



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

May 28, 2019

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open 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.

ROLL CALL:

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

Absent: None

Staff Present: City Manager Waterman, Deputy City Attorney Young, 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 5:07 PM.

Conference with Labor Negotiator – Government Code Section 54957.6. Agency Negotiators: City Manager Waterman and Human Resources Director Del Real; Bargaining Unit: AFSCME Local 2703 – Clerical Unit

Pursuant to Government Code Section 54957(b)(1), Public Employee Appointment: Title: City Attorney

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: City of Atwater v. Shell Oil Company, et al., Case No. SCVSS120627

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

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (1)

Closed Session adjourned at 5:58 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:04 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 Brantley Beckman.

INVOCATION:

The Invocation was led by Mayor Pro Tem Raymond.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton
Absent: None
Staff Present: City Manager Waterman, Deputy City Attorney Young, General Services Manager/Chief Building Official Pereida, Interim Public Works Director Shaw, Reserve Police Officer Friedberg, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Mayor Creighton reported that the Closed Session agenda was not completed and that Closed Session will resume following the Regular Session.

SUBSEQUENT NEED ITEMS: ***None.***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

City Manager Waterman requested that agenda item under Reports and Presentations from Staff, "Verbal update regarding engineering projects," be

moved to follow agenda item under Presentations, “Merced County Association of Governments (MCAG) Measure V update.”

MOTION: City Council Member Cale moved to reorder the agenda as requested, to move agenda item under Reports and Presentations from Staff, “Verbal update regarding engineering projects,” to follow agenda item under Presentations, “Merced County Association of Governments (MCAG) Measure V update.” The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Ambriz, Cale, Vierra, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

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

CEREMONIAL MATTERS:

Certificates:

Atwater High School

Mayor Creighton announced that the Atwater High School teams and individuals will be recognized at the next regular City Council meeting.

Buhach Colony High School

Mayor Creighton recognized the Buhach Colony High School Boys Golf team as the 2019 CCC Champions. Coach Mike Bell introduced the team members and reviewed their achievements in League, tournaments, and district performance.

City Council Member Cale presented certificates of recognition to the Buhach Colony High School Golf Team.

Proclamation:

National Public Works Week

Mayor Creighton read the proclamation honoring the Public Works Department and declared the Week of May 19-25, 2019 as National Public Works Week in the City of Atwater.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel announced that revenues are coming in promptly, and he anticipates passing a balanced budget for Merced

County. He also announced that a new position for a grant writer has been authorized. He reported that the second meeting concerning homeless and housing has been held. He also announced that there will be a new voting system initiated at the Board of Supervisors. He stated that a potential uniform manufacturing company may be locating at Castle Commerce Center. Finally, he summarized the roadside refuse clean-up efforts throughout Merced County.

Merced County Association of Governments (MCAG) Measure V update (Mary-Michal Rawling, Public Affairs Manager)

Mary-Michal Rawling introduced Matt Fell, Transportation Planning Manager, and Associate Transportation Planner Ty Phimmasone provided a PowerPoint presentation sharing the findings of the MCAG Annual Report for Measure V funds. She reported that the share of funds allocated to the City of Atwater over a 15 month period was \$848,000. Additionally Atwater received \$1 million dollars for a regional project addressing Winton Way. She reported that only 1% of revenues are allocated to the administration of the funds.

REPORTS AND PRESENTATIONS FROM STAFF:

Verbal update regarding engineering projects (City Engineer Michael Hayes, VVH)

City Engineer Michael Hayes (VVH) provided a PowerPoint presentation reporting on the current Capital Improvement Projects throughout the City of Atwater. The projects are funded by multiple sources including state, federal, and local funds.

CONSENT CALENDAR:

Agenda item #6 under Agreements, "Awarding Professional Services Agreement to Kyhn's Air Conditioning and Heating for heating and air conditioning repair and preventive maintenance services," was removed from the consent calendar for separate discussion and possible action.

Agenda item #7 under Agreements, "Awarding Professional Services Agreement to Provost & Pritchard Consulting Group for engineering design services for 1,2,3, Trichloropropane (TCP) Treatment at the City Water Supply Well No. 20A," was removed from the consent calendar for separate discussion and possible action.

Agenda item #8 under Agreements, "Ratifying Purchase Agreement for replacement of flowmeters for GAC Vessels at Well 15 with Cooper Controls, Inc.," was removed from the consent calendar for separate discussion and possible action.

MOTION: *Mayor Pro Tem Raymond moved to approve the consent calendar as amended. 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.*

WARRANTS:

1. May 28, 2019

ACTION: Approval of warrants as listed.

