



# CITY OF ATWATER

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## CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

### ACTION MINUTES

**November 9, 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 Pro Tem Raymond (via teleconference), Mayor Creighton*

**Absent:** *None*

**Staff Present:** *Deputy City Manager Del Real, City Attorney Splendorio, Public Works/Community Development Director Thompson, Information Technology 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 5:36 PM.*

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property price and terms of payment. Agency Negotiator: Deputy City Manager Del Real and Public Works/Community Development Director Thompson. Negotiating Parties: Adrian Garcia Vidrio and Tania Lizete Romero Mejia

Property Location: APN 156-070-028

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property price and terms of payment. Agency Negotiator: Deputy City Manager Del Real and Public Works/Community Development Director Thompson. Negotiating Parties: Golden State Realty Association, a California Corporation

Property Location: Portion of APN 156-131-053

Conference with Legal Counsel – Initiating Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases: (1)

***Closed Session adjourned at 5:52 PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency 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.***

PLEDGE OF ALLEGIANCE TO THE FLAG:

***The Pledge of Allegiance was led by Administrative Assistant Kory Billings.***

INVOCATION:

***The Invocation was led by Pastor Rich Miller.***

ROLL CALL: (City Council/Governing Board)

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

***Absent: None***

***Staff Present: Deputy City Manager/Deputy Executive Director Del Real, City Attorney Splendorio, Police Chief Salvador, Public Works/Community Development Director Thompson, Deputy Public Works/Community Development Director Holsinger, Finance Director Jacobs-Hunter, Information Technology Manager Lamerson, Administrative Assistant Billings, Deputy City Clerk/Deputy Board Secretary Martin***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***City Attorney Splendorio reported that the City Council considered two items of real property negotiations and one item of anticipated litigation. 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 Ambriz and the vote was: Ayes: Vierra, Ambriz, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.***

CONSENT CALENDAR:

***Agenda item number six (6) under Agreements was removed from the Consent Calendar for separate discussion and possible action.***

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

WARRANTS:

1. November 9, 2020

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

MINUTES:

2. August 19, 2020 – Regular meeting

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

CALL FOR BIDS:

3. Approving plans and specifications and authorizing advertising and calling for bids for the Fruitland Avenue Reconstruction – Phase 2 Project (Public Works/Community Development Director Thompson)

***ACTION: Approval of the plans and specifications and authorizes advertising and calling for bids for Bid Call No. 703-20, "Fruitland Avenue Reconstruction – Phase 2 Project," City Project No. 16-2-2.***

RESOLUTIONS:

4. Authorizing a Purchase and Sale Agreement with Edward A. Vanek, II for certain property located North of Bell Drive and East of Truckee Drive, APN: 001-134-015 (Public Works/Community Development Director Thompson)

***ACTION: Adoption of Resolution No. SA 2020-2 authorizing a Purchase and Sale Agreement with Edward A. Vanek, II, in a form approved by the City Attorney, for certain property located North of Bell Drive and East of Truckee Drive, APN: 001-134-015, in the amount of \$450,000; and authorizes and directs the City Manager, or her designee, to execute the Agreement and all documents related to the sale of the Property on behalf of the City.***

AGREEMENTS:

5. Waiving the Formal Procurement Process and awarding a sole source purchase to Sun Ridge Systems for the California Incident Based Reporting software module for the Police Department's Records Management System (Police Chief Salvador)

***ACTION: Waives the formal procurement process and awards a Sole Source Purchase Order to Sun Ridge Systems for the purchase of the California Incident Based Reporting software module for the Police Department's Records Management System, in the amount of \$25,000.00; and authorizes and directs the City Manager, or her designee, to execute the Purchase Order on behalf of the City.***

6. Ratifying the submittal of a grant application to the California Office of Emergency Services for the Community Power Resiliency Allocation to Cities Grant (Police Chief Salvador)

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

CLAIMS AGAINST THE CITY: (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim, however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6317).

7. Claim No. 2020-18

***ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2020-18 be rejected.***

AGREEMENTS:

Ratifying the submittal of a grant application to the California Office of Emergency Services for the Community Power Resiliency Allocation to Cities Grant (Police Chief Salvador)

*Police Chief Salvador provided background information on the item.*

*City Council Member/Board Member Vierra asked if the City was required to match the grant amount awarded, and Police Chief Salvador confirmed that the City was not required to match the grant amount awarded.*

***MOTION:*** *City Council Member/Board Member Vierra moved to ratify the submittal of a grant application to the California Office of Emergency Services for the Community Power Resiliency Allocation to Cities Grant; and to authorize and direct the City Manager, or her designee, to execute any and all documents related to the grant on behalf of the City. The motion was seconded by Mayor Pro Tem/Board Vice Chair Raymond and the vote was: Ayes: Raymond, Cale, Ambriz, Vierra, Creighton; Noes: None; Absent: None. The motion passed.*

PUBLIC HEARINGS:

