



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**March 22, 2021**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:03 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Pro Tem Cale presiding.*

ROLL CALL: (City Council)

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

**Absent:** *None*

**Staff Present:** *City Manager Waterman, City Attorney Splendorio, Deputy City Clerk Martin*

CLOSED SESSION: (Conference Room A)

*Mayor Pro Tem Cale invited public comment on Closed Session items.*

*No one came forward to speak.*

*Mayor Pro Tem Cale adjourned the meeting to Conference Room A for Closed Session at 5:05 PM. City Council Member Raymond and Mayor Creighton joined Closed Session via teleconference at 5:08 PM. Closed Session was called to order at 5:08 PM.*

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: Daisy Fuentes and Mark A. Riedeman

Property Locations:            APN 002-207-008  
   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 (3)

Public Employee Annual Performance Evaluation - California Government Code Section 54957(b)(1): Title: City Attorney

***Closed Session adjourned at 5:57 PM.***

**REGULAR SESSION:** (Council Chambers)

***The City Council of the City of Atwater met in Regular Session this date at 6:07 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Pro Tem Cale presiding.***

**PLEDGE OF ALLEGIANCE TO THE FLAG:**

***The Pledge of Allegiance was led by Adam Reed.***

**INVOCATION:**

***The Invocation was led by Police Chaplain Rich Miller.***

**ROLL CALL:**

***Present:                    City Council Members Ambriz, Button, Raymond (via teleconference), Mayor Pro Tem Cale***  
***Absent:                    Mayor Creighton***  
***Staff Present:            City Manager Waterman, City Attorney Splendorio, CAL FIRE Battalion Chief Ayuso, Police Chief Salvador, Public Works/Community Development Director Thompson, Finance Operations Manager Tejeda, 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 did not consider the Real Property Negotiations in Closed Session. The City Council only considered three cases of anticipated litigation and one item involving performance evaluations of the City Attorney. 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:

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

CEREMONIAL MATTERS:

Oaths of Office – Police Officer and Reserve Police Officer

***Police Chief Salvador administered the oaths of office to newly appointed Police Officer Nicholette Mulligan and Reserve Police Officer Trevor Phillips.***

***Mayor Pro Tem Cale called a recess at 6:17 PM.***

***The City Council returned to the dais and Mayor Pro Tem Cale resumed the meeting at 6:28 PM.***

PRESENTATIONS:

Monthly Verbal Report by Merced County District 3 Supervisor McDaniel

***Merced County District 3 Supervisor McDaniel reported the following:***

- ***Merced County is currently working on a Memorandum of Understanding (MOU) with Blue Shield for a larger network to administer COVID-19 vaccines.***
- ***The American Rescue Plan will provide the County with a direct allocation of \$54 million. The City of Atwater's allocation of \$5.4 million will be funneled through the State due to not meeting the minimum population size requirement of 50,000 individuals to receive direct allocations.***
- ***Merced County is currently still in the Purple Tier, but expects to be in the Red Tier in two weeks.***
- ***Thanked the City of Atwater for coordinating efforts with the County to try and enter into an MOU to place a COVID-19 vaccination clinic within the City of Atwater.***

CONSENT CALENDAR:

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

WARRANTS:

1. March 22, 2021

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

TREASURER'S REPORT:

2. February 28, 2021

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

MINUTES: (City Council)

3. March 8, 2021 – Regular meeting

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

MINUTES: (Planning Commission)

4.
  - a) July 23, 2020 – Special meeting
  - b) August 19, 2020 – Regular meeting
  - c) October 28, 2020 – Special meeting
  - d) November 18, 2020 – Regular meeting

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

AGREEMENTS:

5. Awarding a General Construction Contract to TBS Contractors of Merced, California, for the Signal Modification at Intersection of Shaffer Road and Juniper Avenue (Public Works/Community Development Director Thompson)

**ACTION: Awards a General Construction Contract, in a form approved by the City Attorney, to TBS Contractors of Merced, California, for the Signal Modification at Intersection of Shaffer Road and Juniper Avenue, Federal Project No. HSIPL-5254(026), City Project No. 16-1, Bid Call 700-20, in an amount not to exceed \$116,494.17; and authorize the City Manager to sign and affirm construction contract change orders up to an aggregate of \$11,649.41 (10%); and authorize and direct the City Manager or her designee to execute the Contract on behalf of the City.**

6. Awarding a General Construction Contract to Techno Coatings, Inc. of Anaheim, California for the Water Tower Renovation/Recoating Project No. 20-15 (Public Works/Community Development Director Thompson)

**ACTION: Awards a General Construction Contract, in a form approved by the City Attorney, to Techno Coatings, Inc. of Anaheim, California for the Water Tower Renovation/Rehabilitation Project No. 20-15 in an amount not to exceed \$978,000.00; and authorize and direct the City Manager, or her designee, to execute the agreement on behalf of the City.**

**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) 357-6205.)

7. Claim No. 2021-5

**ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2021-5 be rejected.**

8. Claim No. 2021-7

**ACTION: After consideration and investigation, it is staff's recommendation that Claim No. 2021-7 be rejected.**

**FUNDING AND BUDGET MATTERS:**

FY 19/20 Financial Statement presentation and acceptance by Council (City Manager Water, Finance Director Jacobs-Hunter, and Joseph Arch, President/CEO, JJACPA, Inc.)

