



# CITY OF ATWATER

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

### ACTION MINUTES

**March 26, 2018**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:00 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, City Clerk Hyler III, Interim City Attorney White, Human Resources Director Del Real, 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 5:07 PM. Closed Session was called to order at 5:12 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 – Significant exposure to litigation pursuant to Section 54956.9(2)(3)(d): Number of cases: (2)

***Closed Session adjourned at 5:56 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 6:06 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 de Werk, Interim City Attorney White, City Clerk/Board Secretary Hyler III, City Treasurer Heller, CAL FIRE Battalion Chief Wight, Human Resources Director Del Real, Interim Public Works Director Shaw, Interim Community Development Director Waterman, Finance Director Deol, Recreation Supervisor Rahn, Chief Building Official Pereida, Interim Police Chief Echevarria, 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 Chair 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.

PRESENTATIONS:

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

***Ms. Perez provided a Power Point presentation depicting the historical projects completed in Atwater. She encouraged everyone to participate in the upcoming April 28, 2018 event.***

COMMENTS FROM THE PUBLIC:

***Notice to the public was read.***

***LORI JOHNSON, Atwater, expressed her concern for having her picture taken by a reporter during the last regular City Council meeting.***

***ROBERT KELLAS, Atwater, commented that he is disappointed with how the Spring Clean Up was handled. He further expressed concern for the City website not being updated.***

***DANNY HERNANDEZ, Atwater, questioned the status of the post level investigation of Interim City Manager de Werk. He further stated that he wants the report made public. He also expressed concern for the number of resource officers in both the elementary and high school levels.***

***RICHARD JOHNSON, Atwater, questioned speakers who attack the Interim City Manager. He further made allegations of wrong doing and failure of the Press to report those wrong doings accurately.***

***ERIC LEE, Atwater, recognized the Interim City Manager's courage for requesting a post level investigation. He encouraged the City to release the contents of the report once it was completed.***

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

CONSENT CALENDAR:

***Agenda Item #4 under Agreements, "Awarding a contract for the purchase of one (1) new Iteris Camera/2 Vector System for the Shaffer Road/Atwater Boulevard***

***intersection,” was removed from the consent calendar for separate discussion and possible action.***

***Agenda Item #5 under Resolutions, “Approving Budget Amendment No. 11 amending 2017-18 Fiscal Year Budget regarding Measure V transfer adjustment based on the required 20% set-a-side requirement for Alternative Mode Projects,” was removed from the consent calendar for separate discussion and possible action.***

***Agenda Item #6 under Resolutions, “Declaring two vehicles surplus and donating and transferring ownership of a 1995 Challenger Motor Home and a 2002 Ford Explorer XLS from the City of Atwater to the Atwater Police Activities League Program,” was removed from the consent calendar for separate discussion and possible action.***

***MOTION: Mayor Pro Tem/Board Vice Chair 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: Vineyard, Vierra, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.***

**WARRANTS:**

1. March 26, 2018

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

**MINUTES: (City Council)**

2. (a) Regular meeting, February 12, 2018  
(b) Special meeting, February 21, 2018  
(c) Regular meeting, February 26, 2018

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

**AGREEMENTS:**

3. Making a finding that the Fruitland Avenue Reconstruction Project and Storm Drainage Pump Station located at Fruitland Avenue to be Categorically Exempt under CEQA, adopting Resolution No. 3021-18 approving Budget Amendment No. 10 regarding FY 2017-18 Gas Tax Refund (RSTP), and approving Professional Services Agreements with VVH Consulting Engineers (VVHCE) for additional Engineering Services for Fruitland Reconstruction Project and Storm Drainage Pump Station proposal for Fruitland Avenue (Interim Community Development Director Waterman)

***ACTION: Makes the finding that the project is Categorically Exempt under CEQA and adoption of Resolution No. 3021-18 and approving Budget Amendment***

**No. 10 regarding Fiscal Year 2017-18 Gas Tax Fund (RSTP); approval of Professional Services Agreement, in a form approved by the Interim City Attorney, with VVH Consulting Engineers (VVHCE) for additional Engineering Services for Fruitland Avenue Reconstruction Project in an amount not to exceed \$28,150 (the "Professional Services Agreement"); approval of Professional Services Agreement, in a form approved by the interim City Attorney, with VVH Consulting Engineers (VVHCE) for Storm Drainage Pump Station at Fruitland Avenue Reconstruction Project in an amount not to exceed \$35,200 (the "Professional Services Agreement"); and authorizes and directs the Interim City Manager to execute the Professional Services Agreements on behalf of the City.**

