



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**May 11, 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.*

ROLL CALL:

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

**Absent:** *City Council Member Ambriz*

**Staff Present:** *City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, CAL FIRE Battalion Chief Slate, Community Development Director Thompson, Public Works Superintendent Holsinger, Project Manager Lamerson, Deputy City Clerk Martin*

*Mayor Creighton announced that Closed Session was deemed not necessary. Therefore, the City Council did not meet at 5:00 PM as agendized.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Tim Norton.*

INVOCATION:

*The Invocation was led by Pastor Rich Miller.*

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

*Closed Session was previously deemed not necessary.*

SUBSEQUENT NEED ITEMS: *None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

*Mayor Creighton requested that additional Public Comment time be placed at the beginning of the agenda to allow citizens' sufficient time to discuss COVID-19 issues/concerns.*

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

PUBLIC COMMENT:

*Notice to the public was read.*

*Dr. Edward Vanek, COVID-19 Advisor to the City Council, spoke urging the City Council to allow businesses to re-open.*

*Merced County District 3 Supervisor McDaniel spoke asking that all businesses be allowed to re-open. Merced County will meet with the Governor's Office to discuss criteria for opening businesses and services.*

*Two people spoke urging the City Council to allow local businesses to re-open.*

*One person spoke inviting the public to attend a ceremony honoring the Atwater Police Department on Sunday, May 17, 2020 at 10:00 AM in the parking lot of Victory Baptist Church in Atwater.*

*No one else came forward to speak.*

*Mayor Pro Tem Raymond recommended that the City Council look into declaring the City of Atwater a Sanctuary City to allow small businesses and churches to re-open without fear.*

CEREMONIAL MATTERS:

National Public Works Week Proclamation

*Mayor Creighton presented a Proclamation to Public Works Superintendent Holsinger, on behalf of the Public Works Department, recognizing the Week of May 17 – 23, 2020 as National Public Works Week.*

CONSENT CALENDAR:

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

WARRANTS:

1. May 11, 2020

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

AGREEMENTS:

2. Approving Professional Services Agreement with JJACPA to perform professional auditing services for Fiscal Year 2019-20 (Finance Director Jacobs-Hunter)

***ACTION:*** Approval of Professional Services Agreement, in a form approved by the City Attorney, with JJACPA to perform professional auditing services for Fiscal Year 2019-20 pursuant to the schedule of deliverables, in an amount not to exceed \$37,600; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.

PUBLIC IMPROVEMENTS:

3. Accepting Fruitland Avenue Reconstruction Project – Phase 1 as complete (Community Development Director Thompson)

***ACTION:*** Accepts work done under contract for Fruitland Avenue Reconstruction Project – Phase 1, City Project No. 16-2-1 as complete; authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$8,740.47.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

4. Waiving the second reading and adopting an ordinance amending Chapter 2.32 "Planning Commission," Section 2.32.090 "Powers and Duties," of the Atwater Municipal Code regarding Time Extension Requests (Community Development Director Thompson)

***ACTION:*** Waives the second reading and adopts Ordinance No. CS 1029 amending Chapter 2.32 "Planning Commission," Section 2.32.90 "Powers and Duties," of the Atwater Municipal Code regarding Time Extension Requests not to exceed six (6) months.

PUBLIC HEARINGS:

Waiving the first reading and introducing an ordinance approving Global Greenz Development Agreement regarding Cannabis Business Pilot Program for cannabis retail business located at 370 Airpark Road (Community Development Director Thompson)

***Community Development Director Thompson provided a summary of Ordinance No. CS 1028 and the Development Agreement.***

***Mayor Creighton opened the public hearing for this item.***

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

***MOTION: Mayor Pro Tem Raymond moved to make a finding that the project is categorically exempt under the California Environmental Quality Act (“CEQA”) Guidelines, section 15301 “Existing Facilities” exemption; and to waive the first reading and introduce Ordinance No. CS 1028 approving Global Greenz Development Agreement, in a form approved by the City Attorney, regarding Cannabis Business Pilot Program for cannabis retail business located at 370 Airpark Road (APN: 056-400-027). The motion was seconded by City Council Member Vierra and the vote was: Ayes: Cale, Raymond, Vierra, Creighton; Noes: None; Absent: Ambriz. The motion passed.***

Waiving the first reading and introducing an ordinance approving Sycamore Manufacturing, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis retail, manufacturing, and distribution business located at 1715 Sycamore Avenue (Community Development Director Thompson)

***Community Development Director Thompson provided a summary of Ordinance No. CS 1007 and the Development Agreement.***

***Mayor Creighton opened the public hearing for this item.***

***Alberto Gardado, representing Sycamore Manufacturing, spoke thanking City staff and the City Council for their support throughout the process.***

