



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

January 25, 2021

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 4:33 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, Button, Cale, Mayor Creighton
Absent: Mayor Pro Tem Raymond
Staff Present: City Manager Waterman, City Attorney Splendorio, 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 Crieghton adjourned the meeting to Conference Room A for Closed Session at 4:34 PM. Mayor Pro Tem Raymond joined the meeting at 4:37 PM via teleconference. Closed Session was called to order at 4:38 PM.

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: David Doo; Daisy Fuentes; Kane Corporation representing Conservation Liquidation Office; and Passadori Living Trust

Property Locations: APN 002-206-006
 APN 002-207-008
 APN 004-010-014
 APN 004-010-015
 APN 002-213-013

Closed Session adjourned at 5:45 PM.

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.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Merced County District 3 Supervisor McDaniel.

INVOCATION:

The Invocation was led by Police Chaplain Steve Mead.

ROLL CALL:

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

Absent: None

Staff Present: City Manager Waterman, City Attorney Splendorio, CAL FIRE Battalion Chief Ayuso, Police Chief Salvador, Public Works/Community Development Director Thompson, Finance Director Jacobs-Hunter (via teleconference), Administrative Assistant Billings, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council considered one item of anticipated litigation and one item of Real Property Negotiations. 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 Ambriz moved to approve the agenda as posted. The motion was seconded by City Council Member Button and the vote was: Ayes: Button, Raymond, Ambriz, Cale, Creighton; Noes: None; Absent: None. The motion passed.

PRESENTATIONS:

Monthly verbal report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel provided the following updates:

- ***Merced County is finalizing a contract with a vehicle testing company to operate the County's autonomous vehicle testing grounds.***
- ***A large firm from the Bay Area is looking to relocate to Castle Airport.***
- ***There are currently four major dairy expansions within Merced County; two of which are located right outside the Atwater area.***
- ***The Winton Community Plan update is nearing its completion and the Beachwood-Franklin Community Plan update has begun.***
- ***The County is working with Burlington Northern Rail to designate Castle Airport as California's second rail site.***
- ***Merced County's sales receipts were anticipated to decline by about 20%, but so far it has only declined about 3% to 6%.***
- ***Merced County's average unemployment rate is only slightly above the state's average unemployment rate.***
- ***Merced County was awarded numerous grants to help improve its railroad systems.***
- ***Merced County was awarded \$29 million from the California Transportation Commission for the Merced-Atwater Expressway project.***
- ***As of January 22, 2021 Merced County has received a total of 9,800 COVID-19 vaccines, and are dispersing it throughout the County as the vaccines are received.***

CONSENT CALENDAR:

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

WARRANTS:

1. January 25, 2021

ACTION: *Approval of warrants as listed.*

TREASURER'S REPORTS:

2. a) November 30, 2020
b) December 31, 2020

ACTION: Approval of reports as listed.

MINUTES: (City Council)

3. a) January 11, 2021 – Special meeting
b) January 11, 2021 – Regular meeting

ACTION: Approval of minutes as listed.

CALL FOR BIDS:

4. Approving specifications and authorizing advertising and call for bids for Bid Call No. 705-20; "Purchase of One 2021 Ford Systems Maintenance Truck for the Public Works Department Water Division" (Deputy Director of Public Works Holsinger)

ACTION: Approves specifications and authorizes advertising and calling for bids for Bid Call No. 705-20; "Purchase of One 2021 Ford Systems Maintenance Truck for the Public Works Department Water Division".

RESOLUTIONS:

5. Adopting a resolution authorizing an application for and receipt of AB101 Planning Grant support program funds (Public Works/Community Development Director Thompson)

ACTION: Adopts Resolution No. 3206-21 authorizing submittal of an application to the California Department of Housing and Community Development; and authorizing and directing the City Manager to execute the application, and all documents related to the grant acceptance and agreement, on behalf of the City, including administration, if awarded.

