



# CITY OF ATWATER

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**CITY COUNCIL,  
FIRE PROTECTION DISTRICT,  
AND  
SUCCESSOR AGENCY TO THE ATWATER  
REDEVELOPMENT AGENCY**

**ACTION MINUTES**

**June 25, 2018**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:02 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 Waterman, Deputy City Attorney Hallinan, Deputy City Clerk 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 5:03 PM. Closed Session was called to order at 5:06 PM.*

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

***Closed Session adjourned at 5:36 PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater, the Board of Directors of the Fire Protection District, and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency met in Regular Session this date at 6:39 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor/Board President/Board Chair Price presiding.***

PLEDGE OF ALLEGIANCE TO THE FLAG:

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

INVOCATION:

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

ROLL CALL: (City Council/Board of Directors/Governing Board)

***Present: City Council Members/Board Members Creighton (7:04 PM), Raymond (7:04 PM), Vierra, Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard, Mayor/Board President/Board Chair Price***

***Absent: None***

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

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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

COMMENTS FROM THE PUBLIC:

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

***MIKE AKERS, Atwater, questioned the City Attorney's performance and billing practices; he also requested copies of the City Attorney's billing statements. He further questioned why the former Interim City Manager's background investigation has not been made public.***

***BARBARA RIIS CHRISTENSEN, Atwater, asked about the status of Police Chief Joseph. She also commented that Police Chief Joseph's most recent performance evaluation indicated no problems, and she questioned the manner in which he was placed on administrative leave.***

***KEITH PELOWSKI, Atwater, commented on the cost of having Police Chief Joseph on administrative leave. He also asked for the name of the agency that conducted the investigation of Police Chief Joseph.***

***FRANK JOHNSON, Modesto, spoke in support of Interim Police Chief Echevarria, and he questioned the integrity of Police Chief Joseph.***

***DANNY HERNANDEZ, Atwater, spoke in opposition to Interim Police Chief Echevarria and stated his belief that Interim Police Chief Echevarria is not qualified to hold the position.***

***JIM BALLESTRA, Atwater, questioned why there has not been more progress in the investigation of Police Chief Joseph.***

***LARRY LEE, Atwater, commented that as a training officer for the Chaplain's Program of the Police Department, Interim Police Chief Echevarria did a great job. He voiced his support of Interim Police Chief Echevarria and for Police Chief Joseph. He urged the City Council to make a decision regarding the position of Atwater Police Chief.***

***JANICE TABER, Atwater, advised the City Council that the street lamps in Ralston Park are not working and feels it is not a safe environment.***

***ADAM REED, Atwater, commented that when he sought assistance from Interim Police Chief Echevarria, he received a prompt and professional response. He also commented that the negativity should stop.***

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

**CONSENT CALENDAR:**

***Agenda Item #3 under Agreements, "Approving terms and conditions for the award of non-exclusive non-consensual Tow Service Agreements," was removed from the consent calendar and combined with Agenda item #15 under Public Hearings, "Adopting 2018-19 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Classification Plan and approving Salary Schedule A-19, effective July 1, 2018," for separate discussion and possible action.***

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

**WARRANTS:**

1. June 25, 2018

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

**MINUTES: (City Council)**

2. a) Special meeting, May 29, 2018  
b) Regular meeting, May 29, 2018

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

**AGREEMENTS:**

3. Approving terms and conditions for the award of non-exclusive non-consensual Tow Service Agreements (Interim Police Chief Echevarria)

***This item was removed from the consent calendar and combined with Agenda item #15 under Public Hearings, "Adopting 2018-19 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Classification Plan and approving Salary Schedule A-19, effective July 1, 2018," for separate discussion and possible action.***

**RESOLUTIONS:**

4. Collection of annual levy for various Assessment Maintenance Districts for Fiscal Year 2018-19 (Deputy City Manager/Finance Director Deol)

***ACTION:*** Adoption of Resolution No. 3043-18 ordering the City's Assessment Engineer to prepare and file the Engineer's Reports for the collection of the proposed annual assessments for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2018-19; and adoption of Resolution No. 3044-18 declaring the City's intention to levy and collect the annual assessments for various Assessment Maintenance Districts for Fiscal Year 2018-19, granting preliminary approval of the Engineer's Reports, and setting a public hearing date for said assessments for July 23, 2018.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

5. Police Volunteer activities for the month of May, 2018 (Police Volunteer Vineyard)

PETITIONS AND COMMUNICATIONS:

Request from Faxon Drive Neighborhood for 4<sup>th</sup> of July block party (Scarlett Bettencourt)

Request from White Pines Court Neighborhood for annual 4<sup>th</sup> of July block party (Elena Ridge)

