



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

May 29, 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:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Price

Absent: Mayor Pro Tem Vineyard

Staff Present: Interim City Manager Waterman, City Attorney White, City Clerk Hyler III, Recording Secretary Bengtson-Jennings

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 5:02 PM. Closed Session was called to order at 5:11 PM.

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: Interim City Manager Waterman, City Attorney White, and Human Resources Director Del Real; Bargaining Units: Atwater Police Officers Association; AFSCME Local 2703 – Miscellaneous Unit, Clerical Unit, and Mid-Management Unit; and Unrepresented

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(a): Name of case: City of Atwater v Shell Oil Company, et al. Case No. CGC05441058

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(2)(d): Number of cases: (2)

Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment. Title: Interim Police Chief

Closed Session adjourned at 6:09 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:11 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 McClellan.

ROLL CALL:

Present: City Council Members Creighton, Raymond, Vierra, Mayor Price

Absent: Mayor Pro Tem Vineyard

Staff Present: Interim City Manager Waterman, City Attorney White, CAL FIRE Battalion Chief Wight, Human Resources Director Del Real, Deputy City Manager/Finance Director Deol, Interim Police Chief Echevarria, Interim Public Works Director Shaw, Recreation Supervisor Rahn, Chief Building Official Pereida, City Clerk Hylar III, Recording Secretary Rasmussen

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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

PRESENTATIONS:

Merced County Mosquito Abatement District (Paige Weller, Customer Service Representative)

Paige Weller, Customer Service Representative, and Jason Bakkn, Environmental Services Supervisor of the Merced County Mosquito Abatement District, presented a Power Point program detailing the purpose of the Mosquito Abatement District, the various programs and services of the Mosquito Abatement District, facts related to the health hazards associated with mosquitoes, mosquito breeding areas and stages, prevention methods, and how to locate the Mosquito Abatement District website for assistance.

LOVE Atwater (Gloria Perez)

Gloria Perez, John Mott, and Cheryl Halman summarized the work of LOVE Atwater and thanked the City Council for their hard work on the April 28, 2018 LOVE Atwater projects. Special thanks were given to Mayor Pro Tem Vineyard and Interim City Manager Waterman for their extra efforts throughout the day of activities.

Joint Legislative Audit Committee Hearing naming City of Atwater a High Risk Community (Interim City Manager Waterman and City Attorney White)

Interim City Manager Waterman reported that she and Deputy City Manager/Finance Director Deol traveled to Sacramento for the Legislative Audit Committee hearing and was joined by City Attorney White to address the Committee. They were successful in achieving a three month extension in order to show improvement and specific plans to address Atwater's fiscal issues.

City Attorney White and Interim City Manager Waterman both praised the work of Assemblymember Gray and Senator Cannella as being instrumental in securing the opportunity for the Atwater delegation to address the Committee. City Attorney White also provided an overview of the findings of the State Auditor's office that could lead to a designation of Atwater as a high risk entity. He stated that Atwater must report back to the State Auditor's office in August to show progress and present a plan for what next steps will be taken to address Atwater's fiscal problems.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

DANNY HERNANDEZ, Atwater, encouraged the City Council to reinstate Police Chief Joseph. He further announced that a recall meeting is being held on June 2, 2018 at Ralston Park in Atwater to remove three City Council members.

FRANK JOHNSON, Modesto, questioned why the fiscal plan adopted several months ago by the City Council has not been implemented. He also questioned why Police Chief Joseph has not been reinstated.

JEANIE KNIGHT, Atwater, praised the work of the City Council and the Interim City Manager and thanked them for their work in solving the City's financial problems.

ANGEL DUARTE, DEANDRE SCOGGINS, and SAVANNA VILLANUEVA, Yosemite High School Green Team, spoke regarding the dangers of asthma and its toll on children and senior citizens. They also summarized the meaning of different Clean Air flags and asked that the City Council fly those flags to alert the citizens of air quality.

JEFF RIVERO, Yosemite High School Green Team Advisor, informed the City Council that the flags will be provided to the City at no cost.

No one else came forward to speak.

CONSENT CALENDAR:

Agenda item #7 under Petitions and Communications, "Ratification of approval of request from CAL FIRE/Atwater City Fire Department for MDA Boot Drive," was removed from the consent calendar for separate discussion and possible action.