6. Adopting a resolution authorizing and directing the City Manager or her designee to execute all agreements or documents on behalf of the City, required for CMAQ Project-CML-5254(030) Phase 1 Pedestrian Improvements to Connect with Downtown and adopting a resolution approving a budget amendment and amending the 5 Year Capital Improvement Program to allocate funding for the Phase 1 Pedestrian Improvements to Connect with Downtown. (Public Works/Community Development Director Thompson)

ACTION: Adopts Resolution No. 3200-21 authorizing and directing the City Manager, or her designee, to execute all agreements or documents, on behalf of the City, required for Federal Aid (CMAQ) Project No. CML-5254(030), Phase 1 Pedestrian Improvements to Connect with Downtown; and adopts Resolution No. 3201-21 approving Budget Amendment No. 11, amending Fiscal Year 2020-21 Budget and amending the 5 Year Capital Improvement Program to allocate funding for Phase 1 Pedestrian Improvements to Connect with Downtown, in the amount of \$1,124,530.

7. Adopting resolution authorizing and directing the City Manager or her designee to execute all agreements or documents on behalf of the City, required for CMAQ Project-CML5254(031) Phase 2 Pedestrian Improvements to Connect with Downtown and adopting a resolution approving a budget amendment and amending the 5 Year Capital Improvement Program to allocate funding for the Phase 2 Pedestrian Improvements to Connect with Downtown. (Public Works/Community Development Director Thompson)

ACTION: Adopts Resolution No. 3202-21 authorizing and directing the City Manager, or her designee, to execute all agreements or documents on behalf of the City, required for Federal Aid (CMAQ) Project No. CML-5254(031), Phase 2 Pedestrian Improvements to Connect with Downtown; and adopts Resolution No. 3203-21 approving Budget Amendment No.12, amending Fiscal Year 2020-21 Budget and amending the 5 Year Capital Improvement Program to allocate additional funding for Phase 2 Pedestrian Improvements to Connect with Downtown in the amount of \$181,110.

8. Adopting resolution authorizing and directing the City Manager or her designee to execute all agreements or documents on behalf of the City, required for CMAQ Project-CML5254(032) Phase 3 Pedestrian Improvements to Connect with Downtown and adopting a resolution approving a budget amendment and amending the 5 Year Capital improvement Program to allocate additional funding for the Phase 3 Pedestrian Improvements to Connect with Downtown. (Public Works/Community Development Director Thompson)

ACTION: Adopts Resolution No. 3204-21 authorizing and directing the City Manager, or her designee, to execute all agreements or documents on behalf of the City, required for Federal Aid (CMAQ) Project No. CML-5254(032), Phase 3 Pedestrian Improvements to Connect with Downtown; and adopts Resolution No. 3205-21 approving Budget Amendment No.13 amending Fiscal Year 2020-21 Budget and amending the 5 Year Capital Improvement Program to allocate funding for Phase 3 Pedestrian Improvements to Connect with Downtown in the amount of \$131,910.

9. Rescinding the award of a General Construction Contract to Tim Paxin's Pacific Excavation of Elk Grove, California for Repairs and Upgrades to the Traffic Signal at Winton Way and Bellevue Road (Public Works/Community Development Director Thompson)

ACTION: Rescinds the award of a General Construction Contract to Tim Paxin's Pacific Excavation, of Elk Grove, California, for Repairs and Upgrades to the Traffic Signal at Winton Way and Bellevue Road, in an amount not to exceed \$73,493.

AGREEMENTS:

10. Approving an increase to Purchase Order No. 14798 with Pac Machine Company, Inc to include sales tax for the purchase and installation of temporary portable wastewater pumps for the Castle Sewer Interceptor Project (Deputy Director of Public Works/Community Development Holsinger)

ACTION: Approves an increase to Purchase Order No. 14798 with Pac Machine Company of Sacramento, California, to increase the original amount of the Purchase Order of \$122,543.00 to include sales tax in the amount of \$9,944.80 for a total amount of \$132,487.80 for the purchase and installation of temporary portable wastewater pumps for the Castle Sewer Interceptor Project; and authorize and direct the City Manager, or her designee, to sign all documents necessary to increase the amount of the Purchase Order.

