



# CITY OF ATWATER

## CITY COUNCIL AND ATWATER FIRE PROTECTION DISTRICT

### ACTION MINUTES

**March 12, 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: (City Council)

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

**Absent:** *None*

**Staff Present:** *Interim City Manager de Werk, Interim City Attorney White, Recording Secretary Rasmussen*

CLOSED SESSION: (Conference Room A)

*Interim City Attorney White announced a typographical error in the number of cases for Conference with Legal Counsel – Anticipated Litigation; number of cases is (1).*

*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 5:11 PM.**

Conference with Labor Negotiator - Government Code Section 54957.6(a). Agency Negotiator: Interim City Manager; Bargaining Group: Unrepresented; Titles: Deputy City Manager/Finance Director and Deputy City Manager

Conference with Legal Counsel - Anticipated Litigation - Government Code Section 54956.9(b): Number of cases: (2 1)

**Closed Session adjourned at 5:44 PM.**

REGULAR SESSION: (Council Chambers)

**The City Council of the City of Atwater and the Board of Directors of the Atwater Fire Protection District met in Regular Session this date at 6:01 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor/Board President Price presiding.**

PLEDGE OF ALLEGIANCE TO THE FLAG:

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

INVOCATION:

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

ROLL CALL: (City Council/Board of Directors)

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

**Absent:** None

**Staff Present:** Interim City Manager/Executive Director de Werk, Interim City Attorney White, City Clerk/Board Clerk Hyler III, CAL FIRE Battalion Chief Wight, Human Resources Director Del Real, Interim Public Works Director Shaw, Interim Community Development Director Waterman, Finance Director Deol, Recording Secretary Rasmussen

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

**Interim City Attorney White 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:*** *Mayor Pro Tem/Board Vice President Vineyard moved to approve the agenda as posted. The motion was seconded by City Council Member/Board Member Raymond and the vote was: Ayes: Vierra, Vineyard, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.*

CEREMONIAL MATTERS:

Proclamation recognizing March 8, 2018 as International Women’s Day and the month of March as Women’s History Month

***Mayor Price read a proclamation recognizing March 8, 2018 as International Women’s Day and the month of March as Women’s History Month.***

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

***Merced County District 3 Supervisor McDaniel reported that the County is seeking applications for the 2018 Volunteer of the Year; the honor will be presented April 24, 2018. He further reported that the Merced County Human Services Agency and the Atwater Elementary School District are hosting their second annual Discovery Day at Mitchell Senior High School on March 14, 2018; that representatives from the Port of Los Angeles Authority visited the week of March 5, 2018 and plans are moving forward for their use at Castle; and that Vietnam Veterans of Central California are hosting an event in Modesto and information is available at the County Veterans Service Office or call (209)569-0713 for more information.***

LOVE ATWATER – celebrating 10 years of volunteerism in the City of Atwater – an overview of projects and other achievements (Gloria Perez)

***Ms. Perez requested that this item be moved to the meeting of March 26, 2018.***

Introducing the law firm of Churchwell White and a brief overview of experience and other scope of work (Interim City Attorney White, Churchwell White, Attorneys at Law)

***Interim City Attorney White presented an overview, via Power Point, of what Churchwell White can bring to the City from their firm of 8 partners, 21 attorneys and 2 legislative advocates.***

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*RICHARD JOHNSON, Atwater, questioned the decisions made by the City Council and questioned the Mayor's leadership.*

*GEORGE LOGAN, Atwater, offered an invitation to attend the Atwater VFW St. Patrick's Day dinner at the Atwater VFW Hall between the hours of 11:00 AM and 7:00 PM on Saturday, March 17, 2018.*

*ROSA JOHNSON, Atwater, questioned the progress being made on memorial benches.*

*HABRIT SINGH, Modesto, offered an invitation to the Sikh American Awareness event at the Ceres Community Center on April 6, 2018 from 11:00 AM to 2:00 PM.*

*LORI JOHNSON, Atwater, spoke about the print media and the stories being printed.*

*KYLE LORETO, Republic Services Municipal Relations Manager, announced that the Spring Clean Up Day set for March 17, 2018 has been cancelled due to inclement weather and the condition of the fields.*

*ADAM REED, Atwater, expressed his concern for speeding traffic on Fruitland Avenue and the roads need repair. He would like to see some traffic calming measures taken.*

*No one else came forward to speak.*

CONSENT CALENDAR:

*Agenda Item #6 under Agreements, "Fire Protection Services for Fiscal Year 2017-18 through Fiscal Year 2020-2021," was removed from the consent calendar for separate discussion and possible action.*