***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: Creighton, Raymond, Vierra, Price; Noes: None; Absent: Vineyard. The motion passed.*

WARRANTS:

1. May 29, 2018

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

MINUTES: (City Council)

2. a) Joint Special meeting, July 18, 2017

- b) Adjourned meeting, October 11, 2017
- c) Special meeting, April 30, 2018

ACTION: Approval of minutes as listed.

MINUTES: (Audit and Finance Committee)

3. January 22, 2018

ACTION: Acceptance of minutes as listed.

RESOLUTIONS:

- 4. Calling, giving notice of, and consolidating the 2018 General Municipal Election (City Clerk Hyler III)

ACTION: Adoption of Resolution No. 3029-18 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 6, 2018 for the election of the Mayor (at large) and two (2) Members of the City Council within the boundaries of District Three (3) and District Four (4), as required by the provisions of the laws of the State of California relating to General Law Cities; and requests the Board of Supervisors of the County of Merced consolidate the General Municipal Election to be held on November 6, 2018 with the Statewide Gubernatorial General Election to be held on the date pursuant to Section 10403 of the Election Code.

PETITIONS AND COMMUNICATIONS:

- 5. Request from Atwater Pentecost Association for assistance with annual procession

ACTION: Approval of request from Atwater Pentecost Association for assistance with their Annual Festival procession on Sunday, June 24, 2018, leaving Atwater Pentecost Club (APC) at 8:45 AM down Third Street, right onto Broadway Avenue, right onto Fifth Street, left onto Juniper Avenue proceeding to Saint Anthony's Church and returning to APC down Winton Way, left onto Grove Avenue, and right onto Third Street.

- 6. Request from Atwater Elementary School District regarding Seamless Summer Feeding Program

ACTION: Approval of request from Atwater Elementary School District, Nutrition Services Department, contingent upon receipt of certificate of liability coverage, to hold their annual Seamless Summer Feeding Program at Heller Park, Ralston Park, and Veterans Park from June 11, 2018 to July 27, 2018, to provide free meals to children (age 18 and under) in the community.

7. Ratification of approval of request from CAL FIRE/Atwater City Fire Department for MDA "Boot Drive"

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

PETITIONS AND COMMUNICATIONS:

Ratification of approval of request from CAL FIRE/Atwater City Fire Department for MDA "Boot Drive"

CAL FIRE Battalion Chief Wight provided a summary of the event and reported that the total collected will be forthcoming.

MOTION: City Council Member Creighton moved to ratify approval of the request from CAL FIRE/Atwater City Fire Department for annual Muscular Dystrophy Association (MDA) "Boot Drive" held on Saturday, May 26, 2018. The motion was seconded by Mayor Price and the vote was: Ayes: Vierra, Creighton, Raymond, Price; Noes: None; Absent: Vineyard. The motion passed.

Request from Atwater 4th of July Committee to co-sponsor annual event

MOTION: Mayor Price moved to approve the request from Atwater 4th of July Committee to co-sponsor the annual 4th of July events for the next five (5) years each July 3rd and 4th beginning in 2018 through and including 2022. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Creighton, Raymond, Price; Noes: None; Absent: Vineyard. The motion passed.

City Council Member Vierra stepped down from the dais at 7:33 PM and returned to the dais at 7:42 PM.

FUNDING AND BUDGET MATTERS:

Treasurer's Report for the month of April, 2018 (City Treasurer Heller)

MOTION: City Council Member Creighton moved to approve the Treasurer's Report for the month of April, 2018 as presented. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vierra, Raymond, Creighton, Price; Noes: None; Absent: Vineyard. The motion passed.

Mayor Price called a recess at 7:47 PM.

The City Council returned to the dais and Mayor Price resumed the meeting at 8:02 PM.

Verbal report regarding FY 2018-19 Preliminary Budget overview (Deputy City Manager/Finance Director Deol)

Deputy City Manager/Finance Director Deol provided an overview of proposed budget options for the FY 2018-19 Preliminary Budget.

MARY McWATTERS, Business Manager AFSCME Local 2703, commented that eliminating furloughs will cost the City too much money, and that there is some fear that removing furloughs will result in eliminating jobs. She further commented that a split shift option is not supported due to safety concerns associated with staff levels that are already too low. McWatters also praised the City Council for their willingness to consider pay increases.

HELEN AMARANT, Atwater, asked if sewer rates are the same for all citizens.

