



# CITY OF ATWATER

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## CITY COUNCIL

### ACTION MINUTES

**June 11, 2018**

REGULAR SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Regular Session this date at 6:17 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:

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

**Absent:** *None*

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

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

***Merced County District 3 Supervisor McDaniel reported on several items:***

- ***Recent EDD postings regarding jobless rates show Atwater has been consistently improving and currently is at 8%; there are only 800 unemployed people in Atwater. Jobs are available in the County.***
- ***The San Joaquin Valley Public Opinion Survey was released today; an interesting reading showing what people are concerned about in the valley.***
- ***Merced County is coordinating efforts for collaboration, leadership, vision, and process regarding the homeless.***
- ***The State budget includes 6.5 million for projects at Castle.***
- ***A priority project for Merced County is the Atwater/Merced Expressway.***
- ***Camilla Drive will be re-paved with bike lanes this season.***

***Mayor Price thanked Supervisor McDaniel for his efforts in securing one million dollars for the Winton Way project.***

COMMENTS FROM THE PUBLIC:

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

***MIKE AKERS, Atwater, thanked Supervisor McDaniel for the update regarding Camilla Drive, and he addressed several of his concerns, namely relating to City Attorney invoices, investigative leaks in Closed Session, and possible violations of the Brown Act.***

***LINDA DASH, Atwater, expressed her concern regarding City Attorney charges for the month and questioned if they include marijuana issues.***

***DANNY HERNANDEZ, Atwater, spoke regarding his recall efforts, violations of the Brown Act and a recent incident in which Mayor Price was removed from Closed Session, and the investigative efforts surrounding Police Chief Joseph, and he asked City Attorney White to take the necessary steps to put an end to the alleged "corruption within this City Council."***

***Mayor Price stated for the record that he was not removed from Closed Session.***

**FRANK JOHNSON, Modesto, questioned why the Mayor has not resigned from his position.**

**JEANIE KNIGHT, Atwater, announced that the movie "I Can Only Imagine" will be played June 15, 2018 at 7:00 PM at the Community Center. Everyone is welcome.**

**ADAM REED, Atwater, spoke regarding increased traffic and traffic enforcement on Fruitland Avenue, and he questioned the next step. He thanked Lori Waterman for her work as Interim City Manager.**

**MARK YANDAU, Atwater, stated his frustrations with the removal of homeless squatters from his property, and he asked that City policy be revisited and perhaps updated to assist code enforcement with such issues.**

**KYLE LORETO, Republic Services, spoke regarding this year's Spring Clean-Up, and he thanked everyone who helped with the event.**

**Mayor Price thanked administrators at Buhach Colony High School for use of their facilities for the Spring Clean-Up and Police Volunteer Vineyard for his efforts coordinating the event.**

**ERIC LEE, Atwater, voiced his opinion concerning the current City Council and the problems they inherited, and he stated he believes a state audit is not necessarily a bad thing as it will uncover "things that need to be brought out to the public."**

**City Attorney White clarified for the public several issues: all City Attorney billing is done in 10<sup>th</sup> of hour increments, not everything is public in order to protect privacy, and he believes a dramatic reduction in hours billed is forthcoming; the financial audit will place a heavy workload on staff, and the high risk implication is hurtful for the City; and he does not do criminal work as a civil attorney.**

**No one else came forward to speak at this time.**

**CONSENT CALENDAR:**

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

**WARRANTS:**

1. June 11, 2018

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

MINUTES: (City Council)

2. Regular meeting, May 14, 2018

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

MINUTES: (Community Development and Resources Commission)

3. April 18, 2018

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

RESOLUTIONS:

4. Approving budget amendment regarding General Fund transfer to Lighting and Drainage Maintenance District Funds (Deputy City Manager/Finance Director Deol)

**ACTION: Adoption of Resolution No. 3038-18 approving Budget Amendment No. 14 amending Fiscal Year 2017/18 Budget regarding General Fund transfer to Lighting and Drainage Maintenance District Funds based on most recent budget analysis.**

5. Initiates proceedings for Annual Assessments Levy with respect to the various Assessment Maintenance Districts for Fiscal Year 2018/19 and orders the preparation of the Engineer's Reports (Deputy City Manager/Finance Director Deol)

**ACTION: Adoption of Resolution No. 3037-18 initiating proceedings for Annual Assessments Levy with respect to the various Assessment Maintenance Districts for Fiscal Year 2018/19 and orders the preparation of the Engineer's Report.**

PETITIONS AND COMMUNICATIONS:

6. Request from Yosemite High School to display air quality flags (Jeff Rivero)

**ACTION: Approval of request from Yosemite High School to display air quality flags at City Hall and the Community Center.**