MINUTES: (Community Development and Resources Commission)

2. a) March 20, 2019 – Special meeting
b) April 17, 2019 – Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (Audit and Finance Committee)

3. a) January 25, 2016 – Regular meeting
b) March 28, 2016 – Regular meeting
c) April 25, 2016 – Regular meeting
d) May 23, 2016 – Regular meeting
e) October 24, 2016 – Regular meeting
f) November 14, 2016 – Regular meeting

ACTION: Acceptance of minutes as listed.

TREASURER'S REPORT:

4. April 30, 2019

ACTION: Acceptance of report as listed.

RESOLUTIONS:

5. Approving and ratifying Side Letter of Agreement with AFSCME representing Clerical Bargaining Unit (City Manager Waterman and Human Resources Director Del Real)

ACTION: Adoption of Resolution No. 3087-19 approving and ratifying Side Letter of Agreement, in a form approved by the City Attorney, between the City of Atwater and American Federation of State, County, and Municipal Employees, Local 2703, Council 57, AFL-CIO representing the Clerical Bargaining Unit, pertaining to certain terms and conditions of employment; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

AGREEMENTS:

6. Awarding Professional Services Agreement to Kyhn's Air Conditioning and Heating for heating and air conditioning repair and preventive maintenance

services (Interim Public Works Director Shaw)

This item was removed from the consent calendar for separate discussion and possible action.

7. Awarding Professional Services Agreement to Provost & Pritchard Consulting Group for engineering design services for 1,2,3, Trichloropropane (TCP) Treatment at the City Water Supply Well No. 20A (Interim Public Works Director Shaw)

This item was removed from the consent calendar for separate discussion and possible action.

8. Ratifying Purchase Agreement for replacement of flowmeters for GAC Vessels at Well 15 with Cooper Controls, Inc. (Interim Public Works Director Shaw)

This item was removed from the consent calendar for separate discussion and possible action.

9. Approving Agreement with Atwater Elementary School District regarding Crossing Guard Program (City Manager Waterman and Human Resources Director Del Real)

ACTION: Approves Agreement, in a form approved by the City Attorney, with Atwater Elementary School District regarding Crossing Guard Program; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

10. Waiving the second reading and adopting Ordinance No. CS 1008 approving Central Cal Brothers, Inc. Development Agreement regarding Cannabis Business Pilot Program for property located at 664 Railroad Avenue, Atwater (City Attorney White)

ACTION: Waives the second reading and adopts Ordinance No. CS 1008 approving Central Cal Brothers, Inc. Development Agreement regarding Cannabis Business Pilot Program for property located at 664 Railroad Avenue, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

11. Waiving the second reading and adopting Ordinance No. CS 1010 approving MJJ, LLC Development Agreement regarding Cannabis Business Pilot Program for property located at 460 Airpark Road, Atwater (City Attorney White)

ACTION: Waives the second reading and adopts Ordinance No. CS 1010 approving MJJ, LLC Development Agreement regarding Cannabis Business Pilot Program for

property located at 460 Airpark Road, Atwater; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

ANNUAL PETITIONS AND COMMUNICATIONS:

12. Request from Atwater Elementary School District regarding Seamless Summer Feeding Program (Lisa Ludwig, Food Service Supervisor)

ACTION: Approval of request from Atwater Elementary School District, Nutritional Services Department, contingent upon receipt of current certificate of liability coverage, to hold their annual Seamless Summer Feeding Program at Heller Park, Ralston Park, Veterans Park, and Atwater High School from June 10, 2019 to August 2, 2019, to provide free meals to children (age 18 and under) in the community.

AGREEMENTS:

Awarding Professional Services Agreement to Kyhn's Air Conditioning and Heating for heating and air conditioning repair and preventive maintenance services (Interim Public Works Director Shaw)

MOTION: Mayor Pro Tem Raymond moved to award a Professional Services Agreement, in a form approved by the City Attorney, to Kyhn's Air Conditioning and Heating for heating and air conditioning repair and preventive maintenance services, for the term of five years in the amount of \$25,000 each year; and to authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Vierra, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

Awarding Professional Services Agreement to Provost & Pritchard Consulting Group for engineering design services for 1,2,3, Trichloropropane (TCP) Treatment at the City Water Supply Well No. 20A (Interim Public Works Director Shaw)

