

CITY OF ATWATER

CITY COUNCIL

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

January 28, 2019

5:00 PM

CALL TO ORDER:

ROLL CALL:

Ambriz ____, Cale ____, Raymond ____, Vierra ____, Creighton ____

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: 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: Name of case: Richard Dean Johnson and Lori Johnson v. City of Atwater, United States Eastern District Court, Case No. 1:18-CV-00920-DAD-SAB**
- **Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9: Number of cases: (1)**
- **Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: City Manager Waterman**

Property Location: 031-164-002

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Mead

ROLL CALL:

Ambriz ____ , Cale ____ , Raymond ____ , Vierra ____ , Creighton ____

Pursuant to Government Code 36804, “if the city clerk is absent, the deputy city clerk shall act. If there is none, the mayor shall appoint one of the councilmembers as city clerk pro tempore.”

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

SUBSEQUENT NEED ITEMS: (The City Clerk shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the City Council present at the meeting.)

APPROVAL OF AGENDA AS POSTED OR AS AMENDED: (This is the time for the City Council to remove items from the agenda or to change the order of the agenda.)

Recommendation: Motion to approve agenda as posted or as amended.

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda. You may state your name and address for the record; however, it is not required. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda.

To comment on an item that is **on** the agenda, please wait until the item is read for consideration; please limit comments to a maximum of three (3) minutes.

Civility is expected from members of the public during the meeting. For more efficient use of time, disruptive behavior will not be tolerated. While you may not agree with what an individual is saying, please treat everyone with courtesy and respect.

CONSENT CALENDAR:

NOTICE TO THE PUBLIC

Background information has been provided on all matters listed under the Consent Calendar, and these items are considered to be routine. All items under the Consent Calendar are normally approved by one motion. If discussion is requested on any item, that item will be removed from the Consent Calendar for separate action.

WARRANTS:

1. **January 28, 2019**

Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. a) **January 3, 2019 – Special meeting**
b) **January 14, 2019 – Regular meeting**

Recommendation: Approval of minutes as listed.

MINUTES: (Community Development and Resources Commission)

3. **November 28, 2018 – Special meeting**

Recommendation: Acceptance of minutes as listed.

TREASURER'S REPORTS:

4. a) **November 30, 2018**
b) **December 31, 2018**

Recommendation: Acceptance of reports as listed.

OTHER ACTIONABLE ITEMS:

5. **Accepting the findings and recommendations of the Merced County Civil Grand Jury and authorizing and directing the Mayor to send a letter of response (City Manager Waterman)**

Recommendation: Acceptance of the findings and recommendations of the Merced County Civil Grand Jury and authorizes and directs the Mayor to send a letter of response.

6. **City Council Reorganization/Mayor's additional Committee Assignments (Mayor Creighton)**

- **ACE Train** (1 representative and 1 alternate) – **Paul Creighton and Brian Raymond**
- **One Voice** (1 representative and 1 alternate) – **Paul Creighton and Danny Ambriz**
- **Bloss House** (2 representatives) – **Paul Creighton and Brian Raymond**
- **Christmas Parade** (2 representatives) – **Paul Creighton and Cindy Vierra**

Recommendation: Ratifies the Mayor's additional Committee Assignments.

PUBLIC HEARINGS:

7. **Resolution approving Rate Study and adopting new rates for water and wastewater services** (Finance Director Deol)

Recommendation: Open the public hearing and receive any testimony given;

Close the public hearing and receive the City Clerk's findings to determine if the City received protests from a majority of property owners pursuant to the requirements of Proposition 218; and if appropriate

Motion to adopt Resolution No. 3067-19 approving Raftelis' Comprehensive Water and Wastewater Cost of Service Study dated August 8, 2018 and adopting new rates for water and wastewater services effective February 1, 2019; or

Motion to approve staff's recommendation as presented.

CITY COUNCIL MATTERS:

8. **Discussion and possible action regarding the unscheduled vacancy for the position of City Clerk as a result of the resignation of Don Hyler III**

Recommendation: That the City Council appoint an eligible staff member (a qualified elector) as City Clerk to fill the remainder of the term ending December 2020 or provide staff with direction on the process to fill the unscheduled vacancy for the position of City Clerk (appointed or special stand-alone election at an approximate cost of \$60,000-\$75,000) as a result of the resignation of Don Hyler III.

9. **Oath of Office for newly appointed City Clerk**

Recommendation: That Mayor Creighton administer the oath of office to the newly appointed City Clerk.

City Council comments

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

CERTIFICATION:

I, Kim Bengtson-Jennings, Deputy City Clerk/Human Resources Analyst of the City of Atwater, do hereby certify that a copy of the foregoing agenda was posted at City Hall a minimum of 72 hours prior to the meeting.

Kim Bengtson-Jennings

KIM BENGTON-JENNINGS

DEPUTY CITY CLERK/HUMAN RESOURCES ANALYST

SB 343 NOTICE

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.



In compliance with the federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at (209) 357-6204. You may also send the request by email to kjennings@atwater.org.