*Agenda Item #9 under Informational Items Only (No Action Required), "Police Department activities and projects for the month of February 2018," was removed from the consent calendar for separate discussion.*

*Agenda Item #13 under Informational Items Only (No Action Required), "Water Well Levels for the month of February 2018 and Water Well Levels for calendar year 2017," was removed from the consent calendar for separate discussion.*

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

**WARRANTS:**

1. March 12, 2018

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

**MINUTES:** (City Council)

2. Regular meeting, January 22, 2018

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

**MINUTES:** (Community Development and Resources Commission)

3. Regular meeting, January 17, 2018

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

**AGREEMENTS:**

4. Resolution approving Budget Amendment No. 8 regarding Fiscal Year 2017-18 Local Transportation Fund, and finding the project to be Categorically Exempt under CEQA; and approving Professional Services Agreement with VVH Consulting Engineers (Interim Community Development Director Waterman)

***ACTION: Adoption of Resolution No. 3017-18 approving Budget Amendment No. 8 regarding Fiscal Year 2017-18 Local Transportation Fund (LTF) and making the finding that the project is Categorically Exempt under CEQA; and***

***Approval of the Professional Services Agreement, in a form approved by the Interim City Attorney, with VVH Consulting Engineers (VVHCE) for Civil Engineering and Land Surveying for the Atwater Boulevard and First Street Traffic Signal Design in an amount not to exceed \$57,160; and authorizes and directs the Interim City Manager to execute the Agreement on behalf of the City.***

5. Resolution approving Budget Amendment No. 9 regarding Fiscal Year 2017-18 Gas Tax Fund, and finding the project to be Categorically Exempt under CEQA; and approving Professional Services Agreement with VVH Consulting Engineers (Interim Community Development Director Waterman)

***ACTION: Adoption of Resolution No. 3018-18 approving Budget Amendment No. 9 regarding Fiscal Year 2017-18 Gas Tax Fund (RSTP) and making the finding***

***that the project is Categorically Exempt under CEQA; and***

***Approval of the Professional Services Agreement, in a form approved by the Interim City Attorney, with VVH Consulting Engineers (VVHCE) for Civil Engineering and Land Surveying for the Winton Way at Juniper Avenue Traffic Signal Upgrade Project in an amount not to exceed \$35,890; and authorizes and directs the Interim City Manager to execute the Agreement on behalf of the City.***

6. Fire Protection Services for Fiscal Year 2017-18 through Fiscal Year 2020-2021 (CAL FIRE Battalion Chief Wight)

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

CLAIMS AGAINST THE CITY

7. Claim No. 2017-17

***ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2017-17 be rejected.***

PETITIONS AND OTHER COMMUNICATIONS:

8. Atwater Youth Baseball, Softball & T-ball's (AYBS&T) request for assistance with Opening Day ceremonies

***ACTION: Approval of the request for assistance with AYBS&T Opening Day ceremonies on March 24, 2018 from 7:30 AM – 11:00 AM; to set out barricades and "No Parking" signs; to help control traffic and parking; and to assist with the "Procession of Players" beginning at Broadway and Fifth Street and ending at Memorial Park.***

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

9. Police Department activities and projects for the month of February 2018 (Interim Police Chief Echevarria)

***This item was removed from the consent calendar for separate discussion.***

10. Police Volunteer activities for the month of February 2018 (Police Volunteer Vineyard)

11. Fire Department activities and projects for the month of February 2018 (CAL FIRE Battalion Chief Wight)

12. Water Well Levels for the month of February 2018 and Water Well Levels for calendar year 2017 (Interim Public Works Director Shaw)

***This item was removed from the consent calendar for separate discussion.***

13. FUTURE AGENDA ITEMS (NO ACTION REQUIRED):

- Yard sale ordinance review
- Cannabis dispensaries research and review
- Swimming pool ordinance review
- Tow Yard conversion to evidence storage
- Disposition of police vehicles and other police property
- Camera installation at Shaffer Road and Atwater Blvd
- Comparison of CAL FIRE vs. City owned Fire Department
- Micro Hospital research
- Ad Hoc Traffic Committee
- Communications System Agreement – Sheriff's Office
- Town Hall Meetings
- Establish ordinance – Housing Authority
- Ratification of APOA Agreement

AGREEMENTS:

Fire Protection Services for Fiscal Year 2017-18 through Fiscal Year 2020-2021 (CAL FIRE Battalion Chief Wight)

***MOTION: City Council Member/Board Member Creighton moved to adopt Joint Authority Resolution No. 3010-18 and Resolution No. AFPD 1-2018 approving Cooperative Fire Program, Fire Protection Reimbursement Agreement, in a form approved by the City Attorney, for fire protection services with the California Department of Forestry and Fire Protection (CAL FIRE) covering services for Fiscal Year 2017-18 through Fiscal Year 2020-2021, and to authorize and direct the Interim City Manager to execute the Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem/Board Vice President Vineyard and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.***

