



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES OCTOBER 28, 2019

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:01 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, Mayor Pro Tem Raymond, Mayor Creighton

Absent: City Council Member Vierra

Staff Present: City Manager Waterman, Interim City Attorney Sanchez, Project Manager Lamerson, Deputy City Clerk Martin

CLOSED SESSION: (Conference Room A)

Mayor Creighton invited public comment 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 5:10 PM.

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: City Manager Waterman, Interim City Attorney Sanchez, and Human Resources Director Del Real; Bargaining Unit: Atwater Police Officers Association

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Richard Johnson et al. vs. City of Atwater et al., Case No. 19CV-00272

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

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: City of Atwater vs. 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: (2)

Closed Session adjourned at 5:50 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:01 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Freddy Castiglione.

INVOCATION:

The Invocation was led by Pastor Alfred Perez.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Mayor Pro Tem Raymond, Mayor Creighton
Absent: City Council Member Vierra
Staff Present: City Manager Waterman, Interim City Attorney Sanchez, Police Chief Salvador, CAL FIRE Battalion Chief Slate, Finance Director Jacobs-Hunter, General Services Manager Pereida, Water Division Manager/Chief Operator Shaw, Deputy City Clerk Martin

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Sanchez reported that no reportable action was taken, and staff was given direction. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS:

None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

City Manager Waterman announced that agenda item #12 under City Manager's Reports/Updates, "Resolution calling, giving notice of, and consolidating a Special Municipal Election to be held on Tuesday March 3, 2020 regarding the renewal of a Transactions and Use Tax in the City of Atwater; and introducing an ordinance amending and restating Chapter 3.45 "Atwater Public Safety Transactions and Use Tax" of the Atwater Municipal Code," be continued to an Adjourned Meeting on Wednesday, October 30, 2019 at 5:00 PM at the Atwater Civic Center, 750 Bellevue Road, Atwater.

MOTION: *City Council Member Cale moved to approve the agenda as amended, to continue agenda item #12 to an Adjourned Meeting on Wednesday, October 30, 2019 at 5:00 PM at the Atwater Civic Center, 750 Bellevue Road, Atwater. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Ambriz, Cale, Creighton; Noes: None; Absent: Vierra. The motion passed.*

Mayor Creighton invited public comments on agenda item #12.

No one came forward to speak.

CEREMONIAL MATTERS:

Key to the City – Giuseppe Castiglione

Mayor Creighton presented the Key to the City to Giuseppe Castiglione for his many contributions to the City of Atwater.

Mayor Creighton called a recess at 6:26 PM.

The City Council returned to the dais, and Mayor Creighton resumed the meeting at 6:40 PM.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***The Merced County Connection is published and copies are available here and on line.***
- ***The Campus Parkway Express is 86% complete; it is part of the loop with the Atwater Merced Expressway to the UC Merced campus.***
- ***Revenues are steady at the County and the economy continues to be***

positive. He is working on a new policy to address possible downturns in the local economy.

CONSENT CALENDAR:

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

WARRANTS:

1. October 28, 2019

ACTION: Approval of warrants as listed.

MINUTES: (Planning Commission)

2. September 18, 2019 – Regular meeting

ACTION: Acceptance of minutes as listed.

CALL FOR BIDS:

3. Resolution approving a budget amendment, approving plans and specifications, and authorizing advertising and call for bids for Winton Way Reconstruction Project (General Services Manager Pereida)

ACTION: Adoption of Resolution No. 3120-19 approving Budget Amendment No. 3 amending FY 2019-20 Budget to establish Measure V Regional Fund for Winton Way Reconstruction Project; and approval of plans and specifications and authorizes advertising and call for bids for Winton Way Reconstruction Project, Project No.15-1, Bid Call No. 684-19.

AGREEMENTS:

4. Ratifying Purchase Agreement (Purchase Order) with Rockwell Engineering and Equipment Company for pump replacement at the Wastewater Treatment Plant (Public Works Director Haddix)

ACTION: Ratifies a Purchase Agreement (Purchase Order) with Rockwell Engineering and Equipment Company of Tustin, California, in the amount of \$28,150.81 for material, labor, and equipment to repair and convert Vaughan Return Activated Sludge (RAS) Submersible Pump for the Wastewater Treatment Plant.