Deputy City Manager/Finance Director Deol responded that there are some differences based on the size of the home.

INTERIM CITY MANAGER REPORTS/UPDATES:

Verbal update regarding Fiscal Solvency Efforts

Interim City Manager Waterman reported that staff is continuing with austerity measures, cost recovery models, master fee plan review, and all departments are under review in efforts to resolve the fiscal issues.

Verbal update regarding 1,2,3 – Trichloropropane (TCP)

Interim City Manager Waterman stated that there is no immediate risk to the public. Some groundwater supplies have been identified and the City is aggressively addressing those areas for correction.

CITY ATTORNEY REPORTS/UPDATES:

Resolution submitting a ballot measure for the 2018 General Municipal Election authorizing the City to establish a business license tax on cannabis businesses

DANNY HERNANDEZ, Atwater, spoke in opposition to the ballot measure and expressed his opposition to any marijuana businesses in Atwater.

MOTION: City Council Member Creighton moved to adopt Resolution No. 3034-18 submitting a ballot measure to the City of Atwater's (the "City") qualified voters at the November 6, 2018 Statewide General Election authorizing the City to impose a business license tax on the gross receipts of cannabis businesses in an amount not to exceed fifteen percent (15%). The motion was seconded by City Council Member Raymond and the vote was: Ayes: Raymond, Creighton, Vierra, Price; Noes: None; Absent: Vineyard. The motion passed.

Resolution submitting a ballot measure for the General Municipal Election asking whether the position of Atwater City Clerk should be appointive, rather than elective

DANNY HERNANDEZ, Atwater, questioned whether City Clerk Hyler III could maintain independence from the City Council that appointed him.

MOTION: City Council Member Raymond moved to adopt Resolution No. 3035-18 submitting a ballot measure to the City's qualified voters at the November 6, 2018 Statewide General Election asking whether the position of Atwater City Clerk should be appointive, rather than elective. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Creighton, Raymond, Vierra, Price; Noes: None; Absent: Vineyard. The motion passed.

City Council Member Vierra stepped down from the dais at 9:22 PM and returned to the dais at 9:24 PM.

Resolution submitting a ballot measure for the General Municipal Election asking whether the position of Atwater City Treasurer should be appointive, rather than elective

DARIN McDANIEL, Atwater, asked whether the current City Treasurer, Jim Heller, is the longest serving elected public official in the state of California; serving over 50 years as City of Atwater Treasurer.

Mayor Price responded that Mr. Heller is the longest serving elected public official in the State.

DANNY HERNANDEZ, Atwater, commented that he supports the resolution.

Interim City Manager Waterman stepped down from the dais at 9:09 PM and returned to the dais at 9:11 PM.

MOTION: City Council Member Vierra moved to adopt Resolution No. 3036-18 submitting a ballot measure to the City's qualified voters at the November 6, 2018 Statewide General Election asking whether the position of Atwater City Treasurer should be appointive, rather than elective. The motion was seconded by Mayor Price and the vote was: Ayes: Vierra, Creighton, Raymond, Price; Noes: None; Absent: Vineyard. The motion passed.

CITY COUNCIL MATTERS:

City Council Comments

City Council Member Raymond thanked everyone for their involvement in dealing with the State Auditor's office regarding the recent hearing; particular kudos to State Assemblymember Gray and State Senator Cannella.

City Council Member Vierra thanked Interim City Manager Waterman and Deputy City Manager/Finance Director Deol for their tenacity in pleading Atwater's case at the State Auditor's recent hearing. She also thanked the entire staff for all of their hard work and dedication to the City.

City Council Member Creighton thanked all staff for their hard work and commitment to helping the City Council by providing the information needed for the City Council to make decisions.

Mayor Price reported that the Spring Clean Up Day was very successful, except that used mattresses and hazardous waste were not accepted in the clean up. Overall, the day was conducted in a very orderly fashion, and the City staff and Republic staff were professional and helpful. He cautioned that the weather is heating up, so pay attention to the City's watering schedule.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Adjourn to hold a Budget Workshop regarding the proposed FY 2018-19 Budget

No action was taken.

The meeting adjourned in memory of former City employee, Frank RePonte.

The meeting adjourned at 9:55 PM.



Don Hyler III, City Clerk

By: Lesa Rasmussen,
Recording Secretary