



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

May 10, 2021

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:18 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, Raymond (via teleconference), Mayor Pro Tem Cale, Mayor Creighton

Absent: None

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 Creighton adjourned the meeting to Conference Room A for Closed Session at 5:19 PM. City Council Member Raymond joined the meeting via teleconference, and Closed Session was called to order at 5:24 PM.

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

Pursuant to Government Code Section 54957, Public Employee Employment: Title: Finance Director

Conference with Labor Negotiator - Government Code Section 54957.6 Agency Negotiators: City Manager Waterman; Unrepresented Employee (Finance Director)

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 Pastor Jimmie Davis.

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, Mayor Creighton

Absent: None

Staff Present: City Manager Waterman, City Attorney Splendorio, CAL FIRE Battalion Chief Ayuso, Police Chief Salvador, Finance Director Jacobs-Hunter (via teleconference), Information Technology Manager Lamerson (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 case of anticipated litigation, one item involving public employee employment of the Finance Director, and one item involving labor negotiations for Finance Director. The City Council provided staff with 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, Creighton; Noes: None; Absent: None. The motion passed.

PRESENTATIONS:

Merced County Association of Governments (MCAG) Measure V Annual Community Report

Stacie Guzman, Executive Director of MCAG, presented the Measure V Annual Community Report.

Mayor Pro Tem Cale thanked MCAG staff for their hard work.

Professional Municipal Clerks Week May 2nd - 10th, 2021

City Council Member Button presented a Proclamation to City Clerk Armstrong, on behalf of the City Clerk's Department, recognizing the Week of May 2nd to May 8th as Professional Municipal Clerks Week.

National Peace Officers Memorial Week May 10th - 17th, 2021

Mayor Pro Tem Cale presented a Proclamation to Police Chief Salvador, on behalf of the Police Department, recognizing the Week of May 10th to May 17th, 2021 as National Peace Officers Memorial Week.

Mayor Creighton offered a moment of silence to honor all of the fallen peace officers throughout the country.

CONSENT CALENDAR:

Agenda item #6 under Ordinances (Waiving the Second Reading and Adoption), "Waiving the second reading and adopting an ordinance approving a Zone Change for property located at 1901 Avenue One, Atwater, was removed from the Consent Calendar for separate discussion and possible action.

MOTION: Mayor Pro Tem Cale moved to approve the Consent Calendar as amended. 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.

WARRANTS:

1. May 10, 2021

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. April 26, 2021 – Regular meeting

ACTION: Approval of minutes as listed.

MINUTES: (Audit and Finance Committee)

3. a) December 14, 2020 – Special meeting
b) February 22, 2021 – Regular meeting
c) March 22, 2021 – Regular meeting

ACTION: Acceptance of minutes as listed.

AGREEMENTS:

4. Awarding a Professional Services Agreement to QK, Inc. of Merced, CA for Engineering Services for Design of the Rehabilitation/Replacement of Castle Sewer Interceptor Pump Station (Public Works/Community Development Director Thompson)

ACTION: Awards a Professional Services Agreement, in a form approved by the City Attorney, to QK, Inc. of Merced, California for Design of the Rehabilitation/Replacement of Castle Sewer Interceptor Pump Station, in an amount not to exceed \$75,037.00; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

5. Awarding a Professional Services Agreement to Blackwater Consulting Engineering Inc. of Modesto, CA for Engineering Services for the 2020 Urban Water Management Plan (Public Works/Community Development Director Thompson)

ACTION: Awards a Professional Services Agreement, in a form approved by the City Attorney, to Blackwater Consulting Engineering Inc. of Modesto, California for the Design of the 2020 Urban Water Management Plan, in an amount not to exceed \$35,520.00; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

6. Waiving the second reading and adopting an ordinance approving a Zone Change for property located at 1901 Avenue One, Atwater (APN 005-410-003) (Public Works/Community Development Director Thompson)

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

7. Waiving the second reading and adopting an ordinance amending Chapter 13.08, "Sewer Service," of Title 13, "Public Services," of the Atwater Municipal Code (Public Works/Community Development Director Thompson)

ACTION: Waives the second reading and adopts Ordinance No. CS 1038 amending Chapter 13.08, "Sewer Services," of Title 13, "Public Services," of the Atwater Municipal Code.

PUBLIC IMPROVEMENTS:

8. Accepting the Removal and Replacement of Heating, Ventilation, and Air Conditioning (HVAC) Units at Various City-Owned Facilities Project as Complete (Public Works/Community Development Director Thompson)

ACTION: Accepts work done under the contract for the removal and replacement of heating, ventilation, and air conditioning (HVAC) units at various city-owned facilities as complete; and authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$8,776.00.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

Waiving the second reading and adopting an ordinance approving a Zone Change for property located at 1901 Avenue One, Atwater (APN 005-410-003) (Public Works/Community Development Director Thompson)

City Council Member Ambriz requested to push this item back to the next regular City Council meeting of May 24, 2021 due to receiving numerous comments and concerns from the public regarding the proposed zone change and associated project.

The City Council directed staff to push this agenda item back to the next regular City Council meeting of May 24, 2021 for considering adoption.

REPORTS AND PRESENTATIONS FROM STAFF:

Adopting Resolution No. 3221-21 approving Budget Amendment No. 17 amending Fiscal Year 2020-21 Budget regarding Police Department Remodel Project (Police Chief Salvador)

Police Chief Salvador provided background information on this item.

MOTION: City Council Member Ambriz moved to adopt Resolution No. 3221-21 approving Budget Amendment No. 17 amending the Fiscal Year 2020-21 Budget to allocate funding from General Fund in the amount of \$120,000 to the Police Department Remodel/ Rehabilitation. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Raymond, Button, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Deputy City Clerk Martin read into the record four comments received by email.

Three of the emailed comments were regarding an incident which occurred on April 24, 2021 involving a street vendor and accusations against the Mayor.

One of the emailed comments was regarding Students With Aspiring Goals (SWAG).

One person spoke regarding the accusations made against the Mayor.

One person spoke positively regarding Mayor Creighton's character.

One person spoke requesting for the resignation of Mayor Creighton.

One person spoke thanking the City Council for their hard work and standing behind their decisions.

One person spoke inviting the community to attend an event at Victory Baptist Church at 10 AM to honor the local law enforcement.

No one else came forward to speak.

CITY COUNCIL MATTERS:

Approving Professional Services Agreement with Best Best & Krieger (BB&K) for City Attorney Legal Services (City Manager Waterman)

City Manager Waterman provided background information on this item and clarified the effective date of the Agreement is actually May 14, 2021 should the City Council approve the awarding of the agreement.

MOTION: *City Council Member Raymond moved to approve a Professional Services Agreement for City Attorney Legal Services with Best Best & Krieger, Los Angeles, California, and appoint Frank A. Splendorio as City Attorney; and to authorize and direct the Mayor to execute the agreement on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Button, Ambriz, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.*

City Council comments

City Council Member Raymond wished a Happy Mother's Day to all the mothers and wish City Council Member Ambriz' son a Happy Birthday.

City Council Member Button also wished a Happy Mother's Day to all the mothers.


City Council Member Ambriz stated that he and City Council Member Button will be working with City staff to come up with a plan to help out the City's street vendors. He also thanked a couple of his previous teachers in honor of Teacher Appreciation Week and wished his son a Happy Birthday.

Mayor Pro Tem Cale thanked the Police Officers, the City Clerk, and MCAG for their hard work. He also thanked Pastor Motz and Pastor Miller for the National Day of Prayer event they held.

Mayor Creighton thanked the City of Atwater.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 7:18 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Richard Vang
Recording Secretary