



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

June 24, 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 (5:03 PM), Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton

Absent: None

Staff Present: City Manager Waterman, Interim City Attorney Sanchez, Water Division Manager/Chief Operator Shaw, Deputy City Clerk Martin

CLOSED SESSION: (General Services Conference Room)

Mayor Creighton invited public comment on Closed Session items.

No one came forward to speak.

Mayor Creighton adjourned the meeting to the General Services Conference Room for Closed Session at 5:03 PM. Closed Session was called to order at 5:14 PM.

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

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Thomas E. Niederreuther v. City of Atwater, Case No. 1:19-CV-00779-DAD-BAM

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 – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (3)

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding Property Disposition. Agency Negotiator: City Manager Waterman

Property Location: APN 056-241-005

Closed Session adjourned at 6:06 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater, the Board of Directors of the Fire Protection District, and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency met in Regular Session this date at 6:13 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 Ronald Evans.

INVOCATION:

The Invocation was led by Pastor Rich Miller.

ROLL CALL:

Present: City Council Members/Board Members Ambriz, Cale, Vierra, Mayor Pro Tem/Board Vice President/Board Vice Chair Raymond, Mayor/Board President/Board Chair Creighton

Absent: None

Staff Present: City Manager/Executive Director Waterman, Interim City Attorney Sanchez, Water Division Manager/Chief Operator Shaw, Police Chief Salvador, CAL FIRE Battalion Chief Slate, CAL FIRE Captain Lopes, Deputy City Clerk Martin

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

Interim City Attorney Sanchez reported that several items were considered but no reportable action was taken. The Closed Session agenda was completed.

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

CEREMONIAL MATTERS:

Reserve Firefighters

CAL FIRE Captain Lopes provided a verbal summary of the Reserve Firefighter Program. CAL FIRE Battalion Chief Slate conducted the badge pinning ceremony for the new Reserve Firefighters: Ceasar Castaneda-Nunez, Noe Ortega-Gomez, and Bradley Woolever.

Buhach Colony High School Boys' Baseball Team

Mayor Creighton and City Council Member Cale recognized the Buhach Colony High School Boys' Varsity Baseball team as the 2019 CCC Champions and presented them with a certificate of recognition.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel announced that Merced County passed a proposed \$670.1 million budget for 2019-2020 and the final budget will be passed in September. He also announced that the Merced County Public Health Department has received their State certification. He reported that work continues on attracting a training facility at Castle. He provided an update on a homeless grant being sought and announced that the County will use a third party to manage the homeless services program.

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

WARRANTS:

1. June 24, 2019

ACTION: Approval of warrants as listed.

MINUTES: (Audit and Finance Committee)

2.
 - a) January 22, 2018 – Regular meeting
 - b) May 14, 2018 – Regular meeting
 - c) July 23, 2018 – Regular meeting
 - d) September 24, 2018 – Regular meeting
 - e) November 13, 2018 – Regular meeting

ACTION: Acceptance of minutes as listed.

TREASURER'S REPORT:

3. May 31, 2019

ACTION: Acceptance of report as listed.

RESOLUTIONS:

4. Approving a budget amendment regarding Solid Waste Services (Water Division Manager/Chief Operator Shaw)

ACTION: Adoption of Resolution No. 3092-19 approving Budget Amendment No. 9 amending the 2018-19 Fiscal Year Budget regarding Solid Waste Services.

AGREEMENTS:

5. Waiving formal procurement process and ratifying Purchase/Service Agreement with AireSpring for the replacement of business phone systems and internet connectivity in City Hall and City owned buildings (City Manager Waterman)

ACTION: Waives the formal procurement process and ratifies a Master (Purchase/Service) Agreement, in a form approved by the Interim City Attorney, with AireSpring, Los Angeles, California, in the amount of \$7,346.12 per month plus taxes and fees for the term of three (3) years, for the replacement of business phone systems and internet connectivity within City Hall and City owned buildings.

OTHER ACTIONABLE ITEMS:

6. Ratifying letter of support regarding Atwater Aviation Pavilion Project (Mayor Creighton)

ACTION: *Ratifies letter of support regarding Castle Air Museum's application for the Atwater Aviation Pavilion Project.*

ANNUAL PETITIONS AND COMMUNICATIONS:

7. Request for assistance with annual Independence Run (Gordon Wilkinson)

ACTION: *Approval of request for assistance with annual Independence Run on July 4th for the next four (4) years, to coincide with co-sponsorship of the annual 4th of July events, beginning in 2019 through and including 2022.*

PUBLIC HEARINGS:

Resolutions adopting 2019-20 Fiscal Year Budget and approving Fund Expenditures and Fund Transfers; amending Miscellaneous Fee Schedule; and amending Classification Plan and approving Salary Schedule (City Manager/Executive Director Waterman)

Mayor/Board President/Board Chair Creighton opened the public hearing for this item.