Confirmation of Itemized Cost Reports, pursuant to Atwater Municipal Code 8.32.130, regarding the blight abatement of properties (Code Enforcement Manager Garcia and Police Chief Salvador)

*Police Chief Salvador provided background information on this item.*

*Mayor/Board Chair Creighton opened the public hearing for this item.*

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

*City Council Member/Board Member Vierra asked if this cleanup has already been completed and asked if the Property being sold will affect the City's collection efforts.*

*City Attorney Splendorio confirmed that the property being sold will limit the City's collection efforts, but Council confirming the abatement costs is the first required step before the City can begin exploring its different collection options.*

***MOTION:*** *City Council Member/Board Member Cale moved to confirm the Itemized Costs Reports, pursuant to Atwater Municipal Code 8.32.130, regarding the blight abatement of properties located at APNs: 001-146-015 and 001-146-016; Property Owner: Robert W. Riechel; and; and to authorize and direct the City Manager, or her designee, to execute any and all documents on behalf of the City. The motion was seconded by City Council Member/Board Member Vierra and the*

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

REPORTS AND PRESENTATIONS FROM STAFF:

Awarding a General Construction Contract to Phase 1 Construction of Atwater, California, for the Aileen Colburn Pedestrian Improvement Phase 2 Project (Public Works/Community Development Director Thompson)

**Public Works/Community Development Director Thompson provided background information on this item.**

**MOTION: City Council Member/Board Member Ambriz moved to award a General Construction Contract, in a form approved by the City Attorney, to Phase 1 Construction, of Atwater, California, for the Aileen Colburn Pedestrian Improvements Phase 2 Project, Federal Project No. CML-5254(028), City Project No. 17-1, Bid Call No. 691-20, in an amount not to exceed \$414,372; and to authorize and direct the City Manager, or her designee, to sign and affirm construction contract change orders up to an aggregate of \$41,437.20; and to authorize and direct the City Manager, or her designee, to execute the contract on behalf of the City. The motion was seconded by City Council Member/Board Member Vierra and the vote was: Ayes: Cale, Ambriz, Raymond, Vierra, Creighton; Noes: None; Absent: None. The motion passed.**

Adopting a resolution approving a budget amendment to allocate additional funding for the Veterans Park Water Playground, and approving Change Order No. 1 for the Veterans Park Water Playground Project (Public Works/Community Development Director Thompson)

**Public Works/Community Development Director Thompson provided background information on this item.**

**MOTION: City Council Member/Board Member Vierra moved to adopt Resolution No. 3184-20 approving Budget Amendment No. 7 amending Fiscal Year 2020-21 Budget to allocate additional funding for Veteran's Park Water Playground Project in the amount of \$8,000.00; and to approve Change Order No. 1 in the amount of \$19,175.00 for a total contract amount of \$289,175.00; and to authorize and direct the City Manager, or her designee, to execute the change order. 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.**

COMMENTS FROM THE PUBLIC:

**Notice to the public was read.**

**Deputy City Clerk/Deputy Board Secretary Martin read into the record one**

*comment received by email which asked the City Council to re-open Veteran's Park to the public.*

*Three people spoke regarding their support for Students With Aspiring Goals ("SWAG").*

*One person spoke about the First Amendment's freedom of speech.*

*Two people spoke regarding their discontent with the City.*

*One person spoke regarding their suggestions to improve the appearance of City Hall.*

*One person spoke thanking the Mayor and City Council for their hardwork.*

*No one else came forward to speak.*

CITY COUNCIL MATTERS:

City Council comments

*Mayor Pro Tem Raymond thanked everyone who ran for office, congratulated the winners of the Election, and wished his son a Happy 23rd Birthday.*

*City Council Member Cale thanked everyone who voted in the Election, wished his granddaughter a Happy 10th Birthday, wished everyone a Happy Thanksgiving, and thanked City Council Member Vierra for all of her service as a City Council Member.*

*City Council Member Ambriz wished City Council Member Cale's granddaughter and Mayor Pro Tem Raymond's son a Happy Birthday, and thanked City Council Member Vierra for her service as a City Council Member.*

*Deputy City Manger Del Real provided an update that the Public Works Department implemented a new ticket system back in August and has received a total number of 527 tickets with only 39 active tickets remaining.*

*Mayor Creighton spoke regarding the effectiveness of the new Public Works ticket system, thanked Candidate Noguera for running for the City Council District One, and also thanked City Council Member Vierra for her service as a City Council Member.*

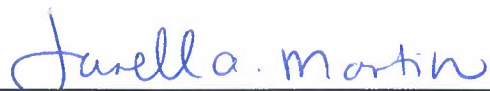
*City Council Member Vierra spoke regarding the City's compassion for its residents and community, reiterated that Public Records are open for the public to inspect, and stated her disagreement with comments that were made earlier.*

CLOSED SESSION:

Continuation of Closed Session was not necessary.

ADJOURNMENT:

***City Council Member Vierra adjourned the meeting at 6:50 PM.***



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JANELL MARTIN  
DEPUTY CITY CLERK

By: Richard Vang  
Deputy City Clerk