



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

March 23, 2020

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:00 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.

The following statement was read into the record: "COVID-19 – Pursuant to Governor Newsom's Executive Order N-25-20, members of the City of Atwater City Council or staff may participate in this meeting via a teleconference. In the interest of maintaining appropriate social distancing, members of the public may submit comments on any item via email cityinfo@atwater.org on or before 5:00 PM on the meeting date or may submit comments on a comment card prior to the meeting or before the item is read for consideration. Comment cards are available at the front counter."

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Police Chief Salvador.

INVOCATION:

The Invocation was led by Daniel Perez.

ROLL CALL:

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

Absent: None

Staff Present: *Via Teleconference: City Manager Waterman, Interim City Attorney Splendorio, Interim Community Development Director Thompson, Public Works Superintendent Holsinger, Finance Director Jacobs-Hunter, CAL FIRE Battalion Chief Slate, Public Works Director Haddix*

Staff Present: *In Chambers: Human Resources Director Del Real, Police Chief Salvador, Project Manager Lamerson, Deputy City Clerk Martin*

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 Ambriz and the vote was: Ayes: Ambriz, Vierra, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.*

CONSENT CALENDAR:

Agenda item #3 under Agreements, "Making the environmental finding, declaring Sensus Metering Systems a sole source item, and approving a Purchase Agreement with Golden State Flow Measurement, Inc., for automated meter reading system infrastructure," was removed from the consent calendar for separate discussion and possible action.

Agenda item #4 under Bid Calls, "Rejecting all bids to construct Veterans Park Water Playground Project, making certain findings, and authorizing the City Manager to deliver the Project by a combination of using City forces, amending an existing contract, and waiving the formal procurement process to negotiate and enter into a General Construction Contract," was removed from the consent calendar for separate discussion and possible action.

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

WARRANTS:

1. March 23, 2020

ACTION: *Approval of warrants as listed.*

TREASURER'S REPORT:

2. February 29, 2020

ACTION: Approval of report as listed.

AGREEMENTS:

3. Making the environmental finding, declaring Sensus Metering Systems a sole source item, and approving a Purchase Agreement with Golden State Flow Measurement, Inc. for automated meter reading system infrastructure (Public Works Director Haddix)

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

BID CALLS:

4. Rejecting all bids to construct Veterans Park Water Playground Project, making certain findings, and authorizing the City Manager to deliver the Project by a combination of using City forces, amending an existing contract, and waiving the formal procurement process to negotiate and enter into a General Construction Contract (Interim Community Development Director Thompson)

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

AGREEMENTS:

Making the environmental finding, declaring Sensus Metering Systems a sole source item, and approving a Purchase Agreement with Golden State Flow Measurement, Inc. for automated meter reading system infrastructure (Public Works Director Haddix)

Public Works Superintendent Holsinger (via teleconference) provided a summary of the Agreement as meeting the need for new meters and upgrades.

MOTION: City Council Member Vierra moved to make the environmental finding that the Project is exempt from provisions of the California Environmental Quality Act (CEQA) under Section 15301 "existing facilities;" to declare Sensus Metering Systems a sole source item; to approve a Purchase Agreement, in a form approved by the Interim City Attorney, with Golden State Flow Measurement, Inc., El Dorado Hills, California, in the amount of \$162,337.11 for the purchase of automated meter reading system infrastructure; and to authorize and direct the City Manager to execute the Agreement (purchase order) on behalf of the City. 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.

BID CALLS:

Rejecting all bids to construct Veterans Park Water Playground Project, making certain findings, and authorizing the City Manager to deliver the Project by a combination of using City forces, amending an existing contract, and waiving the formal procurement process to negotiate and enter into a General Construction Contract (Interim Community Development Director Thompson)

Interim Community Development Director Thompson (via teleconference) reported that results of the open bid call yielded only one bid response. He added that the project may proceed under the City of Atwater Public Contract Code by rejecting all bids. He stated that in order to proceed as City Council directed, the project could be compartmentalized with Public Works staff completing some of the project components, and then amending an existing contract to handle the larger portions of the project; this will save the City upwards of \$200,000. He also added that the City has already purchased the equipment, and it is waiting to be shipped.

One person spoke questioning the timing of the project, will the funds be lost if not spent, and the solo bid seems to be within previously stated funds available of 2 million dollars.

City Manager Waterman (via teleconference) clarified that the total project cost, including equipment, exceeds approximately \$700,000. Also, the 2 million dollars in Impact Fees is a set aside for all projects city-wide and not just the water park project.

MOTION: *City Council Member Vierra moved to adopt Resolution No. 3142-20 rejecting all bids to construct Veterans Park Water Playground Project, Project No. 19-4, Bid Call No. 686-20; to make certain findings under Public Contract Code section 20167; to authorize and direct the City Manager to utilize City forces to perform a portion of the work originally described in the construction plans and specifications for Veterans Park Water Playground Project; to authorize and direct the City Manager to execute a Contract Amendment and all related documents, in a form approved by the Interim City Attorney, with Veolia to perform additional work related to the project, such as engineering support, construction, installation, special inspection and testing, and other items, in an amount not to exceed \$60,000 for the Amendment; and to waive the formal bid process and authorize and direct the City Manager to negotiate and enter into a General Construction Contract, in a form approved by the Interim City Attorney, for the remaining work associated with the project in an amount not to exceed \$270,000. 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.*

FUNDING AND BUDGET MATTERS:

Accepting City of Atwater's audited Financial Statements for Fiscal Year ended June 30, 2019 and related reports (City Manager Waterman, Finance Director Jacobs-Hunter, and Joseph Arch, President/CEO, JJACPA, Inc.)