7. Request for assistance with 2018 Independence Run (Gordon Wilkinson)

**ACTION: Approval of request for assistance with 2018 Independence Run.**

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

8. Police Department activities and projects for the month of May, 2018 (Interim Police Chief Echevarria)

9. Fire Department activities and projects for the month of May, 2018 (CAL FIRE Battalion Chief Wight)
10. Water Well Levels for the month of May, 2018 (Interim Public Works Director Shaw)

INTERIM CITY MANAGER REPORTS/UPDATES:

Verbal update regarding Fiscal Solvency Efforts

***Interim City Manager Waterman provided an update regarding Fiscal Solvency Efforts, stating that she has directed staff to explore every option supported by the City Council in order to increase revenues and decrease expenses.***

CITY ATTORNEY REPORTS/UPDATES:

Resolution submitting a ballot measure for the General Municipal Election to increase the City's Transient Occupancy Tax

***City Attorney White provided a brief overview of the proposed ballot measure.***

***MOTION: Mayor Pro Tem Vineyard moved to adopt Resolution No. 3039-18 submitting a ballot measure to the City's qualified voters at the November 6, 2018 Statewide General Election to increase the City's Transient Occupancy Tax from eight percent (8%) to ten percent (10%). The motion was seconded by Mayor Price and the vote was: Ayes: Vierra, Creighton, Raymond, Vineyard, Price; Noes: None; Absent: None. The motion passed.***

***MOTION: Mayor Pro Tem Vineyard moved to appoint City Council Members Raymond and Creighton to a two (2) member subcommittee to draft an argument in favor of the ballot measure, and if necessary, to draft a rebuttal to any argument submitted against the measure. The motion was seconded by Mayor Price and the vote was: Ayes: Creighton, Vineyard, Vierra, Price; Noes: Raymond; Absent: None. The motion passed.***

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal report regarding 3-day a week watering schedule (Interim Public Works Director Shaw)

***Interim Public Works Director Shaw presented three scenarios for City Council consideration, and he spoke of the Governor's recent water conservation plan and the necessity of installing water meters throughout Atwater by 2020.***

***JEANIE KNIGHT, Atwater, stated that people may water less if given the chance to water more days each week.***

***KEITH PELOWSKI, Atwater, stated that until City staff can enforce the water code, he believes it does not matter what watering schedule is chosen.***

***LINDA DASH, Atwater, questioned the consequences for those who are continuously delinquent in paying their water bill.***

***MOTION: City Council Member Creighton moved to direct the Interim City Manager to proceed with the second option, amending the Atwater Municipal Code to allow for a 3-day a week watering schedule as follows: even numbered addresses may water on Tuesdays, Thursdays, and Saturdays and odd numbered addresses may water on Wednesdays, Fridays, and Sundays from 12:01 AM to 10:00 AM and from 5:00 PM to 11:59 PM; watering on Mondays is prohibited. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Raymond, Creighton, Vierra; Noes: Price; Absent: None. The motion passed.***

**CITY COUNCIL MATTERS:**

City Council comments

***City Council Member Raymond thanked those who reached out to him for clarification regarding recently published "misinformation," and he stated that he welcomes contact from those who question what is stated or printed.***

***Mayor Pro Tem Vineyard thanked Republic Services and everyone who helped with this year's Spring Clean-Up, he congratulated all recent graduates and thanked the Police Department staff and cadets for their assistance with graduation ceremonies, and he reminded everyone that summer is here and to stay hydrated and be mindful of children in the streets.***

***City Council Member Vierra spoke of her recent meeting with Recreation Leader Rahn concerning the Community Services Department, the need for management to look in-depth at all departments in order to increase revenues and decrease expenditures, and the newly proposed watering schedule in which the City Council came together to support.***

***City Council Member Creighton congratulated the recent graduates, he spoke of how students had to step up to help care for all of the animals at the Merced County Fair this year as it was held during the last week of school for many, and he thanked those who supported the Elks Club and their booth at the Fair. He reminded the community of the upcoming 4<sup>th</sup> of July events.***

***Mayor Price congratulated the recent graduates, in particular his grandson. He spoke regarding the upcoming 4<sup>th</sup> of July events, inviting everyone to attend the festivities.***

**Mayor Price presented Human Resources Director Del Real with a certificate of recognition and a pin for her 30 years of dedicated service to the City.**

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 7:47 PM. Closed Session was called to order at 8:04 PM.**

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

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

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

**Closed Session adjourned at 9:38 PM.**

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.**

ADJOURNMENT:

**The meeting adjourned at 9:39 PM.**

  
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DON HYLER III, CITY CLERK

By: Kim Bengtson-Jennings,  
Recording Secretary