5. Claim No. 2019-13

ACTION: *After consideration and investigation, it is staff's recommendation that Claim No. 2019-13 be rejected.*

ANNUAL PETITIONS AND COMMUNICATIONS:

6. Request from Valley Christian Chapel for assistance with annual Harvest Festival (Glenn Summerton)

ACTION: *Approval of request from Valley Christian Chapel, contingent upon receipt of current liability certificate including endorsements, for assistance with their annual Harvest Festival on Thursday, October 31, 2019, to block off Third Street between Broadway Avenue and Cedar Avenue from 5:30 – 9:00 PM.*

7. Request from Atwater Chamber of Commerce for assistance with annual Christmas Parade (Alice Gilbertson, Committee Member)

ACTION: *Approval of request from Atwater Chamber of Commerce, contingent upon receipt of current liability certificate including endorsements, for assistance with their annual Christmas Parade on Friday, December 6, 2019 starting at 7:00 PM beginning in front of Foster Freeze, traveling south on Winton Way, east on Broadway Avenue, and ending at the Bloss House; to block roads and for use of electricity boxes along the route.*

PUBLIC HEARINGS:

Resolution adopting City of Atwater Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (General Services Manager Pereida)

General Services Manager Pereida provided a summary of the Self-Evaluation and Transition Plan.

Mayor Creighton opened the public hearing for this item.

No one came forward to speak, and Mayor Creighton closed the public hearing.

MOTION: *City Council Member Cale moved to adopt Resolution No. 3118-19 adopting City of Atwater Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Raymond, Cale, Creighton; Noes: None; Absent: Vierra. The motion passed.*

REPORTS AND PRESENTATIONS FROM STAFF:

Awarding General Construction Contract for Mitchell Avenue Reconstruction Project (General Services Manager Pereida)

General Services Manager Pereida provided a summary of the reconstruction project involving new street repairs on Mitchell Avenue. He commented that the project will begin in early December and area residents have been notified of the pending work.

MOTION: *City Council Member Ambriz moved to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act (“CEQA”) Guidelines, Section 15301, “Existing Facilities;” to award a General Construction Contract, in a form approved by the Interim City Attorney, to Taylor Backhoe Service, Inc. of Merced, California, in the amount not to exceed \$72,456.22 for Mitchell Avenue Reconstruction Project, Project No. 18-6, Bid Call No. 682-19; and to authorize and direct the City Manager to execute the Contract on behalf of the City. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Cale, Raymond, Ambriz, Creighton; Noes: None; Absent: Vierra. The motion passed.*

Awarding General Construction Contract for Third Street Sidewalk Improvement Project (General Services Manager Pereida)

General Services Manager Pereida provided a summary of the improvements planned for a variety of areas along Third Street.

MOTION: *Mayor Pro Tem Raymond moved to make the finding that the project is categorically exempt under provisions of the California Environmental Quality Act (“CEQA”) Guidelines, Section 15301, “Existing Facilities;” to award a General Construction Contract, in a form approved by the Interim City Attorney, to Phase I Construction, Inc. of Atwater, California, in the amount not to exceed \$81,095 for Third Street Sidewalk Improvement Project, Project No. 18-1, Bid Call No. 683-19; and to authorize and direct the City Manager to execute the Contract on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Cale, Ambriz, Creighton; Noes: None; Absent: Vierra. The motion passed.*

Waiving the first reading and introducing an ordinance repealing and re-enacting Title 15 “Buildings and Construction” of the Atwater Municipal Code, and setting a public hearing date (General Services Manager Pereida)

General Services Manager Pereida provided a summary of the need to review and adopt local building codes in keeping with the timeline as mandated by the State of California.

Interim City Attorney Sanchez reported that some items in the Municipal Code have been identified for clarification with no substantive changes to the intent.

