



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

AUGUST 13, 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 Pro Tem Vineyard, Mayor Price*

Absent: *None*

Staff Present: *Interim City Manager Waterman, City Attorney White, 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 5:02 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)

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: Interim City Manager Waterman

Property Locations: APN 056-241-005
APN 156-330-016
APN 156-330-034

Pursuant to Government Code Section 54957(b)(1), Public Employee Performance Evaluation – Interim City Manager

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 6:14 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, CAL FIRE Battalion Chief Wight, Finance Director Deol, Human Resources Director Del Real, Interim Police Chief Bessinger, General Services Manager/Chief Building Official Pereida, City Clerk Hyler III, Recreation Supervisor Rahn, Recording Secretary Rasmussen

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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: City Council Member Creighton moved to approve the agenda as posted. 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.**

CEREMONIAL MATTERS:

Certificates:

4th of July Activities

Mayor Price presented certificates of recognition to the 4th of July Committee, Police Activities League, and Police Volunteers for their efforts with this year's 4th of July celebrations.

4th of July Committee Member Retirement

Mayor Price presented a certificate of recognition to 4th of July retiring Committee Member Greg McDaniel for his years of service and dedication to the community of Atwater by ensuring many successful 4th of July celebrations.

Proclamation:

National Health Center Week

Mayor Price proclaimed the week of August 12th – 18th National Health Center Week in the City of Atwater and presented a proclamation to Ruben Chavez, Chief of Operations, Golden Valley Health Centers.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported that Golden Valley Health Centers are located at Castle and serve a large population in the community, and he congratulated Mr. Chavez on the success of the centers. He announced that the Castle Plan will be updated in a meeting at Merced County Board of Supervisors' Chambers on August 28, 2018. He stated that the County Budget will be finalized on September 11, 2018. He congratulated Interim City Manager Waterman on the successful meeting with the State Audit Committee and moving Atwater forward.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Interim Police Chief Bessinger reported on the status of investigations into the operation of the Evidence Room in the Atwater Police Department. He clarified that the Merced County District Attorney was legally obligated to notify all local

attorneys of potential irregularities in the Atwater Police Department's Evidence Room. He also stated that the California Department of Justice will now take the lead role in the investigation, and they will complete a full audit. He commented that he has received allegations of corruption and malfeasance within the Police Department but to date has received no information from alleged "credible sources." He urged the public to come forward with any information they may have to support these allegations.

Interim City Manager Waterman stated for the record that recent Facebook posts accusing her of leaking Closed Session information are completely false. She also announced that a new procedure is in place for responding to questions asked during the Comments from the Public portion of City Council meetings. Questions asked during a City Council meeting will have written responses provided to the public at the following City Council meeting.

ANDY KROTIK, Atwater, thanked the City Council for their service to the community, and he expressed his embarrassment at the behavior of some speakers during the Comments from the Public portion of the last regular City Council meeting. He requested that the City Council consider renaming Freddie Raymond Field at Osborn Park to "Mike and Freddie Raymond Field."

KEITH PELOWSKI, Atwater, spoke to summarize his meeting with Interim City Manager Waterman and City Attorney White regarding his questions related to the Police Chief Joseph investigation. He requested that an agenda item be placed on the next regular meeting of the City Council to bring the investigation to a close.

ERIC LEE, Atwater, asked if his questions regarding an agenda item could be addressed in the public comment forum. He was asked to hold his questions until that item came up on the agenda.

DANNY HERNANDEZ, Atwater, announced the ceremony for recognition of combat veterans set for the 2018 Atwater High School Football Homecoming on September 21, 2018. He encouraged the public to attend the ceremonies which will occur between the Junior Varsity and Varsity football games at Falcon Field.

LORI JOHNSON, Atwater, commented that she and her family continue to be victimized by the City related to their lack of water service.

FRANK JOHNSON, Modesto, described reporting in a local newspaper as "fake news" regarding Police Chief Joseph. He praised the work and professionalism of the Atwater Police Department for responses to several emergencies over the last few weeks. He urged Interim City Manager Waterman to fire Police Chief Joseph.

LINDA DASH, Atwater, referenced receiving a copy of a letter that had been provided to the City Council in which Police Chief Joseph was slandered. She

further stated that the letter provided confidential information about Police Department personnel, putting them at great risk.

ERIC LEE, Atwater, urged the City Council to stop allowing people to get up and slander and disparage City personnel.

No one else came forward to speak.

Mayor Pro Tem Vineyard summarized his many years of service with the Atwater Volunteers in Police Service (AVIPS) and announced his resignation from the AVIPS program.

Mayor Price called a recess at 7:19 PM.

The City Council returned to the dais and Mayor Price resumed the meeting at 7:30 PM.

CONSENT CALENDAR:

Agenda item #4 under Resolutions, "Declaring the City's opposition of the approval of the State Water Resources Control Board's Bay-Delta Draft Final Substitute Environmental Document and Water Quality Plan as proposed," 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 Mayor Pro Tem Vineyard and the vote was: Ayes: Creighton, Raymond, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.*

WARRANTS:

1. August 13, 2018

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. July 9, 2018 Regular meeting

ACTION: *Approval of minutes as listed.*

MINUTES: (Audit and Finance Committee)

3. May 14, 2018

ACTION: *Acceptance of minutes as listed.*

RESOLUTIONS:

4. Declaring the City's opposition of the approval of the State Water Resources Control Board's Bay-Delta Draft Final Substitute Environmental Document and Water Quality Plan as proposed (Interim City Manager Waterman)

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

CLAIMS AGAINST THE CITY:

5. Claim No. 2018-8

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2018-8 be rejected.