11. Waiving the Formal Procurement Process and awarding a sole source purchase to Tesco Controls, Inc of Sacramento, California for upgrades to the City SCADA software and equipment (Deputy Director of Public Works/Community Development Holsinger)

ACTION: Waives the Formal Procurement Process and award a sole source purchase to Tesco Controls, Inc of Sacramento, California for upgrades to the City SCADA software and equipment, in an amount not to exceed \$94,357.45; and authorize and direct the City Manager, or her designee, to execute the Purchase Order on behalf of the City.

12. Approving Memorandum of Understanding with the County of Merced for the Merced County Operational Area Hazardous Materials Response Team(CAL FIRE Battalion Chief Ayuso)

ACTION: Approves the Memorandum of Understanding, in a form approved by the City Attorney, with the County of Merced regarding the Merced County Operational Area Hazardous Materials Response Team; and authorize and direct the City Manager, or her designee, to execute any and all documents related to the Memorandum of Understanding on behalf of the City.

REPORTS AND PRESENTATIONS FROM STAFF:

Adopting Resolution No. 3198 – 21 Authorizing the City Manager to negotiate and execute, all necessary and required inter-agency purchases and agreements for the City of Atwater 1,2,3-TCP Remediation Project (Public Works/Community Development Director Thompson)

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

MOTION: *City Council Member Button moved to adopt Resolution No. 3198-21, authorizing the City Manager, or her designee, to have signature authority on all inter-agency purchases and agreements involving equipment, supplies, and/or services, which arise from, or are related to, necessary and required agreements with public agencies and utility providers, in an amount not to exceed (NTE) \$500,000; and to authorize Amendment No. 1 to the Phase 1 Services Progressive Design-Build Contract scope of services to include the purchasing of specified long lead time equipment, progressing design and engineering to 100%, and constructing an early work package for utilities at the Well 16 Treatment Site in the amount of \$1,652,520.00 (a portion of the previously authorized \$10,000,000 spending authority). The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Raymond, Button, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

CITY MANAGER UPDATES:

Monthly verbal update regarding City of Atwater 1,2,3-TCP Remediation Project

City Manager Waterman provided the following updates regarding 1,2,3-TCP Remediation Project:

- ***Staff is currently in negotiations to finalize a Guaranteed Maximum Price for Phase 2 services for this project, and will present that item to the City Council at the regular meeting of February 8, 2021.***
- ***Design and Engineering is 90% complete and should be completed the week of the February 8, 2021 meeting as well.***
- ***Contractor will start preparing Fruitland Avenue Central Treatment Plant Facility to install utilities for work trailers, which are to be delivered the week of February 11, 2021.***

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke regarding her concerns of the City.

One person spoke regarding the improved responsiveness of City staff over the years.

Deputy City Clerk Martin read into the record two comments received by email from the public which requested for an update on the City's efforts towards the Prop 68 Grant.

No one else came forward to speak.

CITY COUNCIL MATTERS:

Resolution nominating a Board Member for the San Joaquin Valley Air Pollution Control District (SJVAPCD) Committee

Mayor Pro Tem Raymond commented on his recommended nomination of Los Banos Council Member Deborah Lewis to the San Joaquin Valley Air Pollution Control District Governing Board.

MOTION: Mayor Pro Tem Raymond moved to nominate Los Banos Council Member Deborah Lewis to serve on the San Joaquin Valley Air Pollution Control District Governing Board. The motion was seconded by Mayor Creighton and the vote was: Ayes: Raymond, Ambriz, Button, Cale, Creighton; Noes: None; Absent: None. The motion passed.

