



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

February 22, 2021

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, Button, Mayor Pro Tem Cale, Mayor Creighton

Absent: City Council Member Raymond

Staff Present: City Manager Waterman, City Attorney Splendorio, Public Works/Community Development Director Thompson, 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 5:39 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; Passadori Living Trust; and Mark A. Riedeman

Property Locations: APN 002-206-006
 APN 002-207-008
 APN 004-010-014
 APN 004-010-015
 APN 002-213-013
 APN 002-208-002

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

Conference with Legal Counsel - Initiating Litigation - Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(4): Number of cases (1)

City Council Member Raymond joined the meeting via teleconference at 5:44 PM.

Closed Session adjourned at 5:56 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:02 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 Ferman Perez.

INVOCATION:

The Invocation was led by Pastor Jimmie Davis.

ROLL CALL:

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

Absent: ***None***

Staff Present: ***City Manager Waterman, City Attorney Splendorio, Deputy City Manager Del Real (via teleconference), CAL FIRE Battalion Chief Ayuso, Police Chief Salvador, Public Works/Community Development Director Thompson, Finance Director Jacobs-Hunter (via teleconference), Administrative Assistant Billings, 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 case of anticipated litigation, one case of initiating litigation, and real property negotiations. The City Council provided direction and no reportable action was taken. The Closed Session agenda was completed.

SUBSEQUENT NEED ITEMS:

None.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Mayor Creighton requested to amend the agenda by postponing the Certificate of Recognition – Fred Warchol under “Ceremonial Matters.”

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

CEREMONIAL MATTERS:

Certificate of Recognition: Ferman Perez

Mayor Pro Tem Cale spoke regarding Ferman Perez’s contributions and service to the Atwater community, and presented to him a certificate of recognition.

The City Council thanked Ferman Perez for contributions to the community.

Certificate of Recognition: Fred Warchol

This ceremonial matter was postponed to a future City Council meeting.

City Council Member Raymond left the meeting via teleconference at 6:10 PM.

PRESENTATIONS:

Monthly Verbal Report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***He thanked UC Merced and Dignity Health for providing additional COVID-19 vaccinations to Merced County, and also thanked Merced College’s Nursing school for their assistance with administering 3,562 COVID-19 vaccines. He recognized Merced County Executive Officer Brown for his active involvement in this matter.***

- ***On Friday, February 26, 2021, the eight counties in the San Joaquin Valley will receive from the State 34,000 COVID-19 vaccines to help vaccinate food and agricultural workers.***
- ***State distribution of vaccines will be allocated based off of population: with 70% of the vaccines will be disbursed based on number of population over 65 years of age and 30% of the vaccines will be disbursed to the Central Valley due to the heavy concentration of food and agricultural workers.***

CONSENT CALENDAR:

One person questioned a line item listed on the February 22, 2021 Warrants.

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

WARRANTS:

1. February 22, 2021

ACTION: Approval of warrants as listed.

TREASURER'S REPORT:

2. January 31, 2021

ACTION: Approval of report as listed.

MINUTES: (City Council)

3. a) February 8, 2021 – Special meeting
b) February 8, 2021 – Regular meeting

ACTION: Approval of minutes as listed.

CALL FOR BIDS:

4. Approving specifications and authorizing advertising and calling for bids for Bid Call No. 706-21, Project for Tenant Improvement of an Existing Building for the Atwater Police Department (Police Chief Salvador)

ACTION: Approval of specifications and authorizes advertising and calling for bids for Bid Call No. 706-21, Project for Tenant Improvement of an Existing Building for the Atwater Police Department.

RESOLUTIONS:

5. Approving and ratifying Side Letter of Agreements with AFSCME Miscellaneous and Clerical Bargaining Units and adopting Salary Schedule C-21 Effective February 18, 2021 (Deputy City Manager Del Real)

ACTION: Adoption of Resolution No. 3209-21 approving and ratifying Side Letter of Agreements, in a form approved by the City Attorney, between the City of Atwater and the American Federation of State, County, and Municipal Employees, Local 2703, Council 57, AFL-CIO representing the Miscellaneous and Clerical Bargaining Units, pertaining to certain terms and conditions of employment and authorizes and directs the City Manager to execute the agreement on behalf of the City, and adoption of Resolution No. 3210-21 adopting Salary Schedule C-21 effective February 18, 2021.

AGREEMENTS:

6. Authorizing City Manager to execute agreement with PG&E for rapid rectangular flashing beacons on Winton Way (Public Works/Community Development Director Thompson)

ACTION: Authorizes and directs the City Manager to execute an agreement with PG&E, in the amount of \$28,739.83, to energize rapid rectangular flashing beacons (RRFBs) on Winton Way.