***By consensus, the City Council chose to consider the two Petitions and Communications simultaneously.***

***MOTION:*** Mayor Pro Tem Vineyard moved to approve the request from Faxon Drive Neighborhood, contingent upon receipt of certificate of liability coverage (if necessary), to close a portion of Faxon Drive between 12:00 PM and 10:00 PM on Wednesday, July 4, 2018 for a block party; and the request from White Pines Court Neighborhood, contingent upon receipt of certificate of liability coverage (if necessary), to close White Pines Court between 4:00 PM and 12:00 AM on Wednesday, July 4, 2018 for an annual block party. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Vineyard, Raymond, Vierra, Creighton, Price; Noes: None; Absent: None. The motion passed.

Request from Soroptimist International of Atwater for assistance with annual Holiday Boutique Craft Show (Marisa Nepote and/or Fran Barrett)

***Interim City Manager Waterman advised the City Council that this petition has already been to the Community Development and Resources Commission and their recommendation is to grant the request at the reduced rate of \$400 for 2018 only.***

***MOTION:*** City Council Member Creighton moved to approve the request from Soroptimist International of Atwater for the use of the Community Center on November 3, 2018 as presented, at the reduced rate of \$400 for five (5) successive years, from 2018 through 2022, to hold their annual Holiday Boutique Craft Show.

***The motion was seconded by Mayor Price and the vote was: Ayes: Vineyard, Raymond, Vierra, Creighton, Price; Noes: None; Absent: None. The motion passed.***

**FUNDING AND BUDGET MATTERS:**

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

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

***City Council Member Vierra stepped down from the dais at 8:18 PM and returned to the dais at 8:22 PM.***

Presentation regarding proceedings for utility (water and sewer) rate studies (Deputy City Manager/Finance Director Deol)

***Habib Isaac, Senior Manager for Raftilis, provided a Power Point presentation detailing options for utility (water and sewer) rate studies. He recommended two possible adjustments to the current rates; one at 15% and one at 10%.***

***MOTION: Mayor Price moved to direct staff to proceed with the studies and move forward with a 10% adjustment. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vierra, Vineyard, Creighton, Price; Noes: Raymond; Absent: None. The motion passed.***

***Mayor Price called a recess at 8:26 PM.***

***The City Council returned to the dais and Mayor Price resumed the meeting at 8:36 PM.***

**CITY ATTORNEY REPORTS/UPDATES:**

Establishing two (2) member subcommittees for each ballot measure to be submitted to the City's qualified voters at the Statewide General Election on November 6, 2018

- a) Authorizing the City to establish a business license tax on cannabis businesses;
- b) Asking whether the position of Atwater City Clerk should be appointive, rather than elective; and
- c) Asking whether the position of Atwater City Treasurer should be appointive, rather than elective

**MOTION:** *Mayor Pro Tem Vineyard moved to remove the appointment of Atwater City Treasurer from consideration on the November 6, 2018 ballot, and to add to the regular City Council meeting agenda an item rescinding Resolution No. 3036-18, submitting a ballot measure to the City's qualified voters at the Statewide General Election on November 6, 2018 asking whether the position of Atwater City Treasurer should be appointive, rather than elective. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Vineyard, Raymond, Vierra, Creighton, Price; Noes: None; Absent: None. The motion passed.*

**MOTION:** *City Council Member Creighton moved to appoint City Council Members Vineyard and Raymond to a two (2) member subcommittee authorizing the City to establish a business license tax on cannabis businesses for the purpose of formulating, executing, and submitting the argument in favor of the ballot measure, and if necessary, to formulate, execute, and submit a rebuttal to any argument submitted against the measure; and to appoint City Council Member Vierra and Mayor Price to a two (2) member subcommittee asking whether the position of Atwater City Clerk should be appointive, rather than elective for the purpose of formulating, executing, and submitting the argument in favor of the ballot measure, and if necessary, to formulate, execute, and submit a rebuttal to any argument submitted against the measure. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Creighton, Vierra, Raymond, Vineyard, Price; Noes: None; Absent: None. The motion passed.*

**REPORTS AND PRESENTATIONS FROM STAFF:**

Verbal report regarding Police Department Body Cameras (Interim Police Chief Echevarria)

***Interim Police Chief Echevarria provided information regarding a proposed pilot program utilizing body worn cameras for Atwater Police Officers. He indicated that three (3) Atwater Patrol Officers would be involved in the pilot program, and the program could be initiated mid July, 2018. He stated that there is no cost to the Department's operating budget since a grant application is in process. Interim Police Chief Echevarria cited the Atwater Police Officers' Association support for implementation of body worn cameras and the proposed pilot program.***

