



# CITY OF ATWATER

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**CITY COUNCIL  
AND  
GOVERNING BOARD  
FOR THE  
SUCCESSOR AGENCY TO THE ATWATER  
REDEVELOPMENT AGENCY**

**ACTION MINUTES**

**January 13, 2020**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:04 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 Splendorio, 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 5:05 PM. Closed Session was called to order at 5:13 PM.*

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9: Name of case: Samuel Joseph vs. City of Atwater, et al. Case No. 19CV-05388

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 5:52 PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater and the Governing Board for the Successor Agency to the Atwater Redevelopment Agency 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/Board Chair Creighton presiding.***

PLEDGE OF ALLEGIANCE:

***The Pledge of Allegiance was led by Police Officer Lee.***

INVOCATION:

***The Invocation was led by Police Chaplain McClellan.***

ROLL CALL: (City Council and Governing Board)

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

***Absent: None***

***Staff Present: City Manager/Executive Director Waterman, Interim City Attorney Splendorio, Police Chief Salvador, Human Resources Director Del Real, Public Works Director Haddix, Finance Director/Treasurer Jacobs-Hunter, General Services Manager Pereida, City Engineer Hayes (VVH), Interim Public Works Superintendent Holsinger, Project Manager Lamerson, Deputy City Clerk Martin***

MAYOR OR INTERIM CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***Interim City Attorney Splendorio reported that the City Council considered two items, received direction and that 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/Board Vice Chair Raymond moved to approve the agenda as posted. The motion was seconded by City Council Member/Board Member Cale and the vote was: Ayes: Ambriz, Raymond, Cale, Vierra, Creighton; Noes: None; Absent: None. The motion passed.

CEREMONIAL MATTERS:

Rebranding of Atwater Police Department

***Mayor Creighton introduced Police Chief Salvador who recognized the past Chiefs of Police present. He provided a brief history of the department and presented all officers with the new Atwater Police Department badge. All officers reaffirmed their oath of office.***

***City Manager Waterman left the dais at 6:16 PM and returned at 6:17 PM.***

***Mayor Creighton called a recess at 6:40 PM for a reception honoring the rebranding of the Atwater Police Department.***

***The City Council returned to the dais, and Mayor Creighton resumed the meeting at 7:01 PM.***

CONSENT CALENDAR:

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

WARRANTS:

1. a) December 18, 2019
- b) January 13, 2020

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

MINUTES: (City Council)

2. December 9, 2019 – Regular meeting

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

MINUTES: (Planning Commission)

3. November 20, 2019

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

MINUTES: (Audit and Finance Committee)

4. a) August 26, 2019 – Regular meeting  
b) November 12, 2019 – Special meeting

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

RESOLUTIONS: (City Council)

5. Authorizing application submittal for and receipt of Senate Bill 2 Planning Grants Program funds (General Services Manager Pereida)

**ACTION: Adoption of Resolution No. 3126-19 authorizing submittal of an application to the California Department of Housing and Community Development regarding Planning Grants Program funds; and authorizes and directs the City Manager to execute the application and all documents related to the grant on behalf of the City, including administration, if awarded.**

RESOLUTIONS: (Governing Board)

6. Adopting Recognized Obligation Payment Schedule and Administrative Budget for Fiscal Year 2020-21 (Treasurer Jacobs-Hunter)

**ACTION: Adoption of Resolution No. SA 2019-5 adopting the Recognized Obligation Payment Schedule (ROPS) 20-21 for the July 1, 2020 through June 30, 2021 period and adopting the Administrative Budget for Fiscal Year 2020-21.**

AGREEMENTS:

7. Awarding General Construction Contract to George Reed, Inc. for the Wastewater Treatment Plant Drying Bed Expansion Project (General Services Manager Pereida)

**ACTION: Awards a General Construction Contract, in a form approved by the Interim City Attorney, to George Reed, Inc. of Modesto, California, in the amount not to exceed \$634,477.95 for the construction of Project No. 19-3, the Wastewater Treatment Plant Drying Bed Expansion Project; and authorizes and directs the City Manager to execute the Contract on behalf of the City.**

8. Approving Memorandum of Understanding with AGK Properties regarding use of Veterans Pavilion kitchen at Veterans Park (City Manager Waterman)

***ACTION: Approval of Memorandum of Understanding, in a form approved by the Interim City Attorney, with AGK Properties for use of Veterans Pavilion kitchen at Veterans Park; and authorizes and directs the City Manager to execute the Memorandum of Understanding on behalf of the City.***

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

9. Waiving the second reading and adopting an ordinance making the environmental finding and approving zone change from Planned Development (PD-34) to Thoroughfare Commercial (CT) for property located north of Clover Avenue and east of Buhach Road (APNs 005-120-030, 032, 042, 050, 054, 055) (Senior Planner Thompson, VVH)

***ACTION: Waives the second reading and adopts Ordinance No. CS 1027 making the environmental finding and approving Zone Change No.19-3 changing the zoning designation of APNs 005-120-030, 032, 042, 050, 054, 055 from Planned Development (PD-34) to Thoroughfare Commercial (CT) for property located at the intersection of Green Sands and Buhach Road.***

10. Waiving the second reading and adopting an ordinance making the environmental finding and amending Title 17 "Zoning" of the Atwater Municipal Code to allow mobile food vendors use in the M-1 Light Industrial, M-2 Industrial, and B-P Business Park Zones (Senior Planner Thompson, VVH)