City Council Reorganization/Mayor's Committee Assignments

- Mayor Pro Tern
- Merced County Association of Governments (1 representative and 1 alternate)
- League of California Cities Central Valley Division (1 representative and 2 alternates)
- City Audit and Finance Committee (2 representatives)
- LAFCO (1 representative)
- USP/Atwater Community Liasion Group (1 representative and 1 alternate)
- Atwater Community Services/Neighborhood Watch (1 representative)
- 4th of July Committee (1 representative)
- San Joaquin Valley Air Pollution Control District (1 representative and 1 alternate)
- SGMA (1 representative and 1 alternate)
- IRWIN (1 representative and 1 alternate)
- ACE Train (1 Representative and 1 alternate)
- One Voice (1 representative and 1 alternate)
- Bloss House (2 representatives)
- Christmas Parade (2 representatives)
- General Plan Update Committee (1 representative and 1 alternate)

Mayor Creighton made the following committee assignments:

- ***Mayor Pro Tem: Cale***
- ***Merced County Association of Governments: Representative is Cale and alternate is Raymond.***
- ***League of California Cities Central Valley Division: Representative is Cale and alternates are Ambriz and Button.***
- ***City Audit and Finance Committee: Ambriz and Button.***
- ***LAFCO: Creighton***

- **USP/Atwater Community Liasion Group: Primary is Creighton and alternate is Raymond.**
- **Atwater Community Services/Neighborhood Watch: Button.**
- **4th of July Committee: Cale**
- **San Joaquin Valley Air Pollution Control District: Representative is Cale and alternate is Button.**
- **SGMA: Representative is Creighton and alternate is Public Works Superintendent Vinson.**
- **MIRWMP: Representative is Creighton and alternate is Public Works Superintendent Vinson.**
- **ACE Train: Representative is Creighton and alternate is Raymond.**
- **One Voice: Representative is Cale and alternate is Ambriz.**
- **Bloss House: Cale and Ambriz.**
- **Christmas Parade: Button and Creighton.**
- **General Plan Update Committee: Representative is Creighton and alternate is Raymond.**

MOTION: City Council Member Cale moved to ratify the Mayor's Committee assignments. The motion was seconded Mayor Pro Tem Raymond and the vote was: Ayes: Ambriz, Cale, Raymond, Button, Creighton; Noes: None; Absent: None. The motion passed.

City Council comments

City Council Member Button welcomed the new business, Sourdough & Co. to the City of Atwater and thanked Merced County Supervisor McDaniel and Mayor Creighton for their support in advocating for more COVID-19 vaccine within the City of Atwater. He also commented on his support for the youth.

Mayor Pro Tem Cale requested for staff to incorporate a shaded box around the Agenda's Consent Calendar again. He congratulated staff for their hard work on bringing new businesses to the City of Atwater and encouraged everyone to stay safe.

City Council Member Ambriz also thanked City staff for their hard work and welcomed all of the new businesses coming to the City of Atwater. He wished his wife and sister an early Happy Birthday.

City Council Member Raymond commented on how to sign up to get the vaccine in Merced County, wished well a friend of his, and informed the community that he will be going into surgery and for anyone who has questions regarding District Four to contact Mayor Creighton.

Mayor Creighton asked for everyone to send their thoughts and prayers to Planning Commissioner Fred Warchol and his family during their tough times. He also congratulated and thanked the City Council for their hard work on leading City staff as well.

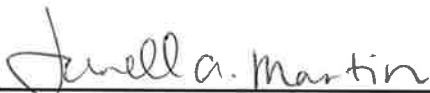
City Council Member Ambriz provided information on former City of Atwater Mayor Adelos Gorton's background and history.

Police Chief Salvador provided information on former City of Atwater Police Chief Jerry Cole's background and history.

ADJOURNMENT:

Mayor Creighton adjourned the meeting in memory of City of Atwater's former Mayor Adelos Gorton and former Police Chief Jerry Cole.

Mayor Creighton adjourned the meeting at 6:48 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Richard Vang
Deputy City Clerk