



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**JUNE 10, 2019**

REGULAR SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Regular Session this date at 6:02 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.*

ROLL CALL:

**Present:** *City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton*

**Absent:** *None*

**Staff Present:** *City Manager Waterman, Interim City Attorney Sanchez, CAL FIRE Battalion Chief Slate, City Clerk Armstrong, Executive to the City Manager Martin*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Mayor Pro Tem Raymond.*

INVOCATION:

*The Invocation was led by Pastor Donald Borgwardt.*

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

**MOTION:** *Mayor Pro Tem Raymond moved to approve the agenda as posted. The motion was seconded by City Council Member Vierra and the vote was: Ayes:*

**Raymond, Ambriz, Vierra, Cale, Creighton; Noes: None; Absent: None. The motion passed.**

CEREMONIAL MATTERS:

Certificates:

Atwater High School

**City Council Member Vierra presented certificates of recognition to the Atwater High School Girls' Wrestling Team, the Boys' Doubles Tennis Team, and the Atwater High School Future Farmers of America. She also recognized the Future Farmers of America members who have competed in Public Speaking, Milk Quality and Dairy Judging and Proficiencies in Turf Grass Management, on behalf of the City of Atwater and the Atwater City Council. She verbally recognized the Atwater High School Guard and Percussion units of the Falcon Band.**

Kathy Wood

**Mayor Pro Tem Raymond presented a certificate of recognition to Kathy Wood for her volunteer work with the City's Rose Garden.**

MAYOR'S ANNOUNCEMENT OF NEWLY APPOINTED PLANNING COMMISSIONERS:

**Mayor Creighton introduced the following persons as the newly appointed City of Atwater Planning Commission:**

- **Ronald Daugherty**
- **Sharyn Mead**
- **Mike Nelson**
- **Donald Borgwardt**
- **Fred Warchol**

**Mayor Creighton called a recess at 6:24 PM.**

**The City Council returned to the dais and Mayor Creighton resumed the meeting at 6:29 PM.**

CONSENT CALENDAR:

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

WARRANTS:

1. June 10, 2019

**ACTION: Approval of warrants as listed.**

MINUTES: (City Council)

2. a) April 22, 2019 – Regular meeting  
b) May 6, 2019 – Special meeting

**ACTION: Approval of minutes as listed.**

MINUTES: (Audit and Finance Committee)

3. a) February 27, 2017 – Regular meeting  
b) March 27, 2017 – Regular meeting  
c) April 24, 2017 – Regular meeting  
d) September 25, 2017 – Regular meeting  
e) November 13, 2017 – Regular meeting  
f) December 11, 2017 – Regular meeting  
  
g) April 22, 2019 – Regular meeting

**ACTION: Acceptance of minutes as listed.**

RESOLUTIONS:

4. Initiates proceedings for the annual assessments levy with respect to the various maintenance districts for Fiscal Year 2019/20 (General Services Manager Pereida)

**ACTION: Adoption of Resolution No. 3088-19 initiating proceedings for the annual assessments levy with respect to the various maintenance districts for Fiscal Year 2019/20 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California.**

5. Ordering the Engineer to prepare and file reports declaring the City's intent to collect assessments, preliminarily approving Engineer's Reports, and setting a public hearing for the collection of annual levy for various maintenance districts for Fiscal Year 2019/20 (General Services Manager Pereida)

**ACTION: Adoption of Resolution No. 3089-19 ordering the Engineer to prepare and file reports for the collection of annual levy for various assessments for the Lighting and Drainage and Landscape Maintenance Districts for Fiscal Year 2019/20; and adoption of Resolution No. 3090-19 declaring intention to levy and collect annual assessments for various assessments for the Lighting and Drainage and Landscape Maintenance Districts for Fiscal Year 2019/20, granting preliminary**

*approval of the Engineer's Reports, and setting a public hearing date for said assessments for July 8, 2019.*

CLAIMS AGAINST THE CITY:

6. Claim No. 2019-5

***ACTION:*** *After consideration and investigation, it is staff's recommendation that Claim No. 2019-5 be rejected.*

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*One person spoke regarding the upcoming "Movies in the Park" events planned to begin on June 22<sup>nd</sup> with the movie "The Incredibles." He invited the City Council and the public to attend. He also announced the Atwater Chamber of Commerce Installation Dinner on June 18<sup>th</sup> at the Bloss House Museum.*

*One person spoke regarding the resignation of Churchwell White as City Attorney.*

*Diana Westmoreland, representing California State Senator Anna Caballero, thanked the City Council and staff for their assistance in hosting the Young Legislator Program in Atwater.*

*No one else came forward to speak.*

CITY COUNCIL MATTERS:

Approving Professional Services Agreement with Meyers Nave for Interim City Attorney Legal Services (City Manager Waterman)

***MOTION:*** *City Council Member Vierra moved to approve a Professional Services Agreement with Meyers, Nave, Riback, Silver, & Wilson ("Meyers Nave") for Interim City Attorney Legal Services; and to authorize and direct the Mayor to execute the Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Cale, Raymond, Vierra, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

Approving Limited Scope Engagement Agreement with Churchwell White, LLP, for Special Counsel Legal Services (City Manager Waterman)

***City Manager Waterman provided an overview of the Limited Scope Engagement Agreement.***

***MOTION:*** *City Council Member Vierra moved to approve a Limited Scope Engagement Letter Agreement with Churchwell White, LLP, Sacramento, California*

**for Special Counsel Legal Services, in a form approved by the Interim City Attorney; and to authorize and direct the Mayor to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Cale, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.**

City Council comments

**City Council Member Cale had no comments.**

**City Council Member Ambriz congratulated all graduates in the area. He also committed to attending the "Movies in the Park" event.**

**Mayor Pro Tem Raymond encouraged everyone to hydrate and be safe during the excessive heat.**

**City Council Member Vierra encouraged everyone to be safe in the heat as well as around pool areas, watching out for pets in the heat, and be aware that kids are out of school.**

**Mayor Creighton reminded the public that cooling centers do not open until three consecutive days of 100+ degree heat are realized. He welcomed Jose Sanchez as the Interim City Attorney.**

**ADJOURNMENT:**

Adjourn to Tuesday, June 18, 2019 at 10:00 AM in the City Council Chambers, 750 Bellevue Road, Atwater, to hold a workshop regarding the FY 2019/20 Budget

**MOTION: City Council Member Vierra moved to adjourn the meeting to Tuesday, June 18, 2019 at 10:00 AM in the City Council Chambers, 750 Bellevue Road, Atwater, to hold a workshop regarding the FY 2019/20 Budget. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Vierra, Cale, Raymond, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.**

**Mayor Creighton adjourned the meeting at 6:43 PM.**

  
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LUCY ARMSTRONG, CITY CLERK

By: Lesa Rasmussen  
P-M Transcription Services