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

***MOTION: City Council Member Cale moved to make a finding that the project is categorically exempt under the California Environmental Quality Act (“CEQA”) Guidelines, section 15303 “New Construction” exemption; and to waive the first reading and introduce Ordinance No. CS 1007 approving Sycamore Manufacturing, LLC Development Agreement, in a form approved by the City Attorney, regarding Cannabis Business Pilot Program for cannabis retail, manufacturing, and distribution business located at 1715 Sycamore Avenue (APN: 001-146-003). The motion was seconded by Mayor Creighton and the vote***

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

REPORTS AND PRESENTATIONS FROM STAFF:

Resolution approving a budget amendment to allocate additional funding for 1,2,3-TCP City-Wide Projects, and approving a contract change order to General Construction Contract to Rolfe Construction Company for the Winton Way Reconstruction Project (Public Works Superintendent Holsinger)

**Public Works Superintendent Holsinger provided background information regarding the contract change order.**

**Community Development Director Thompson clarified that both projects (i.e. Water Well Treatment and the Winton Way Project) are fully funded, and coordinating the projects resulted in a \$40,000 savings to the City.**

**MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3146-20 approving Budget Amendment No. 10 amending Fiscal Year 2019-20 Budget to allocate additional funding for 1,2,3-TCP City-Wide Projects in the amount of \$197,289; to approve Contract Change Order No. 6 to General Construction Contract to Rolfe Construction Company for the Winton Way Reconstruction Project, Project No. 15-1, in the amount of \$42,880 for additional scope of work to construct a 14-inch raw water pipeline segment and an 18-inch treated water pipeline segment; and to authorize and direct the City Manager to execute the Change Order on behalf of the City. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Cale, Raymond, Vierra, Creighton; Noes: None; Absent: Ambriz. The motion passed.**

Resolution approving a budget amendment increasing allocations for General Fund, Public Works – Parks Operations Budget (Public Works Superintendent Holsinger)

**Public Works Superintendent Holsinger provided a summary of the budget amendment and the open spaces within the City that need maintenance.**

**MOTION: City Council Member Vierra moved to adopt Resolution No. 3145-20 approving Budget Amendment No. 9 amending Fiscal Year 2019-20 Budget to increase allocations in the amount of \$61,720 for General Fund, Public Works – Parks Operations Budget. The motion was seconded by Mayor Creighton and the vote was: Ayes: Cale, Raymond, Vierra, Creighton; Noes: None; Absent: Ambriz. The motion passed.**

Authorizing submittal of a grant application to the United States Department of Homeland Security for the 2020 Assistance to Firefighters Grant Program – COVID-19 (CAL FIRE Battalion Chief Slate)

***CAL FIRE Battalion Chief Slate provided an overview of the grant application and the intended use of the funding if secured. He also summarized ongoing CAL FIRE COVID-19 activities.***

***MOTION: City Council Member Cale moved to authorize submittal of a grant application to the United States Department of Homeland Security for the 2020 Assistance to Firefighters Grant Program – COVID-19; and to authorize and direct the City Manager to execute the Application on behalf of the City. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Vierra, Cale, Raymond, Creighton; Noes: None; Absent: Ambriz. The motion passed.***

**CITY MANAGER’S REPORTS/UPDATES:**

Discussion and authorization of a letter supporting San Joaquin Regional Rail Commission’s FY 2020 BUILD Grant Application

***City Manager Waterman clarified the intent of the support letter and its impact to the City of Atwater.***

***MOTION: Mayor Pro Tem Raymond moved to authorize the Mayor to send a letter to the U.S. Department of Transportation in support of the San Joaquin Regional Rail Commission’s FY 2020 BUILD Grant Application. The motion was seconded by City Council Member Vierra and the vote was: Ayes: Cale, Vierra, Raymond, Creighton; Noes: None; Absent: Ambriz. The motion passed.***

Discussion and possible direction regarding COVID-19

***City Manager Waterman provided the City Council with information and updates regarding COVID-19; no direction was given.***

**COMMENTS FROM THE PUBLIC:**

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

***Merced County District 3 Supervisor McDaniel praised Mayor Pro Tem Raymond for his efforts to define the emergency related to COVID-19 at a recent meeting. He also provided an update in regard to the position that Rural County Representatives of California (RCRC) may be taking concerning COVID-19 business re-opening.***

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

**CITY COUNCIL MATTERS:**

City Council comments

***City Council Member Vierra requested an update on the progress of the Splash Pad at the next regular City Council meeting.***

***Mayor Pro Tem Raymond questioned the rate at which certain weed abatement projects are progressing or failing to progress.***

***City Council Member Cale congratulated the Ambriz family on the birth of their son. He also offered a belated Happy Mother's Day to all.***

***Mayor Creighton also congratulated the Ambriz family on the birth of their son. He thanked previous speakers for their support of re-opening businesses in Atwater. He confirmed that businesses with no State business license should feel free to open carefully in the community.***

**ADJOURNMENT:**

***Mayor Creighton adjourned the meeting at 7:17 PM.***



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JANELL MARTIN  
DEPUTY CITY CLERK

By: Lesa Rasmussen  
PM Transcription Services