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

Police Department activities and projects for the month of February 2018 (Interim Police Chief Echevarria)

***Interim Police Chief Echevarria reported that enforcement will be increased on Fruitland Avenue to deter speeding. He also described cost saving measures being implemented within the Department; and investigating the reestablishment of the work in lieu program to free up officers. He commented that several incidents occurred over the weekend; one on Buhach Road involving shots fired where an arrest was made and the firearm was recovered. He praised the work of officers in all incidents during this past month.***

Water Well Levels for the month of February 2018 and Water Well Levels for calendar year 2017 (Interim Public Works Director Shaw)

***Interim Public Works Director Shaw responded to questions regarding a comparison of water well levels from 2017 to 2018 that, in general, the levels have remained constant. He also addressed the issue of the restricted watering schedule responding that the schedule is still in place and restrictions still apply.***

INTERIM CITY MANAGER REPORTS/UPDATES:

Introduce newly appointed Citizen's Oversight Committee Public Safety Transactions and Use Tax member George R. Pirtle

***Interim City Manager de Werk introduced the newly appointed Citizen's Oversight Committee Public Safety Transactions and Use Tax member George R. Pirtle.***

***Mr. Pirtle stated that he is honored to serve his community and give something back to Atwater.***

***Interim City Manager de Werk stated for the record that he would prefer for the City Council to make any future appointments.***

***Interim City Manager de Werk announced that a news release has been issued regarding TCP levels found in Atwater's water wells and that more information can be found in the Community Confidence Report (CCR) on the City of Atwater website.***

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal report regarding PG&E LED Street Light upgrades (Interim Community Development Director Waterman)

***Interim Community Development Director Waterman announced that all City owned street lights were approved for conversion to LED in July 2017 and PG&E came in and the project is complete; the City now qualifies for better rebates. Merced Irrigation District (MID) street lights were not included in this project.***

Verbal report regarding 2018 year-to-date financial update (Finance Director Deol)

***Finance Director Deol reported that Fiscal Year 2017-18 year to date numbers show that 45.2% of the total projected revenue is currently in the General Fund and that all departments are operating within budgeted amounts. There is a surplus of \$21,000. Measure H funds now stand at 1.8 million dollars with 2.0 million dollars projected in expenditures.***



Verbal report regarding Open Government update (Finance Director Deol)

***Finance Director Deol announced that the website "Atwater.ca.opengovernment.com" contains information regarding the City's expenses, revenues, salaries and benefits; modifications are ongoing as expenses and revenues fluctuate.***

Verbal report on New City Officials' Handbook and review of City's policies, procedures, strategic planning goals and organizational review (Interim City Attorney White)

***Interim City Attorney White offered a Power Point presentation addressing existing policies and some gray areas that should be addressed. The Handbook sets decorum, guidelines, and rules of conduct. He requested review and direction from the City Council to bring it back for action.***

***MOTION: Mayor Pro Tem Vineyard moved to bring the item back on a future agenda for action. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.***

CITY COUNCIL MATTERS:

City Council comments

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

***City Council Member Creighton praised the work of 93<sup>rd</sup> OMS and local veterans in the remodel of Veterans Pavilion at Veterans Park; previous issues with vagrants and drugs have been eradicated. He also announced the Ballico VFW has their St. Patrick's Day dinner at the Ballico Veterans Hall starting at 11:00 AM.***

***Mayor Pro Tem Vineyard discussed Osborne Terrace speeding issues and noted that there is also speeding on 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Streets. The LOVE ATWATER projects set for April 28, 2018 include several Bellevue School teachers and volunteers focused on cleaning up the Determine Drive and Secretariat Drive areas.***

***City Council Member Raymond stated that he has spoken with the CHP about speeding enforcement and they are willing to help out.***

***Mayor Price commented that he wants the park and pavilion to remain as beautiful and new as it is today. He again asked about the placement of buttons on Winton Way to traffic lane designation; he also stated that Winton Way and Broadway Avenue are poorly lit and need new lines. Regarding the 4<sup>th</sup> of July celebrations, he stated that the events are sponsored solely by private donations and that on the 3<sup>rd</sup> of July there will be a "block party for the first responders".***

CLOSED SESSION:

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

ADJOURNMENT:

***The meeting adjourned at 7:56 PM.***

  
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DON HYLER III, CITY CLERK/BOARD CLERK

By: Lesa Rasmussen,  
Recording Secretary