



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

August 10, 2020

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:31 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.

ROLL CALL: (City Council)

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

Absent: None

Staff Present: City Manager Waterman, 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 5:36 PM. Closed Session was called to order at 5:41 PM.

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

Property Location: APN 001-134-015

Closed Session adjourned at 5:52 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:05 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 CAL FIRE Battalion Chief Slate.

INVOCATION:

The Invocation was led by Daniel Perez.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra (6:11 PM), Mayor Pro Tem Raymond, Mayor Creighton

Absent: None

Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, CAL FIRE Battalion Chief Slate, Deputy Public Works/Community Development Director Holsinger, Finance Director Jacobs-Hunter (via teleconference), Public Works/Community Development Director Thompson, Information Technology Manager Lamerson, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council considered one real property negotiation and 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 Cale and the vote was: Ayes: Ambriz, Raymond, Cale, Creighton; Noes: None; Absent: Vierra. The motion passed.

CONSENT CALENDAR:

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

WARRANTS:

1. August 10, 2020

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. July 27, 2020 – Regular meeting

ACTION: *Approval of minutes as listed.*

MINUTES: (Audit and Finance Committee)

3. a) May 26, 2020 – Regular meeting
b) June 22, 2020 – Special meeting

ACTION: *Acceptance of minutes as listed.*

CALL FOR BIDS:

4. Approving specifications and authorizing advertising and call for bids for Removal and Replacement of Heating Ventilation and Air Conditioning (HVAC) Units at the Civic Center and Fire Station 41 (Public Works/Community Development Director Thompson)

ACTION: *Approval of specifications and authorizes advertising and call for bids for Bid Call No. 693-20, Removal and Replacement of Heating Ventilation and Air Conditioning (HVAC) Units at the Civic Center and Fire Station 41.*

RESOLUTIONS:

5. Authorizing Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2019-20 (Public Work/Community Development Director Thompson)

ACTION: *Adoption of Resolution No. 3172-20 authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2019-20.*

6. Re-adopting Conflict of Interest Code (City Clerk Armstrong)

ACTION: Adoption of Resolution No. 3150-20 re-adopting the City of Atwater's Conflict of Interest Code.

7. Re-adopting the City's Records Retention Schedule (City Clerk Armstrong)

ACTION: Adoption of Resolution No. 3170-20 re-adopting to the City's Records Retention Schedule.

AGREEMENTS:

8. Accept grant award from San Joaquin Valley Air Pollution Control District, approving a budget amendment, and awarding a Purchase Agreement with Razzari Ford Mazda of Merced, CA for the purchase of two (2) new Ford Fusion Titanium Energi (City Manager Waterman and Public Works/Community Development Director Thompson)

ACTION: Accept grant award from the San Joaquin Valley Air Pollution Control District for the Public Benefit (New Alternative Fuel Vehicle Purchase) Grant Program; and adoption of Resolution No. 3173-20 approving Budget Amendment No. 4 in the amount of \$62,000 regarding the revenues and expenditures related to San Joaquin Valley Air Pollution Control District for the Public Benefit (New Alternative Fuel Vehicle Purchase) Grant Program; and award a Purchase Agreement, in a form approved by the City Attorney, with Razzari Ford of Merced, CA, in the amount not to exceed \$62,000, for Bid Call 687-20, the purchase of two (2) Ford Fusion Plug-in Hybrid Electric Vehicles; and authorize and direct the City Manager to execute the Agreement and any documents relating to participation and administration of the grant on behalf of the City.

City Council Member Vierra joined the City Council meeting via teleconference at 6:11 PM.

PUBLIC HEARINGS:

2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program and resolution approving Budget Amendment relating to the grant (Police Chief Salvador)

Police Chief Salvador provided background information on the grant application and its intended use to purchase body cameras for the City's police officers.

