

# CITY OF ATWATER CITY COUNCIL

Council Chambers  
750 Bellevue Road  
Atwater, California

**August 27, 2018**

CALL TO ORDER:

**5:00 PM**

ROLL CALL:

**Creighton \_\_\_\_\_, Raymond \_\_\_\_\_, Vierra \_\_\_\_\_, Vineyard \_\_\_\_\_, Price \_\_\_\_\_**

CLOSED SESSION:

Adjourn to Conference Room A

- **Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(1)(d): 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(2)(d): Number of cases: (4)**
- **Pursuant to Government Code Section 54957(b)(1), Public Employee Performance Evaluation: Interim City Manager (part 2 of 2)**
- **Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment: City Manager**

REGULAR SESSION: (Council Chambers)

**6:00 PM**

CALL TO ORDER:



PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

**Invocation by Police Chaplain McClellan**

ROLL CALL:

**Creighton \_\_\_\_\_, Raymond \_\_\_\_\_, Vierra \_\_\_\_\_, Vineyard \_\_\_\_\_, Price \_\_\_\_\_**

**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.)

**Staff's 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. We request that you state your name and address for the record. 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 five (5) 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. August 27, 2018**

**Staff's Recommendation:** Approval of warrants as listed.

**MINUTES:** (City Council)

**2. July 23, 2018 Regular meeting**

**Staff's Recommendation:** Approval of minutes as listed.

RESOLUTIONS:

**3. Re-adopting Conflict of Interest Code (City Clerk Hyler III)**

**Staff's Recommendation:** Adoption of Resolution No. 3051-18 re-adopting the City of Atwater's Conflict of Interest Code.

**4. Approving Regional Surface Transportation Program Exchange Funds Claim for Fiscal Year 2017-18 (Interim Public Works Director Shaw)**

**Staff's Recommendation:** Adoption of Resolution No. 3057-18 authorizing and directing the Interim City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2017-18; and adoption of Resolution No. 3058-18 approving Budget Amendment No. 2 amending Fiscal Year 2018-19 Budget regarding RSTP funds.

AGREEMENTS:

**5. Approving Memorandum of Understanding with Merced County Office of Education regarding School Resource Officer (Interim Police Chief Bessinger/Human Resources Director Del Real)**

**Staff's Recommendation:** Approval of Memorandum of Understanding, in a form approved by the City Attorney, with Merced County Office of Education regarding School Resource Officer; and authorizes and directs the Interim City Manager to execute the Memorandum of Understanding on behalf of the City.

**6. Approving Professional Services Agreement with VVH Consulting Engineers for the Wastewater Treatment Plant Drying Beds Expansion Project (Interim Public Works Director Shaw)**

**Staff's Recommendation:** Approval of Professional Services Agreement, in a form approved by the City Attorney, with VVH Consulting Engineers in an amount not to exceed \$23,750 for the Wastewater Treatment Plant Drying Beds Expansion Project; and authorizes and directs the Interim City Manager to execute the Agreement on behalf of the City.

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim, however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6204).

**7. Claim No. 2018-10**

**Staff's Recommendation:** After consideration and investigation, it is staff's recommendation that Claim No. 2018-10 be rejected.

PETITIONS AND COMMUNICATIONS:

8. **Request from Yosemite Church for joint community outreach event** (Don Borgwardt, Campus Director)

**Staff's Recommendation:** Approval of request from Yosemite Church to co-sponsor community outreach event, "Movie in the Park Night," on September 29, 2018 at Ralston Park from approximately 7:30 PM to 9:45 PM; or

Motion to approve staff's recommendation as presented.

9. **Request from Weight Watchers, Central California territory, for use of Community Center at reduced rate** (Matthew Karres, Representative)

**Staff's Recommendation:** Approval of request, as recommended by the Community Development and Resources Commission, from Weight Watchers, Central California territory, for use of the Community Center on a weekly basis at the reduced rate of \$35.00 per hour for a period of six (6) months; or

Motion to approve staff's recommendation as presented.

FUNDING AND BUDGET MATTERS:

10. **Treasurer's Report for the month of July, 2018** (City Treasurer Heller)

**Staff's Recommendation:** Motion to approve the Treasurer's Report for the month of July, 2018; or

Motion to approve staff's recommendation as presented.

INTERIM CITY MANAGER REPORTS/UPDATES:

11. **Discussion and possible action to establish a policy addressing should there become an unscheduled vacancy on the City Council as a result of the upcoming November 6, 2018 Gubernatorial General Election**

**Staff's Recommendation:** That the City Council, by motion, provide staff with direction to establish a policy addressing should there become a vacancy on the City Council (appointed or special stand-alone election at an approximate cost of \$60,000-\$75,000).

CITY ATTORNEY REPORTS:

12. **Resolution adopting City Official's Handbook**

**Staff's Recommendation:** Motion to adopt Resolution No. 3060-18 adopting the City Officials' Handbook establishing rules, procedures, and guidelines for City Officials in conducting City-related business; or

Motion to approve staff's recommendation as presented.

CITY COUNCIL MATTERS:

- 13. Ratifying City Manager Employment Agreement** (City Council Member Vierra, presentation by: City Attorney White)

**Staff's Recommendation:** That the City Council, by motion, ratify City Manager Employment Agreement, in a form approved by the City Attorney, with Lori Waterman; and authorize and direct the Mayor to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 14. Request for Proposals for in-house City Attorney services** (Mayor Pro Tem Vineyard)

**Staff's Recommendation:** That the City Council, by motion, provide staff with direction regarding a Request for Proposals (RFP) for in-house City Attorney services.

- 15. Destruction of abandoned building at Veteran's Park** (City Council Member Creighton)

**Staff's Recommendation:** That the City Council, by motion, provide staff with direction regarding the destruction of abandoned building at Veteran's Park.

City Council comments

ADJOURNMENT:

**CERTIFICATION:**

I, Don Hyler III, 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.



\_\_\_\_\_  
DON HYLER III, 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) 357-6204. You may also send the request by email to [kjennings@atwater.org](mailto:kjennings@atwater.org).*