

CITY OF ATWATER CITY COUNCIL

AMENDED AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

June 24, 2019

CALL TO ORDER:

5:00 PM

ROLL CALL:

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

CLOSED SESSION:

Adjourn to Conference Room A

- Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment: Title: Public Works Director
- Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Thomas E. Niederreuther v. City of Atwater, Case No. 1:19-CV-00779-DAD-BAM
- Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: City of Atwater v. Shell Oil Company, et al., Case No. SCVSS120627
- Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (3)
- Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: City Manager Waterman

Property Location: APN 056-241-005

REGULAR SESSION: (Council Chambers)

6:00 PM

CALL TO ORDER:

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor Don Borgwardt

ROLL CALL:

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

MAYOR OR INTERIM 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.)

Staff's Recommendation: Motion to approve agenda as posted or as amended.

CEREMONIAL MATTERS:

- **Reserve Firefighters**

Staff's Recommendation: That CAL FIRE Battalion Chief Slate conduct badge pinning for the new Reserve Firefighters: Ceaser Castaneda-Nunez, Noe Ortega-Gomez, and Bradley Woolever.

- **Buhach Colony High School Boys' Baseball Team**

Staff's Recommendation: That Mayor Creighton and City Council Member Cale recognize the Buhach Colony High School Boys' Baseball team as the 2019 CCC Champions.

PRESENTATIONS:

- **Monthly verbal report by Merced County District 3 Supervisor McDaniel**

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. June 24, 2019

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Audit and Finance Committee)

- 2. a) January 22, 2018 – Regular meeting**
- b) May 14, 2018 – Regular meeting**
- c) July 23, 2018 – Regular meeting**
- d) September 24, 2018 – Regular meeting**
- e) November 13, 2018 – Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

TREASURER'S REPORT:

3. May 31, 2019

Staff's Recommendation: Acceptance of report as listed.

RESOLUTIONS:

- 4. Approving a budget amendment regarding Solid Waste Services (Water Division Manager/Chief Operator Shaw)**

Staff's Recommendation: Adoption of Resolution No. 3092-19 approving Budget Amendment No. 9 amending the 2018-19 Fiscal Year Budget regarding Solid Waste Services.

AGREEMENTS:

- 5. Waiving formal procurement process and ratifying Purchase/Service Agreement with AireSpring for the replacement of business phone systems and internet connectivity in City Hall and City owned buildings (City Manager Waterman)**

Staff's Recommendation: Waives the formal procurement process and ratifies a Master (Purchase/Service) Agreement, in a form approved by the Interim City Attorney, with AireSpring, Los Angeles, California, in the amount of \$7,346.12 per month plus taxes and fees for the term of three (3) years, for the replacement of business phone systems and internet connectivity within City Hall and City owned buildings.

OTHER ACTIONABLE ITEMS:

- 6. Ratifying letter of support regarding Atwater Aviation Pavilion Project (Mayor Creighton)**

Staff's Recommendation: Ratifies letter of support regarding Castle Air Museum's application for the Atwater Aviation Pavilion Project.

ANNUAL PETITIONS AND COMMUNICATIONS:

- 7. Request for assistance with annual Independence Run (Gordon Wilkinson)**

Staff's Recommendation: Approval of request for assistance with annual Independence Run on July 4th for the next four (4) years, to coincide with co-sponsorship of the annual 4th of July events, beginning in 2019 through and including 2022.

PUBLIC HEARINGS:

- 8. Resolutions adopting 2019-20 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Miscellaneous Fee Schedule; and amending Classification Plan and approving Salary Schedule (City Manager/Executive Director Waterman)**

Staff's Recommendation: Open the public hearing and receive any testimony given regarding the proposed 2019-20 Fiscal Year Budget and amendments to the Miscellaneous Fee Schedule;

Motion to continue the public hearing to a date certain; and to adopt Joint Authority Resolution No. 3094-19, Resolution No. AFPD 2-2019, and Resolution No. SA 2019-4 authorizing the City Manager/Executive Director to continue making required expenditures to meet current or immediate financial obligations relating to City operations until the 2019-20 Fiscal Year Budget is adopted.

CITY MANAGER REPORTS/UPDATES:

- 9. Ratifying Public Works Director Employment Agreement**

Staff's Recommendation: Motion to ratify Public Works Director Employment Agreement, in a form approved by the Interim City Attorney, with Vernice Haddix; and to authorize and direct the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

10. Authorizing Negotiation and Execution of Amendment to Purchase and Sale Agreement with Universal Real Estate Development LLC for 550 Commerce Avenue and related Loan Agreement

Staff's Recommendation: Motion to authorize and direct the City Manager to negotiate and execute an amendment, in a form approved by the Interim City Attorney, to the Purchase and Sale Agreement with Universal Real Estate Development LLC for 550 Commerce Avenue, as well as a related Loan Agreement, in a form approved by the Interim City Attorney, with Universal Real Estate Development LLC and such other documents as are necessary for the sale of the property on behalf of the City; or

Motion to approve staff's recommendation as presented.

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. Please limit comments to a maximum of three (3) minutes.

CITY COUNCIL MATTERS:

Mayor's Committee Re-assignment

- **Merced County Association of Governments** (1 representative)

Staff's Recommendation: Motion to ratify the Mayor's Committee re-assignment of 1 representative for Merced County Association of Governments.

City Council comments

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

Motion to adjourn

CERTIFICATION:

I, Lucy Armstrong, City Clerk 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.



LUCY ARMSTRONG
CITY CLERK

AB 23 NOTICE:

Pursuant to Government Code Section 54952.3, City Council is not receiving additional compensation for serving as members of the Atwater Fire Protection District and the Successor Agency to the Atwater Redevelopment Agency.

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.