6. Claim No. 2018-9

ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2018-9 be rejected.

INFORMATIONAL ITEMS ONLY (NO ACTION REQUIRED):

7. Police Department activities and projects for the month of July, 2018 (Interim Police Chief Bessinger)
8. Police Volunteer activities for the month of July, 2018 (Police Volunteer Vineyard)
9. Fire Department activities and projects for the month of July, 2018 (CAL FIRE Battalion Chief Wight)

RESOLUTIONS:

Declaring the City's opposition of the approval of the State Water Resources Control Board's Bay-Delta Draft Final Substitute Environmental Document and Water Quality Plan as proposed (Interim City Manager Waterman)

MOTION: City Council Member Raymond moved to adopt Resolution No. 3055-18 opposing the approval of the State Water Resources Control Board's Bay-Delta Draft Final Substitute Environmental Document and Water Quality Plan as proposed; and to authorize and direct the Interim City Manager to transmit a certified copy of the resolution to the State Water Resources Control Board on behalf of the City. The motion was seconded by Mayor Price and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

PUBLIC HEARINGS:

2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program application and Budget Amendment (Interim Police Chief Bessinger)

Sergeant Snyder presented the City's application for grant funding in the amount of \$14,405 under the Justice Assistance Grant Program.

Mayor Price opened the public hearing for this item.

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

MOTION: Mayor Pro Tem Vineyard moved to adopt Resolution No. 3052-18 authorizing submittal of an application to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorizing and directing the Interim City Manager to execute the application, Grant Agreement, amendments, and all documents related to the grant, on behalf of the City including administration, if awarded; and to adopt Resolution No. 3054-18, approving Budget Amendment No. 1 regarding the 2018 Bureau of Justice Assistance Local JAG Program Funding. The motion was seconded by City Council Member Creighton and the vote was: Ayes: Raymond, Creighton, Vineyard, Vierra, Price; Noes: None; Absent: None. The motion passed.

Amending Miscellaneous Fee Schedule (Finance Director Deal)

Mayor Price opened the public hearing for this item.

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

MOTION: Mayor Pro Tem Vineyard moved to adopt Resolution No. 3046-18 amending the Miscellaneous Fee Schedule. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vierra, Vineyard, Raymond, Creighton, Price; Noes: None; Absent: None. The motion passed.

INTERIM CITY MANAGER REPORTS/UPDATES:

Verbal update regarding Fiscal Solvency Efforts and Joint Legislative Audit Committee (JLAC) update

Interim City Manager Waterman reported that the City will continue to be part of a monitoring program by the State Audit Committee for the next six (6) months and that a report by the Committee will be issued in 2019. She further stated that a future meeting with the Committee will come in the spring of 2019.

ERIC LEE, Atwater, commented that after watching the Audit Committee meeting and receiving the text of that meeting, he still has concerns about the

Committee's statements of needing to "come in and review and provide assistance to the City."

Kendall Flint, Director of Strategic Planning for RSG, explained that the Committee had not received over 600 pages of documentation provided by the City prior to the meeting in which many of their concerns were addressed. She further confirmed that the City will provide to the Audit Committee information and documents every 30 days up to the time of the 2019 meeting.

Resolution approving City of Atwater Social Media Use and Public Outreach Policy

Interim City Manager Waterman reported the new avenues of social media available for citizens to receive information about City services and issues, including a new City of Atwater Facebook page.

Interim Police Chief Bessinger reported that a cell phone application, Next Door, is also available to the public where they can add neighborhood information and access information about their neighborhood.

KEITH PELOWSKI, Atwater, commented that including the information in the City's monthly newsletter would also be helpful.

MANUEL PINTO, Atwater, suggested also using NIXTL system as it provides important emergency information as well as road closures.

MOTION: City Council Member Creighton moved to adopt Resolution No. 3056-18 approving the Social Media Use and Public Outreach Policy. The motion was seconded by Mayor Pro Tem Vineyard and the vote was: Ayes: Vineyard, Vierra, Creighton, Raymond, Price; Noes: None; Absent: None. The motion passed.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Raymond thanked Mr. Krotik for his drive to rename the Osborn Park baseball field in honor of his family.

City Council Member Vierra reported that she and Mayor Price met with the County of Merced Animal Control Director and toured the facility. She further confirmed that their meeting has resulted in a reduction in the fees charged to the City by the County for animal control services.

City Council Member Creighton commented that the City should pursue increasing both dog licensing and bike licensing efforts. He thanked Public Works for their work in restriping the streets in advance of school restarting. He reported that the Veteran's Park cleanup was a huge success and over 100 volunteers came out to clean the park.

Mayor Pro Tem Vineyard asked that the public be aware of children and slow down as the streets will be more crowded now with the restart of the school session. He encouraged voters to study the candidates and the issues carefully prior to the upcoming November 6, 2018 election.


Mayor Price announced that Firefighter Brian Hughes lost his life fighting the Ferguson Fire. He is the second firefighter to die fighting the Ferguson Fire. Mayor Price also thanked everyone who helped in the Veteran's Park cleanup. He praised CAL FIRE Battalion Chief Wight and the firefighters who beat down the recent fire at Super Target. He also thanked Republic Services for their help in removing debris from the Super Target fire.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Mayor Price adjourned the meeting at 8:31 PM.



Don Hyler III, City Clerk

By: Lesa Rasmussen,
Recording Secretary