Joseph Arch, President/CEO, JJACPA, Inc. (via teleconference) presented a brief summary of the verbal report including reductions in expenditures and revenues received higher than budget projections.

MOTION: Mayor Pro Tem Raymond moved to accept City of Atwater's audited Financial Statements for Fiscal Year ended June 30, 2019, including related reports; and to authorize and direct the City Manager to file the Statements with the State of California Controller's Office and to the various institutions as appropriate. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Raymond, Vierra, Creighton; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Making the environmental finding, waiving the formal procurement process, and approving Purchase Agreement for the replacement of Carbon Media at Well 15 (Public Works Director Haddix)

Public Works Superintendent Holsinger (via teleconference) reported that the filter at Well 15 needs replacing.

MOTION: Mayor Pro Tem Raymond moved to make the finding that the Project is exempt from provisions of the California Environmental Quality Act (CEQA) under Section 15301 "existing facilities;" to waive the formal procurement process and approve a Purchase Agreement, in a form approved by the Interim City Attorney, with Calgon Carbon in an amount not to exceed \$142,272 for the replacement of the Carbon Media in all four (4) Vessels at Well 15; and to authorize and direct the City Manager to execute the Agreement (purchase order) on behalf of the City. 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.

Verbal update regarding City's impacted Well sites (Public Works Superintendent Holsinger)

Public Works Superintendent Holsinger (via teleconference) reported that there are a variety of options regarding procurement related to the design-build projects addressing the impacted well sites, and an RFP is currently being developed.

CITY MANAGER REPORTS/UPDATES:

Approving Professional Services Agreement for City Attorney Legal Services with Meyers, Nave, Riback, Silver & Wilson

Interim City Attorney Splendorio (via teleconference) excused himself from discussion and possible action on this item at 6:34 PM.

City Manager Waterman (via teleconference) summarized the interview and selection process for securing professional legal services and direction given previously by the City Council.

MOTION: *Mayor Pro Tem Raymond moved to approve a Professional Services Agreement for City Attorney Legal Services with Meyers, Nave, Riback, Silver & Wilson, Sacramento, California, and appoint Frank A. Spendorio as City Attorney; and to authorize and direct the Mayor to execute the Agreement on behalf of the City. The motion was seconded by Mayor Creighton and the vote was: Ayes: Ambriz, Vierra, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.*

City Attorney Splendorio returned (via teleconference) to the meeting at 6:36 PM.

Ratifying Deputy City Manager and Community Development Director Employment Agreements

City Manager Waterman (via teleconference) summarized the request to approve two Employment Agreements.

Deputy City Clerk Martin announced that two email comments have been received regarding this agenda item: one person questioned if it is wise, in light of the huge CalPERS losses, to continue to hand out pay raises and hire people into positions that will continue to put pressure on its obligations to pay off the City's CalPERS debt; and one person questioned the timing of the proposed action due to the uncertainties of the current pandemic state.

MOTION: *Mayor Pro Tem Raymond moved to ratify Deputy City Manager Employment Agreement, in a form approved by the Interim City Attorney, with Jeanna Del Real; ratify Community Development Director Employment Agreement, in a form approved by the Interim City Attorney, with Greg Thompson; and to authorize and direct the City Manager to execute the Agreements on behalf of the City. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Raymond, Cale, Vierra, Creighton; Noes: Ambriz; Absent: None. The motion passed.*

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Deputy City Clerk Martin reported that two emails were received under Public Comment: one person questioned if it is safe to proceed with the Veterans Park Water Playground Project under the current situation regarding COVID-19; and one person voiced concerns regarding the verbal update of the City's well sites and entering into an agreement with Calgon Carbon for work at Well 15.

One person spoke expressing displeasure at alleged past actions taken by the City.

One person spoke about their church program reaching out to the elderly who need help during this pandemic.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Ambriz explained his reasoning for a previous no vote expressing his desire to have constituents able to be present on the issue. He also thanked retail personnel, truck drivers, and farmers for their efforts to assist others during this pandemic.

Mayor Pro Tem Raymond echoed City Council Member Ambriz' comments. He thanked a previous speaker for notifying residents of the assistance opportunities from local churches.

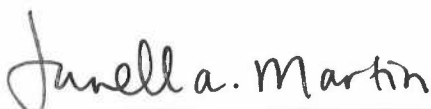
City Council Member Vierra stated that COVID-19 is a serious issue for all, and that everyone should take all precautions to contain the virus. She praised nurses and all first responders for the protection they provide.

City Council Member Cale thanked City staff for their efforts during this trying time. He urged everyone to be safe in their daily activities.

Mayor Creighton urged people to contact Merced County Health Department for updates and information related to COVID-19. He urged everyone to enjoy time with their family members and volunteer to help others if they are able.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 6:58 PM.



JANELL MARTIN,
DEPUTY CITY CLERK

By: Lesa Rasmussen
PM Transcription Services