



# CITY OF ATWATER

## SPECIAL MEETING CITY COUNCIL

### ACTION MINUTES

**December 20, 2018**

OPEN SESSION CALL TO ORDER: (Council Chambers)

*The City Council of the City of Atwater met in Special Session this date at 5:02 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.*

PLEDGE OF ALLEGIANCE:

*The Pledge of Allegiance was led by Mayor Creighton.*

ROLL CALL:

**Present:** City Council Members Ambriz, Raymond, Vierra, Vacant, Mayor Creighton

**Absent:** None

**Staff Present:** City Manager Waterman, Deputy City Attorney Hallinan, City Clerk Hyler III, CAL FIRE Battalion Chief Slate, Human Resources Director Del Real, Finance Director Deol, Interim Police Chief Bessinger, General Services Manager/Chief Building Official Pereida, Interim Public Works Director Shaw, Recreation Supervisor Rahn, Executive to the City Manager Martin, Recording Secretary Rasmussen

PUBLIC COMMENT:

*Notice to the public was read.*

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

CLOSED SESSION: (Conference Room A)

***Mayor Creighton invited public comments on Closed Session items.***

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

***Mayor Creighton adjourned the meeting to Conference Room A for Closed Session at 5:04 PM. Closed Session was called to order at 5:06 PM.***

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 – Liability Claims – Government Code Section 54956.95: Claimant: Samuel Joseph against City of Atwater

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Samuel Joseph v. City of Atwater, Case No. 18CV-04981

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

Property Locations:           APN 056-241-005  
  APN 031-164-002

RESUME OPEN SESSION: (Council Chambers)

***Recess to Open Session at 5:11 PM.***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***Deputy City Attorney Hallinan reported that no action was taken and Closed Session will continue following Open Session.***

INVOCATION:

***The Invocation was led by Rich Miller, Valley Baptist Church.***

CONSENT CALENDAR:

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

RESOLUTIONS:

1. Amending City Officials' Handbook regarding public comment timing (City Manager Waterman)

***ACTION: Adoption of Resolution No. 3064-18 amending the Elected and Appointed City Officials' Handbook regarding public comment timing.***

AGREEMENTS:

2. Declaring UV Disinfection System Lamps and Lamp Sleeves sole source items, waiving the competitive bidding process, and awarding the purchase of UV Disinfection System Lamps and Lamp Sleeves for the Wastewater Treatment Plant (Interim Public Works Director Shaw)

***ACTION: Declares UV Disinfection System Lamps and Lamp Sleeves sole source items, waives the competitive bidding process, and awards the purchase of replacement UV Disinfection System Lamps and Lamp Sleeves for the Wastewater Treatment Plant to DC Frost Associates, Inc. in an amount not to exceed \$66,940.26 plus freight charges; and authorizes and directs the City Manager to execute the purchase order on behalf of the City.***

CITY COUNCIL MEMBER INTERVIEWS:

Interviews for one (1) unscheduled vacancy on the City Council as a result of the November 6, 2018 General Municipal Election, for the remainder of the term ending December 2020

***The City Council interviewed John Cale, Wesley Unruh, James Murphy III, Jimmie Davis, Eugene Drummond, and Robert Sheets.***

***CHRISTOPHER HENDERSON, Atwater, spoke regarding the current fiscal status of the City. He offered his services to cure the financial woes of the City of Atwater.***

CITY COUNCIL MEMBER APPOINTMENT:

Appointment of one (1) City Council Member candidate to fill the unscheduled vacancy for the position of City Council Member of the Atwater City Council

***City Clerk Hyler III distributed and collected ballots and the votes were:***

<b><i>City Council Member Raymond:</i></b>	<b><i>Eugene Drummond</i></b>
<b><i>City Council Member Vierra:</i></b>	<b><i>John Cale</i></b>
<b><i>City Council Member Ambriz:</i></b>	<b><i>John Cale</i></b>
<b><i>Mayor Creighton:</i></b>	<b><i>John Cale</i></b>

***MOTION: Mayor Creighton moved to adopt Resolution 3065-18 appointing John Cale to fill the unscheduled vacancy for the position of City Council Member of the Atwater City Council, for the remainder of the term ending December 2020. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Raymond, Vierra, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.***

OATH OF OFFICE FOR NEWLY APPOINTED CITY COUNCIL MEMBER:

***Mayor Creighton administered the oath of office to newly appointed City Council Member John Cale.***

BOARD MEMBER INTERVIEWS:

Interviews for one (1) scheduled vacancy on the Merced County Mosquito Abatement District Board of Trustees, for a four year term, term ending December 2022

***Mike Nelson, Atwater, was interviewed and advised that the appointment will be made at the regular City Council meeting of January 14, 2019.***

***There were no other applicants for interview.***

CONTINUATION OF CLOSED SESSION:

***Mayor Creighton adjourned the Special Meeting to Conference Room A for continuation of Closed Session at 7:00 PM. Closed Session was called to order at 7:01 PM.***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***Mayor Creighton reported that by a 5-0 vote, the City Council rejected the Liability Claim of Samuel Joseph against the City of Atwater. No other action was taken and staff was given direction. The Closed Session agenda was completed.***

ADJOURNMENT:

***Closed Session adjourned at 8:00 PM.***

***The Special Meeting adjourned at 8:01 P.M.***

  
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Don Hyler III, City Clerk

By: Lesa Rasmussen  
Recording Secretary