer remembered her life committed to church, community, and family. A dedicated educator. A member of Atwater Castle Kiwanis and served as first lady when husband was District governor.

Adjourn in memory of:

- a) Dolores “Doe” Maurer; and**
- b) Hector Ortiz**

Meeting Adjourned at: **7:45 PM**

CERTIFICATION:

I, Don Hyler III, City Clerk/Board Secretary of the City of Atwater, do hereby certify that a copy of the foregoing agenda was posted at City Hall a minimum of 72 hours prior to the meeting.



DON HYLER III, CITY CLERK/BOARD SECRETARY

SB 343 NOTICE

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.

AB 23 NOTICE:

Pursuant to Government Code Section 54952.3, City Council is not receiving additional compensation for serving as members of the Fire Protection District or as Successor Agency to the Atwater Redevelopment Agency.



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