No one came forward to speak, and Mayor/Board President/Board Chair Creighton closed the public hearing.

MOTION: *City Council Member/Board Member Vierra moved to continue the public hearing to July 8, 2019; and to adopt Joint Authority Resolution No. 3094-19, Resolution No. AFD 2-2019, and Resolution No. SA 2019-4 authorizing the City Manager/Executive Director to continue making required expenditures to meet current or immediate financial obligations relating to City operations until the 2019-20 Fiscal Year Budget is adopted. The motion was seconded by City Council Member/Board Member Ambriz and the vote was: Ayes: Ambriz, Vierra, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.*

CITY MANAGER REPORTS/UPDATES:

Ratifying Public Works Director Employment Agreement

MOTION: *Mayor Pro Tem Raymond moved to ratify Public Works Director Employment Agreement, in a form approved by the Interim City Attorney, with Vernice Haddix; 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 Vierra and the vote was: Ayes: Raymond, Cale, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

Mayor Creighton introduced Vernice Haddix as the new Public Works Director.

Authorizing Negotiation and Execution of Amendment to Purchase and Sale Agreement with Universal Real Estate Development LLC for 550 Commerce Avenue and related Loan Agreement

One person requested to know who is seeking to own the property.

Interim City Attorney Sanchez advised that the purchasers are a Limited Liability Corporation with multiple owners.

MOTION: *City Council Member Cale moved to authorize and direct the City Manager to negotiate and execute an amendment, in a form approved by the Interim City Attorney, to the Purchase and Sale Agreement with Universal Real Estate Development LLC for 550 Commerce Avenue, as well as a related Loan Agreement, in a form approved by the Interim City Attorney, with Universal Real Estate Development LLC and such other documents as are necessary for the sale of the property on behalf of the City. 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.*

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke regarding reinstatement of their water services and alleged misinformation regarding their reputations on the part of City staff and the City Council.

One person spoke requesting the installation of a light pole at 1057 Fir Avenue due to his vehicle being recently stolen. He also requested more police patrols in his neighborhood.

One person spoke asking for information regarding a potential "half way" house in her neighborhood.

One person spoke wishing the City Council a happy 4th of July. He also spoke regarding the history of the motto "In God We Trust." He praised the Atwater Police Department for their recent prompt return of a stolen vehicle.

JIM PRICE, Chairman of the Atwater 4th of July Committee, spoke encouraging the public to participate in the upcoming 4th of July activities. He praised the assistance the Committee has received from City Council Member Cale and Chief of Police Salvador. He also invited the public to a special music program on the 3rd of July in Ralston Park from 7:00 – 10:00 PM.

One person spoke welcoming the new Public Works Director.

Chief of Police Salvador announced that a big auction of City equipment is being held Saturday, June 29th. He also announced that the APC Hall will host their parade and Festa on Sunday, June 30th. He encouraged the public to be aware of the activities in and around town and potential traffic issues.

No one else came forward to speak.

CITY COUNCIL MATTERS:

Mayor's Committee Re-assignment

Merced County Association of Governments (1 representative)

Mayor Creighton explained to the public the dynamics of the MCAG assignment; the assignment will remain the same as originally assigned (Creighton – representative, Raymond – alternate).

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

City Council comments

Mayor Pro Tem Raymond welcomed the new Public Works Director. He also thanked Pastor Miller for his involvement in City government. He wished everyone a safe and happy 4th of July.

City Council Member Cale congratulated the Historical Downtown Association Committee for their very successful recent Car Show. He also welcomed the new Public Works Director. In closing he announced the birth of his newest grandson.

City Council Member Vierra wished everyone a happy and safe 4th of July. She emphasized the importance of not using illegal fireworks in the City of Atwater. She also announced that the parks will be receiving some much needed attention. On a personal note she announced the appointment of her son to the Ceres Police Department.

City Council Member Ambriz also welcomed the new Public Works Director. He announced attending the Car Show in downtown Atwater, and he praised the efforts of the Historical Downtown Association. He also announced that his daughter, a member of the Arizona Sun Devils, Atwater Youth Softball Team, finished second in the playoffs.

Mayor Creighton encouraged everyone to get to the 4th of July parade early and that it will start promptly at 9:00 AM and that there will be multiple activities held

in Ralston Park. He encouraged everyone to visit the upcoming auction on June 29th. He praised the Historical Downtown Association for a hugely successful event last Saturday. He welcomed the new Reserve Firefighters and the new Public Works Director.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 7:13 PM.



JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
P-M Transcription Services