MOTION: Mayor Pro Tem Raymond moved to award a Professional Services Agreement, in a form approved by the City Attorney, to Provost & Pritchard Consulting Group for engineering design services for 1,2,3, Trichloropropane (TCP) Treatment at the City Water Supply Well No. 20A, in an amount not to exceed \$136,000; and to authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Vierra, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

Ratifying Purchase Agreement for replacement of flowmeters for GAC Vessels at Well 15 with Cooper Controls, Inc. (Interim Public Works Director Shaw)

MOTION: Mayor Pro Tem Raymond moved to ratify a Purchase Agreement, in a

form approved by the City Attorney, with Cooper Controls, Inc., Stockton, California, for replacement of four (4) flowmeters for GAC Vessels at Well 15, in an amount not to exceed \$39,797.56. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vierra, Ambriz, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.

PETITIONS AND COMMUNICATIONS:

Request from Historic Downtown Atwater Association for assistance with car show (John Cardenas, CEO)

John Cardenas, CEO of Historical Downtown Atwater Association, provided a PowerPoint presentation detailing the background of the Downtown Atwater Association as a private non-profit and their goals and objectives. He also spoke summarizing the upcoming car show.

One person spoke requesting to be a part of the car show event.

One person spoke in favor of the City Council supporting the car show event.

MOTION: *Mayor Creighton moved to approve request from Historic Downtown Atwater Association, contingent upon receipt of current certificate of liability coverage, for assistance with car show on June 22, 2019 from 7:00 AM – 2:30 PM, for road closure on Broadway and side streets from Winton Way to 2nd Street. The motion was seconded by City Council Member Cale and the vote was: Ayes: Raymond, Cale, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

CITY MANAGER'S REPORTS AND UPDATES:

Discussion and possible action regarding establishing an ad hoc committee to review RFPs for polling services

City Manager Waterman summarized the need for an ad hoc committee in relationship to the upcoming Measure V polling exercises.

MOTION: *City Council Member Vierra moved to direct staff to move forward in selecting a polling service without forming an ad hoc committee. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Raymond, Vierra, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke thanking City Council Member Ambriz and Police Chief Salvador for their attendance and participation in the recent program honoring law

enforcement members. He also thanked Mayor Pro Tem Raymond for his kind words at the event. He also thanked Mayor Creighton and Executive to the City Manager Martin for their work in providing certificates to the honorees.

One person spoke regarding City government. He also complained about poor media coverage related to his water service.

One person spoke thanking the City of Atwater for supporting her efforts to feed and clothe the homeless and hungry.

One person spoke regarding the use of out of town companies in service at the Corporation Yard.

No one else came forward to speak.

CITY COUNCIL MATTERS:

Mayor's Committee Re-assignment

Merced County Association of Governments (1 representative)

MOTION: *City Council Member Vierra moved to ratify the Mayor's committee re-assignment of 1 representative to Merced County Association of Governments Board, designating City Council Member Cale as the primary MCAG representative. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Ambriz, Raymond, Cale, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

City Council comments

City Council Member Cale expressed his support for the efforts of the new Historic Downtown Atwater Association.

City Council Member Ambriz thanked Valley Baptist Church for the invitation to the recent event honoring law enforcement members. He requested information regarding the increased fees in the summer drop in program and other recreation programs placed on the next agenda for information only.

Mayor Pro Tem Raymond commented that speeding traffic continues in the Osborn Terrace area. He also asked that more attention be paid to Manuel Barrios Park and the issues occurring at the park. He also praised Atwater High School for their recent Project Based Learning program.

City Council Member Vierra praised Dora Anderson for her achievements and her work helping others. She congratulated John Cardenas on his efforts in creating the Historic Downtown Atwater Association. She also asked Interim Public Works Director Shaw about a moving schedule for the parks around town and can it be posted on the website.

Interim Public Works Director Shaw responded that the schedule will be posted tomorrow and that the lights at Manuel Barrios Park have been assessed and corrected; he added that the park will be sprayed for the ants that have been damaging lighting equipment.

Mayor Creighton announced that recognitions are planned for the next City Council meeting honoring students from Atwater High School. He praised John Cardenas for his work in the Historic Downtown Atwater Association.

CLOSED SESSION:

Mayor Creighton adjourned the meeting to Conference Room A to resume Closed Session items at 7:50 PM. Closed Session resumed at 7:56 PM.

Closed Session adjourned at 8:46 PM.

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Mayor Creighton announced that no reportable action was taken, and staff was given direction. The Closed Session agenda was completed.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 8:49 PM.



Janell Martin, Deputy City Clerk

By: Lesa Rasmussen
P-M Transcription Services