



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

September 28, 2020

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:30 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 Creighton
Absent: Mayor Pro Tem Raymond
Staff Present: Deputy City Manager Del Real, City Attorney Splendorio (via teleconference), 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 5:32 PM. Closed Session was called to order at 5:37 PM.

Pursuant to Government Code Section 54957, Public Employee Annual Performance Evaluation; Title: City Manager

Closed Session adjourned at 5:58 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 Jeannie Knight.

INVOCATION:

The Invocation was led by Pastor Tyson Tolbert.

ROLL CALL:

Present: City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond (via teleconference), Mayor Creighton

Absent: None

Staff Present: Deputy City Manager Del Real, City Attorney Splendorio (via teleconference), Police Chief Salvador, Public Works/Community Development Director Thompson, Deputy Public Works/Community Development Director Holsinger, 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 item 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: City Council Member Vierra moved to approve the agenda as posted. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Ambriz, Vierra, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.

CONSENT CALENDAR:

Agenda items number nine (9) and ten (10) under Resolutions were 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. a) August 24, 2020
b) September 14, 2020
c) September 28, 2020

ACTION: *Approval of warrants as listed.*

TREASURER'S REPORT:

2. a) July 31, 2020
b) August 31, 2020

ACTION: *Approval of reports as listed.*

MINUTES: (City Council)

3. a) August 4, 2020 – Special meeting
b) August 10, 2020 – Regular meeting
c) August 31, 2020 – Special meeting

ACTION: *Approval of minutes as listed.*

MINUTES: (Audit and Finance Committee)

4. July 27, 2020 – Regular meeting

ACTION: *Acceptance of minutes as listed.*

CALL FOR BIDS:

5. Authorizing re-advertising and calling for bids for Propane Fuel Delivery Services (Deputy Director of Public Works/Community Development Holsinger)

ACTION: *Authorizes re-advertising and calling for bids for Bid Call No. 690-20, Propane Fuel Delivery Services.*

6. Approving plans and specifications and authorizing advertising and calling for bids for Fire Station 41 Roof Repair Project (Deputy Director of Public Works/Community Development Holsinger)

ACTION: Approval of the plans and specifications and authorizes advertising and calling for bids for Bid Call No. 698-20, Fire Station 41 Roof Repair Project, City Project No. 20-10.

7. Approving plans and specifications and authorizing advertising and calling for bids for the Purchase and Installation of Temporary Portable Wastewater Pumps for Castle Interceptor (Deputy Director of Public Works/Community Development Holsinger)

ACTION: Approval of the plans and specifications and authorizes advertising and calling for bids for Bid Call No. 699-20, Purchase and Installation of Temporary Portable Wastewater Pumps for Castle Interceptor, City Project No. 20-11.

RESOLUTIONS:

8. Authorizing a Purchase and Sale Agreement with Certified Stainless Service, Inc., doing business as West-Mark, LLC, for certain property located on Aviator Drive, APNs: 056-330-016 and 056-330-034 (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3179-20 authorizing a Purchase and Sale Agreement with Certified Stainless Service, Inc., doing business as (DBA) West-Mark, LLC, in a form approved by the City Attorney, for certain property located on Aviator Drive, APNs: 056-330-016 and 056-330-034, in the amount of \$371,500; and authorizes and directs the City Manager to execute the Agreement and all documents related to the sale of the Property on behalf of the City.

9. Authorizing the recordation of municipal utility liens against real property for unpaid water, wastewater, and sanitation fees and charges (Finance Director Jacobs-Hunter)

This item was removed from the Consent Calendar for separate discussion and possible action.

10. Approving a budget amendment to allocate funding for the Repair and Upgrade of the Traffic Signal at Winton Way and Bellevue Road, and awarding a General Construction Contract to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, California for the Repair and Upgrade Traffic Signal at Winton Way and Bellevue Road (Public Works/Community Development Director Thompson)

This item was removed from the Consent Calendar for separate discussion and possible action.

RESOLUTIONS:

Authorizing the recordation of municipal utility liens against real property for unpaid water, wastewater, and sanitation fees and charges (Finance Director Jacobs-Hunter)

Deputy City Clerk Martin read into the record one comment that was received by email which stated the person's concerns of inflation if liens were recorded against real property.

Two people spoke addressing their concerns on this item and requested explanation of the recordation process.

No one else came forward to speak on this item.

MOTION: *City Council Member Ambriz moved to postpone this item to the next regular City Council meeting to have Finance Director Jacobs-Hunter present to provide additional information on the item prior to Council's decision. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Ambriz, Vierra, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.*

Approving a budget amendment to allocate funding for the Repair and Upgrade of the Traffic Signal at Winton Way and Bellevue Road, and awarding a General Construction Contract to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, California for the Repair and Upgrade Traffic Signal at Winton Way and Bellevue Road (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson provided background information on this item and clarified that this project is separate from the Winton Way Project.