**MOTION:** *Mayor Price moved to approve the Body Worn Camera Pilot Program for the Atwater Police Department to begin mid July, 2018 for a period of thirty (30) days. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Creighton, Raymond, Vierra, Vineyard, Price; Noes: None; Absent: None. The motion passed.*

PUBLIC HEARINGS:

Waiving the first reading and introducing Ordinance No. CS 998 amending Title 13 "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code relating to watering schedule (Interim Public Works Director Shaw)

***Mayor Price opened the public hearing for this item.***

***HELEN AMARANT, Atwater, questioned who receives reports of water violations.***

***Mayor Price advised Ms. Amarant to direct those reports to Interim Public Works Director Shaw.***

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

***Mayor Price closed the public hearing.***

***MOTION: City Council Member Raymond moved to waive the first reading and introduce Ordinance No. CS 998 amending Title 13 "Public Services," Chapter 13.13 "Water Conservation Program" of the Atwater Municipal Code relating to watering schedule. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Vineyard, Vierra, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.***

Amending Miscellaneous Fee Schedule (Deputy City Manager/Finance Director Deol)

***Kendall Flint, Director of Strategic Planning for RGS, provided a summary of current miscellaneous fees and proposed miscellaneous fees. She stressed the need to have a fee structure that defensibly reflects the actual cost of providing a service, and urged approval of changing to a cost-by-project structure as opposed to the current flat fee structure. She further detailed the benefits of increasing fees for non-residents of Atwater in the Parks and Recreation programs.***

***Mayor Price opened the public hearing for this item.***

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

***Mayor Price closed the public hearing.***

***MOTION: Mayor Pro Tem Vineyard moved to adopt Resolution No. 3040-18 amending the Miscellaneous Fee Schedule. The motion was seconded by Mayor Price and the vote was: Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.***



Adopting 2018-19 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Classification Plan and approving Salary Schedule A-19, effective July 1, 2018; and approving terms and conditions for the award of non-exclusive non-consensual Tow Service Agreements (Deputy City Manager/Finance Director Deal)

***Interim City Manager/Executive Director Waterman stated that due to difficulties having the agenda and packet information posted on the City's website for the public to review regarding this item, she suggested opening the public hearing for testimony and continuing the item to the next City Council meeting.***

***Mayor/Board President/Board Chair Price opened the public hearing for this item.***

***MARIO ESPINOSA, Livingston, spoke in support of passing the 2018-19 Fiscal Year Budget as presented.***

***MOTION: Mayor Pro Tem/Board Vice President/Board Vice Chair Vineyard moved to continue the public hearing and to continue consideration of adopting 2018-19 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Classification Plan and approving Salary Schedule A-19, effective July 1, 2018; and approving terms and conditions for the award of non-exclusive non-consensual Tow Service Agreements to an Adjourned meeting on Wednesday, June 27, 2018 at 1:00 PM. The motion was seconded by City Council Member/Board Member Creighton and the vote was: Ayes: Creighton, Vineyard, Vierra, Raymond, Price; Noes: None; Absent: None. The motion passed.***

**CITY COUNCIL MATTERS:**

City Council comments

***City Council Member Raymond thanked Jeff Hammer and the Jr. Giants for dedicating their season to his late father, Mike Raymond. He also thanked Congressman Costa for memorializing his father on the floor of the U. S. House of Representatives.***

***City Council Member Vierra thanked all who attended the ceremony honoring Mike Raymond and noted that the event was inspiring and very well attended.***

***City Council Member Creighton thanked Assemblymember Gray, Senator Cannella, and Congressman Costa for their recognition of Mike Raymond. He also reminded everyone of the 4<sup>th</sup> of July events in Atwater and urged the public to attend.***

***Mayor Pro Tem Vineyard thanked staff and Kendall Flint for their hard work on the budget. He also thanked those who attend and speak in the public comment forum.***

**Mayor Price announced that Ron Dougherty has been appointed to Merced County's Measure V Citizens Oversight Committee. He also encouraged everyone to attend all of the 4<sup>th</sup> of July activities including the event on the 3<sup>rd</sup> of July at Ralston Park featuring food and music. He reminded everyone that the fee for entry into the fireworks show at Castle is \$10 per vehicle.**

CLOSED SESSION:

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

ADJOURNMENT:

**The meeting adjourned to Wednesday, June 27, 2018 at 1:00 PM at the Atwater Civic Center, 750 Bellevue Road, Atwater.**

**The meeting adjourned at 9:56 PM.**

  
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Don Hyler III, City Clerk/  
Board Clerk/Board Secretary

By: Lesa Rasmussen,  
Recording Secretary