**AGREEMENTS:**

4. Awarding a contract for the purchase of one (1) new Iteris 2 Camera/2 Vector System for the Shaffer Road/Atwater Boulevard intersection (Interim Public Works Director Shaw)

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

**RESOLUTIONS:**

5. Approving Budget Amendment No. 11 amending 2017-18 Fiscal Year Budget regarding Measure V transfer adjustment based on the required 20% set-a-side requirement for Alternative Mode Projects (Interim Community Development Director Waterman)

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

6. Declaring two vehicles surplus and donating and transferring ownership of a 1995 Challenger Motor Home and a 2002 Ford Explorer XLS from the City of Atwater to the Atwater Police Activities League Program (Interim Police Chief Echevarria)

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

**REPORTS:**

7. Accepting and Filing City of Atwater Housing Successor Agency Annual Report for Fiscal Year 2016-17 with Housing and Community Development (HCD) (Interim Community Development Director Waterman)

**ACTION: That the City Council accept and file the City of Atwater Housing Successor Agency Annual Report for Fiscal Year 2016-17 with Housing and Community Development (HCD).**

AGREEMENTS:

Awarding a contract for the purchase of one (1) new Iteris 2 Camera/2 Vector System for the Shaffer Road/Atwater Boulevard intersection (Interim Public Works Director Shaw)

***MOTION:*** City Council Member Creighton moved to award a contract, in a form approved by the City Attorney, to JAM Services, Inc. Livermore, CA for the purchase of one new Iteris 2 Camera/2 Vector System in an amount not to exceed \$29,319.51 including delivery and sales tax; and to authorize and direct the Interim City Manager to execute the contract on behalf of the City. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

RESOLUTIONS:

Approving Budget Amendment No. 11 amending 2017-18 Fiscal Year Budget regarding Measure V transfer adjustment based on the required 20% set-a-side requirement for Alternative Mode Projects (Interim Community Development Director Waterman)

***MOTION:*** Mayor Pro Tem Vineyard moved to adopt Resolution No. 3022-18 approving Budget Amendment No. 11 regarding Measure V transfer adjustment based on the required 20% set-a-side requirement for Alternative Mode Projects. The motion was seconded by Mayor Price and the vote was: Ayes: Creighton, Raymond, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

Declaring two vehicles surplus and donating and transferring ownership of a 1995 Challenger Motor Home and a 2002 Ford Explorer XLS from the City of Atwater to the Atwater Police Activities League Program (Interim Police Chief Echevarria)

***MOTION:*** City Council Member Creighton moved to adopt Resolution No. 3023-18 declaring two vehicles, a 1995 Challenger Motor Home and a 2002 Ford Explorer XLS surplus and donating and transferring ownership from the City of Atwater to the Atwater Police Activities League Program and directing the Interim City Manager to assure that all police striping is removed, and to authorize and direct the Interim City Manager to execute the documents on behalf of the City. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vierra, Vineyard, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.

BUDGET AND FUNDING MATTERS:

***City Treasurer Heller noted the typographical error on the agenda; the report is for the prior month, February.***

Treasurer's Report for the month of ~~March~~ February, 2018 (City Treasurer Heller)

***MOTION:*** City Council Member Creighton moved to approve the Treasurer's Report for the month of February, 2018 as presented. 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.

Adoption of Fiscal Year 2016-17 audited Financial Statements (Finance Director Deol)

***MOTION:*** City Council Member Creighton moved to adopt the 2016-17 Fiscal Year audited Financial Statements. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None; Abstain: Raymond. The motion passed.

#### PUBLIC HEARINGS:

Waiving the first reading and introducing Ordinance No. CS 994 amending Title 13 "Public Services" Chapter 13.13 "Water Conservation Program," Subsection 13.13.030, Subsection 11 of the Atwater Municipal Code (Interim Community Development Director Waterman)

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

***NICOLE NELSON, Pools by Nelson, provided information regarding water savings and the frequency by which pools should be drained.***

***BRANDON SNYDER, Premier Pools and Spas, encouraged a closer look at the proposed ordinance and suggested making it friendlier.***

***CRYSTAL WEBB, Atwater, spoke regarding the uses of pools for rehabilitation and other medical benefits in addition to their recreational value.***