REPORTS AND PRESENTATIONS FROM STAFF:

Police Department 2020 Annual Report (Police Chief Salvador)

Police Chief Salvador presented a PowerPoint presentation and reported on the following:

- ***The Atwater Police Department operated with a \$7.6 million budget in 2020.***
- ***The Police Department received 23,175 calls for service in 2020, which was about a 20% decrease from the numbers of calls for service in 2019. This was due to the Shelter in Place Order and the loss of the School Resource Officer program.***
- ***In 2020, the City's traffic collision accidents and injury vehicle accidents decreased from the previous year.***
- ***The Police Department accomplished many of its Strategic Plan's goals in 2020.***
- ***In 2021, the Police Department will focus on its Building Renovations Project, Personnel Development, and Functional Department Reorganization.***

Fire Department 2020 Annual Report (CAL FIRE Battalion Chief Ayuso)

CAL FIRE Battalion Chief Ayuso presented a PowerPoint presentation and reported on the following:

- ***The organizational structure of the Atwater Fire Department and the City's contract with CAL FIRE to provide services.***
- ***The Fire Department's equipment and fire trucks and commented on the Fire Department's current capabilities and limitations.***
- ***The City's Public Protection Classification grade has improved from a 5 in 2018 to a 3 in 2020, which results in higher savings for the community's cost of insurance.***
- ***In 2020, the Fire Department acquired new extrication equipment, and implemented new inspection software.***

Mayor Creighton spoke regarding the importance of ensuring the City's first responders have proper and up to date equipment to best serve the community.

CITY MANAGER REPORTS/UPDATES:

Resolution Determining Continued Need for Emergency Repairs at Canal Creek Bridge, Project No. 21-01

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

MOTION: Mayor Pro Tem Cale moved to adopt Resolution No. 3211-21 determining there is a need to continue the emergency repairs at Canal Creek Bridge; Ratify a General Construction Agreement to Teichert Construction, Fowler, California for an amount not to exceed \$112,187.87, establish and add the Capital Improvement Project (CIP), and authorize appropriation transfer from another CIP. The motion was seconded by City Council Member Button and the vote was: Ayes: Ambriz, Button, Cale, Creighton; Noes: None; Absent: Raymond. The motion passed.

Finance Director Jacobs-Hunter provided clarification to a question raised earlier regarding an error listed on the February 22, 2021 Warrants. She stated that the error will be corrected and brought back to Council at the next meeting as an amended warrant.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Deputy City Clerk Martin read into the record two comments received by email. One person wrote thanking all elected officials in Merced County for their efforts on helping obtain the COVID-19 vaccine for their community.

One person wrote regarding Students With Aspiring Goals (SWAG) and asked for information about the City's plan to reopen parks for the City's youth.

One person spoke regarding her concerns of a catering business operating at Veterans Park.

One person spoke regarding extending public comment time to five minutes instead of three, and asked how Measure H expiring in 2023 would affect the City.

One person spoke regarding cars speeding on First Street between Juniper Avenue and Grove Avenue, and requested for a speed bump to be placed there.

No one else came forward to speak.

CITY COUNCIL MATTERS:

Appointment of one (1) Commissioner Member to the unscheduled vacancy on the City of Atwater Planning Commission for the remaining term of three (3) years ending December 31, 2023.

City Manager Waterman provided background information on this item and informed the City Council of a third application submitted to staff on Monday morning.

Two people spoke in favor of not accepting the third applicant who submitted an application after the deadline.

City Council Member Button moved to table this item to the next regular City Council meeting. The motion died due to a lack of a second.

MOTION: Mayor Creighton moved to nominate Ron Daugherty to fill the unscheduled vacancy on the Planning Commission; and to appoint Ron Daugherty to the Planning Commission for the remaining term of three (3) years ending on December 31, 2023. The motion was seconded by City Council Member Button and the vote was: Ayes: Button, Cale, Creighton; Noes: Ambriz; Absent: Raymond. The motion passed.

City Council comments

Mayor Pro Tem Cale congratulated Ferman Perez for his contributions to the community, and also thanked the Police Chief Salvador and CAL FIRE Battalion Chief Ayuso for their presentations and their department's hard work.

City Council Member Button thanked the community for helping Merced County acquire additional COVID-19 vaccines and administering them to the public. He also thanked Police Chief Salvador and CAL FIRE Battalion Chief Ayuso for a great presentation, and encouraged all of the candidates who applied for the Planning Commission vacancies to continue giving back to the community.

City Council Member Ambriz also thanked Police Chief Salvador and CAL FIRE Battalion Chief Ayuso for their presentations and recommended different social media platforms for reaching out to the Community.

Mayor Creighton commented to City staff to work on finding a solution on the speeding concern on First Street between Juniper Avenue and Grove Avenue. He also thanked Ferman Perez for his contributions to the community, thanked Merced County for their hard work on ensuring the county receives more COVID-19 Vaccines, and thanked Police Chief Salvador and CAL FIRE Battalion Chief Ayuso for their presentations.

ADJOURNMENT:

Mayor Creighton adjourned the meeting in memory of former City Clerk Frances Barrett and Former City Attorney Dennis Myers.

Mayor Creighton adjourned the meeting at 7:35 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Richard Vang
Deputy City Clerk