

In-person participation by the public will be permitted. In addition, remote public participation is available in the following ways:

- 1. Livestream online at www.atwater.org (Please be advised that there is a broadcasting delay. If you would like to participate in public comment, please use the option below).*
- 2. Submit a written public comment prior to the meeting: Public comments submitted to cityinfo@atwater.org by 4:00 p.m. on the day of the meeting will be distributed to the City Council, and made part of the official minutes but will not be read out loud during the meeting.*

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the City in advance of the meeting, and as soon as possible, at (209) 357-6300.

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

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

June 27, 2022

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Phil Jenkins

ROLL CALL:

Ambriz _____, Button _____, Cale _____, Raymond _____, Creighton _____

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.

PRESENTATIONS:

- **Monthly 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 27, 2022

Staff's Recommendation: Approval of warrants as listed.

TREASURER'S REPORT:

2. May 31, 2022

Staff's Recommendation: Approval of report as listed.

MINUTES: (City Council)

3. June 13, 2022 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. April 20, 2022 - Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (Citizens' Oversight Committee)

5. March 8, 2022 - Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

6. **Approving the Statement of Investment Policy for Fiscal Year 2022-23 and delegating authority to the City Treasurer to invest funds accordingly** (Finance Director Youmara)

Staff's Recommendation: Adoption of Resolution No. 3320-22 approving the Statement of Investment Policy for Fiscal Year 2022-23 and delegating authority to the City Treasurer to invest funds in accordance with the Statement of Investment Policy.

7. **Approving and Ratifying Side Letter of Agreement with Atwater Police Officers Association regarding Terms and Conditions of Employment** (City Manager Waterman and Deputy City Manager Del Real)

Staff's Recommendation: Adoption of Resolution No. 3324-22 approving and ratifying Side Letter of Agreement, in a form approved by the City Attorney, between the City of Atwater and Atwater Police Officers' Association ("APOA") pertaining to certain terms and conditions of employment; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

8. **Calling, giving notice of, and consolidating the 2022 General Municipal Election** (City Clerk Armstrong)

Staff's Recommendation: Adoption of Resolution No. 3323-22 calling and giving notice of the holding of a General Municipal Election to be held on Tuesday, November 8, 2022 for the election of the Mayor (at large) and two (2) members of the City Council within the boundaries of District Three (3) and District Four (4), as required by the provisions of the laws of the State of California relating to General Law Cities; and requests the Board of Supervisors of the County of Merced consolidate the General Municipal Election to be held on November 8, 2022 with the Gubernatorial General Election to be held on the date pursuant to Section 10403 of the Election Code.

AGREEMENTS:

9. **Approving Second Amendment to General Services Agreement with Jani Tek Cleaning Solutions for the cleaning and disinfecting of City-Owned Buildings** (Public Works/Community Development Director Thompson)

Staff's Recommendation: Approval of the Second Amendment to the General Services Agreement, in a form approved by the City Attorney, with Jani Tek Cleaning Solutions of Stockton, California, in a form approved by the City Attorney, for the cleaning and disinfecting of City Owned Buildings, in an amount not to exceed \$111,678, plus up to an additional \$25,000 for any additional City facilities; and authorizes and directs the City Manager, or her designee, to execute the Amendment on behalf of the City.

10. **Approving Second Amendment to Community Development Director Employment Agreement** (Deputy City Manager Del Real)

Staff's Recommendation: Approval of the Second Amendment to the Community Development Director Employment Agreement between Greg Thompson and the City of Atwater; and authorizes and directs the City Manager to execute the Amendment on behalf of the City.

PETITIONS AND COMMUNICATIONS:

*****END OF CONSENT CALENDAR*****

PUBLIC HEARINGS:

11. Adopting a resolution Setting Miscellaneous Fees and Re-Adopting Miscellaneous Fee Schedule (Finance Director Youmara)

Staff's Recommendation: Open the Public Hearing and receive any testimony given regarding the proposed 2022-23 Miscellaneous Fee Schedule;

Close the Public Hearing;

Motion to adopt Resolution No. 3321-22 Setting the City of Atwater's Miscellaneous Fees and Re-Adopting the Miscellaneous Fee Schedule for Fiscal Year 2022-23; or

Motion to approve staff's recommendation as presented.

12. Resolutions adopting Fiscal Year 2022-23 Budget including Five-Year Capital Improvement Plan and approving Fund Expenditures and Fund Transfers; establishing appropriations limitations; and amending Classification Plan and adopting Salary Schedule A-23, effective June 23, 2022 (City Manager/Executive Director Waterman, Deputy City Manager Del Real, and Finance Director/Treasurer Youmara)

Staff's Recommendation: Open the public hearing and receive any testimony given regarding the Fiscal Year 2022-23 Proposed Budget;

Close the Public Hearing;

Review the Fiscal Year 2022-23 Proposed Budget; and

Motion to adopt Joint Authority Resolution No. 3317-22, Resolution No. AFD 1-2022, and Resolution No. SA 2022-1 adopting the Fiscal Year 2022-23 budget, approving Fund Expenditures and Fund Transfers, and Five-Year Capital Improvement Program with any modifications from the budget review and public hearing; to adopt Resolution No. 3318-22 establishing the Fiscal Year 2022-23 Appropriations Limitation; to adopt Resolution No. 3319-22 amending the City of Atwater Classification Plan and adopting Salary Schedule A-23, effective June 23, 2022; or

Motion to approve Staff's recommendation as presented.

Alternative Recommendation: If the City Council, Board of Directors, and Governing Board are not able to adopt Joint Authority Resolution No. 3317-22, Resolution No. AFD 1-2022, and Resolution No. SA 2022-1 at this meeting, it is recommended that the City Council, Board of Directors, and Governing Board:

Motion to adopt Joint Authority Resolution No. XXXX-22, Resolution No. AFPD X-2022, and Resolution No. SA 2022-X authorizing the City Manager to continue making required expenditures to meet current or immediate financial obligations relating to City operations until the 2022-23 Fiscal Year Budget is adopted; or

Motion to approve alternative recommendation as presented.

Note resolution numbers will be assigned during the meeting, if required.

REPORTS AND PRESENTATIONS FROM STAFF:

- 13. Employment Agreement for Public Works Director** (City Manager Waterman and Deputy City Manager Del Real)

Staff's Recommendation: Motion to ratify Public Works Director Employment Agreement, in a form approved by the City Attorney, with Justin Vinson; 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.

CITY MANAGER REPORTS/UPDATES:

- 14. City Manager Updates**

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:

City Council comments

ADJOURNMENT:

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

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) 357-6317. You may also send the request by email to larmstrong@atwater.org.