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 adopt Resolution No. 3166-20, authorizing acceptance of the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2020 Edward Byrne Memorial Justice Assistance Grant (JAG) Program, and authorizing and directing the City Manager to execute Grant Agreement, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded; and to adopt Resolution No. 3167-20, approving Budget Amendment No. 1 regarding 2020 Bureau of Justice Assistance Local JAG Program Funding. The motion was seconded by Mayor Creighton and the vote was: Ayes: Cale, Raymond, Vierra, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Resolution approving a budget amendment amending Fiscal Year 2020-21 Budget regarding appropriation of funds obtained by the sale of surplus police property (Police Chief Salvador)

Police Chief Salvador provided background information on the sale of surplus police property.

One person spoke regarding the possibility of the public being able to purchase surplus police property in the future.

Police Chief Salvador explained the law and process regarding the sale of police equipment.

MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3169-20 approving Budget Amendment No. 2 amending Fiscal Year 2020-21 Budget regarding appropriation of funds obtained by the sale of surplus police property. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Vierra, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

Approving a Contract Change Order to General Construction Contract with George Reed for the Wastewater Treatment Plant Drying Bed Expansion Project (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson provided background information on the Contract Change Order for the Drying Bed Expansion Project.

MOTION: City Council Member Cale moved to approve Change Order No. 1 to the General Construction Contract with George Reed for the Wastewater Treatment Plant Drying Bed Expansion Project, in the amount of \$13,416.20, for a total contract amount of \$649,894.15; and to authorize and direct the City Manager to execute the Change Order on behalf of the City. 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.

Resolution approving a budget amendment amending the Fiscal Year 2020-21 Budget pertaining to the 5-Year Capital Improvement Program and Police Grants Fund (Finance Director Jacobs-Hunter)

City Manager Waterman provided background information regarding this item.

Mayor Pro Tem Raymond asked for clarification regarding the financial impact of this item.

City Manager Waterman confirmed that this item presents no financial impacts.

MOTION: *City Council Member Cale moved to adopt Resolution No. 3171-20 approving Budget Amendment No. 3 amending the Fiscal Year 2020-21 Budget pertaining to the 5-Year Capital Improvement Program and Police Grants Fund; and to amend the 5-Year Capital Improvement Program to reflect the budget amendments contained in Resolution No. 3171-20. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Raymond, Ambriz, Cale, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

COMMENTS FROM THE PUBLIC:

Mayor Creighton commented that the public has a right to free speech, but also advised the public to try and refrain from foul language to show respect to others.

Notice to the public was read.

Deputy City Clerk Martin read into the record two comments received by email from the public. One person thanked the City Council for always starting their meetings with the Pledge and a prayer, and one person requested for the City to rescind its Sanctuary City Resolution.

Two people spoke regarding their frustrations towards the City.

One person spoke on behalf of her father and also thanked the City Council for their continued efforts to help the community.

One person spoke requesting for the public to not use vulgarity in their comments, and commented on the need for the public to focus on the matters being discussed.

One person thanked the Atwater Police Department Officers Lee, Cardoza, and Corchada for their combined efforts to locate the suspect who broke into his business. He also brought to the Council's attention that the Police Officers experienced radio communication issues on the scene.

No one else came forward to speak.

Police Chief Salvador addressed the public's concern regarding the Police Department's radio communication issues, and reassured that the City is working with the corresponding vendor to fix the issue.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Cale thanked the Police Department for their timely response when his house alarm went off during the last Council meeting.

Mayor Pro Tem Raymond commented on the emails he received regarding the City's Sanctuary City Resolution and explained that he will always stand behind those who are hurting and support small business owners.

City Council Member Vierra commented on the difficulty of being scorned at meetings for the actions of a previous City Council, and explained the public's right to not listen if profanity is used.

City Council Member Ambriz commented on being proud of the young lady who spoke on her father's behalf and to defend him.

Mayor Creighton spoke regarding Balbir Singh's background and explained Mr. Singh's journey to success.

ADJOURNMENT:

Mayor Creighton adjourned the meeting in memory of Balbir Singh.

The meeting adjourned at 6:52 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Richard Vang
Deputy City Clerk