MOTION: *City Council Member Cale moved to waive the first reading and introduce Ordinance No. CS 1019 repealing and re-enacting Title 15 “Buildings and Construction” of the Atwater Municipal Code, and setting a public hearing*

date for adoption of Ordinance No. CS 1019 on November 12, 2019. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Raymond, Cale, Creighton; Noes: None; Absent: Vierra. The motion passed.

CITY MANAGER'S REPORTS/UPDATES:

Resolution calling, giving notice of, and consolidating a Special Municipal Election to be held on Tuesday, March 3, 2020 regarding the renewal of a Transactions and Use Tax in the City of Atwater; and introducing an ordinance amending and restating Chapter 3.45 "Atwater Public Safety Transactions and Use Tax" of the Atwater Municipal Code

This item was continued to an Adjourned Meeting on Wednesday, October 30, 2019 at 5:00 PM at the Atwater Civic Center, 750 Bellevue Road, Atwater.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

CAL FIRE Battalion Chief Slate reported that tickets are now available for the Tri Tip Dinner scheduled for Saturday, December 7th at Station 41 in support of the Atwater Fire and Police Holiday Toy Drive.

Police Chief Salvador also commented that anyone attending the Bloss Bowl football game this Friday at Atwater High School can bring unwrapped toy donations; police vehicles will be on site to collect donations. When making a donation please state which team you are donating for (i.e. Atwater HS or Buhach Colony HS) and the team with the most donations will receive a trophy. He also reported that October 31, 2019 the Atwater Police Department will host a trick or treat give away at City Hall from 3:30 to 5:00 PM at the Police Department window.

One person spoke in opposition to the placement of Public Comment at the end of the agenda.

One person spoke regarding the fiscal distress as reported in the local newspaper and requested information about where the City stands today.

One person spoke in opposition to a proposed gas station and convenience store on Winton Way that was recently considered and recommended by the Planning Commission. She suggested that interpreters be present for the public at City Council meetings.

Kyle Loreto, Republic Services, introduced the new Operations Supervisor for Merced County, Steve Gallicio. Mr. Gallicio commented that he looks forward to working with the City of Atwater.

Pastor Miller announced that Victory Baptist Church is celebrating their 31st anniversary on Sunday, November 3, 2019 at 10:30 AM and a meal will be served following the service.

Germaine Pastor, Students with Aspiring Goals, thanked the City Council members who recently participated in the recent clean-up efforts of the Determine Avenue area.

One person spoke regarding a 6th grade camp fundraiser on November 20th between 4:30 and 6:30 PM at Elmer Wood School. Tickets are available for \$10.00 each.

One person spoke encouraging improvements to Winton Way by the 4th of July. He also expressed opposition to the establishment of a gas station/liquor store on Winton Way.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Cale commented that he wants everyone to be extra careful on Halloween and watch out for the kids. He also reminded everyone that Veterans Day is November 12th. He congratulated Giuseppe Castiglione on his recognition by the City.

City Council Member Ambriz encouraged citizens to attend the meeting on the 30th and express their opinions about the Public Safety Tax ballot item. He also encouraged drivers to slow down on Halloween night. He wished his younger brother a Happy Birthday today.

Mayor Pro Tem Raymond also congratulated Giuseppe Castiglione and urged the public to use extra caution on Halloween. He asked City Manager Waterman to provide an update to the City Council regarding the homeless encampment on Atwater Blvd.

Mayor Creighton offered his congratulations to Giuseppe Castiglione. He encouraged the public to attend the Bloss Bowl on Friday and support the toy drive. He also suggested that staff look into changing the process for special event applications through the Planning Commission. He clarified that interpreters are available at City Council meetings if someone contacts the Deputy City Clerk and makes a request.

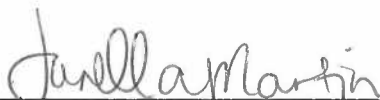
CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Mayor Creighton adjourned the meeting to Wednesday, October 30, 2019 at 5:00 PM at the Atwater Civic Center, 750 Bellevue Road, Atwater, California, to continue agenda item #12.

The meeting adjourned at 7:10 PM.



JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
P-M Transcription Services