***ACTION: Waives the second reading and adopts Ordinance No. CS 1026 making the environmental finding and amending Title 17 "Zoning" Chapter 17.06 "Definitions" and Chapters 17.40 and 17.42 under Sections 17.40.030 and 17.42.030 "Conditional Uses" of the Atwater Municipal Code to allow mobile food vendors under conditional use permit within the (M-1) Light Industrial, (M-2) Industrial, and (B-P) Business Park Zones.***

FUNDING AND BUDGET MATTERS:

Verbal report regarding unaudited review of general and other funds for Fiscal Year 2018-19 (Finance Director Jacobs-Hunter)

***Finance Director Jacobs-Hunter provided a PowerPoint presentation summarizing the budget versus actual expenditures and revenues for Fiscal Year 2018-2019 unaudited funds of the City. She advised that an audited report is expected in a few weeks.***

REPORTS AND PRESENTATIONS FROM STAFF:

Making the environmental finding and awarding General Construction Contract to Rolfe

Construction Company for the Winton Way Reconstruction Project (General Services Manager Pereida)

***General Services Manager Pereida and City Engineer Hayes (VVH) provided background information regarding the reconstruction project and the bid process for Winton Way. City Engineer Hayes (VVH) also summarized the Measure V funds financing the project.***

***Interim City Attorney Splendorio confirmed that there is a 10% contingency also in the contract which changes the amount of “not to exceed” to \$2,445,346.64.***

***MOTION: City Council Member Vierra moved to make the finding that the Project is Categorically Exempt under the provisions of the California Environmental Quality Act (CEQA) section 15301 “Existing Facilities;” to award a General Construction Contract, in a form approved by the Interim City Attorney, to Rolfe Construction Company of Atwater, California, in the amount not to exceed \$2,445,346.64 for the construction of Project No. 15-1, the Winton Way Reconstruction Project, directing staff to provide timely updates to City Council members of any changes that may arise during the project; 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, Vierra, Creighton; Noes: None; Absent: None. The motion passed.***

Adopting resolution committing the net proceeds received from the TCP settlement be utilized solely for the remediation of TCP from the City of Atwater’s municipal drinking water system and requiring a supermajority vote to prevent any future repeal or modification to this resolution (City Manager Waterman)

***Mayor Creighton summarized the actions that City Council will take to ensure the settlement funds will only be spent for remediation by way of requiring a supermajority vote to repeal or change the resolution.***

***Interim City Attorney Splendorio advised that the City could amend their Municipal Code to add punitive measures related to misappropriation of the settlement funds. He also advised that state law allows for criminal prosecution in such a circumstance.***

***MOTION: City Council Member Cale moved to adopt Resolution No. 3130-20 committing the net proceeds received from the TCP settlement be utilized solely for the remediation of TCP from the City of Atwater’s municipal drinking water system and requiring a supermajority vote to prevent any future repeal or modification to this resolution, in a form as approved by the Interim City Attorney. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Vierra, Cale, Raymond, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.***

COMMENTS FROM THE PUBLIC:

***Notice to the public was read.***

***No one came forward to speak.***

CITY COUNCIL MATTERS:

City Council comments

***City Council Member Vierra questioned licensing or permitting of vendors at the Atwater Flea Market. She also asked about regulations pertaining to parked trailers and cars on the City streets.***

***Mayor Pro Tem Raymond congratulated Merced County District 3 Supervisor McDaniel on his appointment as Chair of Rural Counties Representing California.***

***City Council Member Cale thanked Police Chief Salvador for his work to rebrand the Atwater Police Department. He also praised the Finance Department staff for their work in keeping City finances in check. He expressed his thoughts and prayers for the Schmidt family suffering a recent tragedy. He also expressed his thoughts and prayers for the Dave Honey family in their recent loss. He congratulated the members of the newly named Old Town Atwater Association.***

***City Council Member Ambriz expressed his congratulations to the members of the Atwater Police Department. He also thanked the staff of the Finance Department for their hard work and an excellent presentation at this meeting.***

***Mayor Creighton announced that a car show is coming to the Castle Air Museum and information is available at their website. He expressed his regret at the passing of Dave Honey and sent his prayers to the family. He also congratulated Police Chief Salvador on a great rebranding project. He thanked Merced County Sheriff Vern Warnke for providing deputies to the City tonight so that all officers could attend the rebranding ceremony. He welcomed a new Interim Public Works Superintendent, Madison Holsinger.***

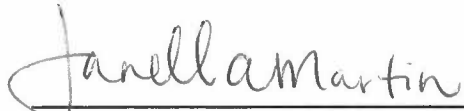
***Madison Holsinger, Interim Public Works Superintendent, spoke to summarize her background and experience related to her new position.***

ADJOURNMENT:

***City Council Member Ambriz provided a background on the many accomplishments and services Dave Honey gave the community.***

***Mayor Creighton adjourned the meeting in honor of Dave Honey.***

***The meeting adjourned at 8:11 PM.***

A handwritten signature in cursive script that reads "Janell Martin". The signature is written in black ink and is positioned above a horizontal line.

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JANELL MARTIN,  
DEPUTY CITY CLERK

By: Lesa Rasmussen  
P-M Transcription Services