***DANNY HERNANDEZ, Atwater, spoke regarding issuing an exemption to those who need a pool for therapy.***

***TABITHA PANGELINA, Atwater, recommended a timely resolution to the problem of getting pools in the ground. She expressed that she is frustrated with not being able to build her pool by bringing in a water truck to fill the pool.***

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

***Interim City Attorney White advised the City Council and the public that construction may be able to move forward. Filling the pool could be accomplished by using an outside water source. He also stated that an action item could be brought back to the City Council for the April 9, 2018 meeting.***

***MOTION: Mayor Pro Tem Vineyard moved to waive the first reading and introduce Ordinance No. CS 994 amending Title 13 "Public Services" Chapter 13.13 "Water Conservation Program," Section 13.13.030, Subsection 11 of the Atwater Municipal Code. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Creighton, Raymond, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.***

**INTERIM CITY MANAGER REPORTS/UPDATES:**

Ratifying Employment Agreements with the Deputy City Manager/Finance Director and Deputy City Manager

***Interim City Manager de Werk reported on the importance of having these two positions filled to bring continuity, consistency and a high level of professionalism to the position.***

***MARY McWATTERS, AFSCME Business Agent, expressed concern about creating two new positions with high pay while the represented employees still suffer from pay cuts and furloughs.***

***DANNY HERNANDEZ, Atwater, spoke in opposition to the two positions.***

***LISA DiSANTOS, Atwater, expressed concern for the two deputy positions while police services are lacking.***

***JEANIE KNIGHT, Atwater, spoke in favor of moving forward with the two positions.***

***MOTION: City Council Member Raymond moved to ratify the Employment Agreement, in a form approved by the Interim City Attorney, for Deputy City Manager/Finance Director Lakhwinder Deol; and to ratify the Employment Agreement, in a form approved by the Interim City Attorney, for Deputy City Manager Lori Waterman; and to authorize and direct the Interim City Manager to execute the Agreements on behalf of the City. The motion was seconded by Mayor Price and the vote was: Ayes: Vierra, Creighton, Raymond; Noes: Vineyard, Price; Absent: None. The motion passed.***

Verbal report regarding Spring Clean Up Day cancellation issues

***Interim City Manager de Werk expressed that the community's perception was negative despite the work that was done to provide notification. He asked Republic Services representative, Kyle Loreto, to address the issue.***

***Kyle Loreto, Republic Services, offered an apology to the members of the community who attempted to participate in the clean up. He promised to learn from the experience and do a better job next time.***



**City Council Member Creighton commented that City staff got blamed and they shouldn't have.**

**City Council Member Vineyard stated that the cancellation was done in the interest of safety for all who would participate; given that the weather was out of our control and had created unsafe conditions in the field.**

**CITY COUNCIL MATTERS:**

Discussion regarding any inclusions or exclusions to the newly created City of Atwater, City Official's Handbook with possible adoption thereof (Mayor Pro Tem Vineyard)

**Interim City Attorney White reported that he had received many suggestions from City Council and staff. He recommended not adopting anything at this point, and that more time is needed to compile and then present the handbook for review and adoption. He also suggested that any changes from staff and City Council be submitted in red line form.**

City Council comments

**City Council Member Raymond congratulated the two new deputies. He also encouraged everyone to spend time with family and friends during the upcoming Easter celebrations.**

**City Council Member Vierra offered congratulations to both new deputies and expressed that faith had been well placed. She also announced the Adjourned Meeting at 2:00 PM on Wednesday, March 28<sup>th</sup> to deal with the financial issues facing the City. She further stated that a great deal of information regarding the financial condition of the City will be made public at the March 28<sup>th</sup> meeting.**

**City Council Member Creighton offered congratulations to the two new deputies and commented that the confidence was well placed.**

**Mayor Pro Tem Vineyard commented on the importance of leadership in the City and pointed out that staff is also leaders, and that the City Council was elected by the community to lead.**

**Mayor Price announced that the City Council filled the Community Development and Resources Commission vacancy and the new commissioner is Manuel Pinto. He also reported that he attended a new business ribbon cutting in Atwater last week along with a ribbon cutting at Curves. He asked that everyone keep Don Hyler's mother in their prayers for her health issues.**

**CLOSED SESSION:**

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

ADJOURNMENT:

***The meeting adjourned at 8:39 PM to March 28, 2018 in the Jessie Frago Room of the Atwater Community Center at 760 E. Bellevue Road at 2:00 PM.***

  
\_\_\_\_\_  
DON HYLER III, CITY CLERK/BOARD SECRETARY

By: Lesa Rasmussen,  
Recording Secretary