City Council Member Ambriz stated that his question was answered from Public Works/Community Development Director Thompson's explanation.

City Council Member Cale questioned if this project would be synchronizing all of the traffic lights going towards the downtown area and Director Thompson provided clarification on the two separate synchronization projects commencing concurrently on Winton Way.

Mayor Crieghton appointed Roger Wood as a citizen liason to work with Public Works/Community Development Director Thompson to share any traffic concerns and any issues that he comes across regarding traffic signals.

Mayor Pro Tem Raymond disconnected from the teleconference call.

MOTION: *Mayor Creighton moved to adopt Resolution No. 3182-20 approving Budget Amendment No. 6 amending Fiscal Year 2020-21 Budget to allocate funding for the Repair and Upgrade of the Traffic Signal at Winton Way and Bellevue Road, in the amount of \$85,000; and to award a General Construction Contract, in a form approved by the City Attorney, to Tim Paxin's Pacific Excavation, Inc. of Elk Grove, California, for the Repair and Upgrade of the Traffic Signal at Winton Way and Bellevue Road, Project No. 20-6; Bid Call No. 697-20, in*

an amount not to exceed \$73,493; and to authorize and direct the City Manager to execute the Contract on behalf the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Ambriz, Vierra, Cale, Creighton; Noes: None; Absent: Raymond. The motion passed.

PUBLIC HEARINGS:

Waiving the first reading and introducing an ordinance approving Element 7 Atwater, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis dispensary, distribution, and cultivation business located at 230 Commerce Avenue (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson provided background information on this item and informed the Council of City staff and the applicant's request to continue the public hearing to the next regular City Council meeting of October 12, 2020.

Mayor Pro Tem Raymond re-connected to the teleconference call.

Mayor Creighton opened the public hearing for this item.

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

MOTION: *City Council Member Vierra moved to continue the public hearing to the regular City Council meeting of October 12, 2020. The motion was seconded by City Council Member Cale and the vote was: Ayes: Ambriz, Vierra, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.*

Waiving the first reading and introducing an ordinance approving Pacific Ag, LLC Development Agreement regarding Cannabis Business Pilot Program for cannabis cultivation, distribution, and manufacturing business located at 1779 and 1883 Sycamore Avenue (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson provided background information on this item and informed the Council of City staff and the applicant's request to continue the public hearing to the next regular City Council meeting of October 12, 2020.

Mayor Creighton opened the public hearing for this item.

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

MOTION: *City Council Member Vierra moved to continue the public hearing to the regular City Council meeting of October 12, 2020. 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.*

Merced County District 3 Supervisor Daron McDaniel provided an update that Merced County District 3 has requested for \$504,000 from the County's Ready2Open Small Business Assistance Program to reimburse local small businesses who experienced a loss in revenue due to COVID-19.

City Council Member Vierra informed Supervisor McDaniel of a call that she received from a citizen who was concerned with the cancellations of Supervisor McDaniel's office hours, and recommended that Supervisor McDaniel's meeting location be changed to the Atwater Community Center for a more consistent and open location.

Mayor Creighton commented that Supervisor McDaniel can switch his office location at his pleasure and to inform City staff if he would like to.

Mayor Pro Tem Raymond thanked Supervisor McDaniel for working with City Manager Waterman to educate the local small businesses on the Ready2Open program.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Deputy City Clerk Martin read into the record one comment received by email which voiced the person's concerns of the rally that occurred on September 26, 2020.

Administrative Assistant Kory Billings provided an update to the Council and public regarding the City's intent to have a Halloween Porch Parade contest for this year's Halloween.

Two people spoke regarding their concerns of the rally which occurred on September 26, 2020.

One person spoke regarding his discontent with the City.

One person spoke thanking the City Council for their work and offered his help to the City.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Cale thanked Police Chief Salvador and the Atwater Police Department for maintaining the peace at the protest on Saturday, September 26, 2020.

City Council Member Ambriz also thanked Police Chief Salvador and the Atwater Police Department for maintaining the peace at the protest on Saturday.

Mayor Pro Tem Raymond sends his love, thoughts, and prayers to City Manager Waterman during her time of grief.

City Council Member Vierra also sends her love, thoughts, and prayers to City Manager Waterman during her time of grief.

Mayor Creighton commented on the public's questions regarding the rally on Saturday, September 26, 2020. He also thanked the Atwater Police Department and Merced County Sheriff's Office for the work and assistance they provided to keep the community safe during the Rally.

Police Chief Salvador also thanked the Atwater Police Department and Merced County Sheriff's Office for their assistance and support on keeping the community safe and maintaining the peace during the rally.

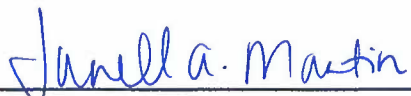
Mayor Creighton sent his love, thoughts, and prayers to City Manager Waterman during her time of grief.

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 7:06 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Richard Vang
Deputy City Clerk