***Joseph Arch, President/CEO of JJACPA, Inc. provided background information on this item.***

**MOTION: City Council Member Button moved to accept the City of Atwater's audited Financial Statements for the Fiscal Year ended June 30, 2020 and related reports. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Ambriz, Button, Raymond, Cale; Noes: None; Absent: Creighton. The motion passed.**

**CITY MANAGER REPORTS/UPDATES:**

Resolution authorizing Purchase and Sale Agreements with Mark A. Riedeman for certain property located at 1350 Broadway Ave., APN: 002-208-002, in the amount of \$550,000; and Daisy Fuentes for certain property located at 1160 Fifth Street, APN: 002-207-008, in the amount of \$575,000 (City Manager Waterman and Public Works/Community Development Director Thompson)

***City Manager Waterman and Public Works/Community Development Director Thompson presented a PowerPoint presentation to provide background information on this item and reiterated that these properties will be purchased by the City using no new debt.***

*City Council Member Raymond questioned how the City will be purchasing these two properties without incurring new debt. Public Works/Community Development Director Thompson explained that the City's sale of its surplus properties not only allowed for the City to retire its debt early, but also allowed for the City to replace the properties sold by purchasing new properties.*

*City Council Member Ambriz questioned how the community will be notified of the change in location of the City departments and services. City Manager Waterman clarified the timeline and expectation of when each department will be moving, and spoke on the noticing efforts the City will engage in to properly notify the community as well.*

*City Council Member Button thanked City Manager Waterman and Public Works/Community Development Director Thompson on the thorough presentation.*

*One person spoke regarding his concerns of the price of one of the locations and questioned whether the square footage of space at the new locations will meet the needs of the City Departments.*

*One person spoke thanking the City on its decision to relocate City departments to the downtown area.*

*City Manager Waterman clarified that the moving of City departments will provide each department with more building work space. Police Chief Salvador also spoke on the increase in square footage space that the Police Department will be able to utilize once the transitions of the City departments are complete.*

***MOTION:*** *City Council Member Raymond moved to Motion to adopt Resolution No. 3216-21 authorizing a Purchase and Sale Agreement with Mark A. Riedeman, in a form approved by the City Attorney, for certain property located at 1350 Broadway Ave., APN: 002-208-002, in the amount of \$550,000; and to adopt Resolution No. 3217-21 authorizing a Purchase and Sale Agreement with Daisy Fuentes, in a form approved by the City Attorney, for certain property located at 1160 Fifth Street, APN: 002-207-008, in the amount of \$575,000; and to authorize and direct the City Manager, or her designee, to execute the Agreements and all documents related to the sale of the Properties on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Button, Raymond, Ambriz, Cale; Noes: None; Absent: Creighton. The motion passed.*

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

***City Manager Waterman provided the following updates:***

- ***Construction has commenced for the 1,2,3-TCP Remediation Project.***
- ***GHD was recently hired to take over the Project Management for this project and provide quarterly updates on the project's progress.***

- *240 raw and untreated pipelines were installed on Winton Way.*
- *The restrooms at Joan Faul Park that were removed to build the Treatment Site will be replaced and relocated.*

*Mayor Pro Tem Cale questioned when GHD will start their quarterly update, and shared concerns of the public that he received regarding the 1,2,3-TCP Project removing the restrooms at Joan Faul Park.*

*City Council Member Button shared his concerns of certain large potholes on Winton Way and also his concern on how some contractors are operating their equipment in the roads.*

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*One person spoke thanking the City Council for their hard work.*

*One person spoke regarding the City's Adopt-a-Park program and informed the City Council on additional vacant City Property.*

*One person spoke regarding Old Town Atwater and the organization's plans this year.*

*One person spoke thanking the City Council for their hard work, and requested for a sign to be placed at the new City locations.*

*No one else came forward to speak.*

CITY COUNCIL MATTERS:

City Council comments

*City Council Member Raymond commented that he is recovering, but will be back to attending meetings in person soon enough.*

*City Council Member Button thanked everyone who contributed on taking Merced County out of the purple tier and into the red tier. He also brought up possibly looking into amending an ordinance regarding trailers to consider COVID quarantines.*

*City Council Member Ambriz congratulated and welcomed the new Police Officer and Reserve Police Officer, requested that information being posted to the City's Facebook also be posted on the City's website, and thanked the Atwater Little League for bringing back youth activities.*

***Mayor Pro Tem Cale invited the community to participate in the City's Easter Egg Drive Through. He also congratulated and welcomed the new Police Officer and Reserve Police Officer, congratulated the City of Atwater for moving its departments to the downtown area with no new debt, and thanked City staff for having a Spring Clean Up event.***

ADJOURNMENT:

***Mayor Pro Tem Cale adjourned the meeting at 7:29 PM.***



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JANELL MARTIN  
DEPUTY CITY CLERK

By: Richard Vang  
Recording Secretary