



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

February 28, 2022

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 and on Zoom; Mayor Creighton presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Interim Recreation and Community Events Coordinator Billings.

INVOCATION:

The Invocation was led by Pastor Rich Miller.

ROLL CALL:

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

Absent: *None*

Staff Present: *City Manager Waterman, City Attorney Splendorio, Deputy City Manager Del Real, CAL FIRE Battalion Chief Ayuso, Police Chief Salvador, Public Works/Community Development Director Thompson, Finance Director Youmara, Information Technology Manager Lamerson (via teleconference), Interim Recreation and Community Events Coordinator Billings, Recording Secretary Thuang, Deputy City Clerk Martin*

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 Raymond and the vote was: Ayes: Raymond, Ambriz, Button, Cale, Creighton; Noes: None; Absent: None. The motion passed.

CEREMONIAL MATTERS:

Certificate of Recognition – Chi Chi Wood

Mayor Creighton and the City Council presented Chi Chi Wood with a Certificate of Recognition for her contributions towards the City's Downtown Lighting Project.

Presentation of trophy to Fire Department for winning the City Christmas tree decorating contest

Pastor Rich Miller made the presentation to the Fire Department.

Presentation of trophy to Mayor Creighton for winning the City snowman decorating contest

Pastor Rich Miller made the presentation to Mayor Creighton.

Mayor Creighton called a recess at 6:28 PM.

The City Council returned to the dais and Mayor Creighton resumed the meeting at 6:37 PM.

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***On February 8, 2022, the Merced County Board of Supervisors approved an agreement with Patriot Rail to establish a rail district at Castle Commerce Center.***
- ***On February 28, 2022, Raul Mendez started his position as the new County Executive Officer for Merced County.***
- ***Merced County District 3 Supervisor McDaniel's mobile district office hours are 1:30 PM – 3:30 PM on the fourth Thursday of each month at the Civic Center.***

- ***Assemblymember Adam Gray and Congressman Jim Costa's staff will be recontinguing and available during normal office hours.***

CONSENT CALENDAR:

Agenda item #9 and #10 under Agreements, "Awarding Professional Services Agreement to Pinnacle Healthcare for Occupational Health Services" and "Awarding Professional Services Agreement to Romeo Medical Clinic for Occupation Health Services" were 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 Ambriz and the vote was: Ayes: Button, Cale, Ambriz, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

WARRANTS:

1. February 28, 2022

ACTION: Approval of warrants as listed.

TREASURER'S REPORT:

2. January 31, 2022

ACTION: Approval of report as listed.

MINUTES: (City Council)

3. February 14, 2022 – Regular meeting

ACTION: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. January 19, 2022 – Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (Citizens' Oversight Committee)

5. a) June 9, 2021 – Special meeting
b) September 7, 2021 – Regular meeting

ACTION: Acceptance of minutes as listed.

CALL FOR BIDS:

6. Approving specifications authorizing advertising and call for bids for purchase of one (1) new 2022 Hyundai Santa Fe Plug-In Hybrid Electric Vehicle (City Manager Waterman)

ACTION: Approval of specifications and authorizes advertising and call for bids for the purchase of one (1) new 2022 Hyundai Santa Fe Plug-In Hybrid Electric Vehicle, Bid Call No. 713-22; and authorizes and directs the City Manager, or her designee, to award and execute all documents related to the purchase on behalf of the City.

RESOLUTIONS:

7. Making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater (City Attorney Splendorio)

ACTION: Adoption of Resolution No. 3296-22 making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater.

8. Authorizing submittal of application to State of California Department of Housing and Community Development 2020/2021 HOME Investment Partnerships Program Grant (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3298-22 authorizing submittal of an application to the State of California Department of Housing and Community Development under the 2020/2021 HOME Investment Partnerships Program Grant; and authorizes and directs the City Manager, or her designee, to execute all grant-related documents or contracts on behalf of the City.

AGREEMENTS:

9. Awarding Professional Services Agreement to Pinnacle Healthcare for Occupational Health Services (Deputy City Manager Del Real)

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

10. Awarding Professional Services Agreement to Romeo Medical Clinic for Occupational Health Services (Deputy City Manager Del Real)

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

11. Approving First Amendment to Professional Services Agreement with CSI Services for Special Inspection and Testing of Water Tower Recoating/Renovation Project (Public Works/Community Development Director Thompson)

ACTION: *Approval of the First Amendment to the Professional Services Agreement with CSI Services of Santa Clarita, California, in a form approved by the City Attorney, for Special Inspection and Testing of the Water Tower Recoating/Renovation Project, in an amount not to exceed \$9,480, for a total price of \$34,479.99; and authorizes and directs the City Manager, or her designee, to execute the First Amendment on behalf of the City.*

12. Approving Contract Change Order to the General Construction Contract with W.M. Lyles Co. for CMU Wall installation at Industry Sewer Lift Station (Public Works/Community Development Director Thompson)

ACTION: *Approval of Contract Change Order No. 1 to the General Construction Contract with W.M. Lyles Co. of Fresno, California for the CMU Wall installation at the Industry Sewer Lift Station, in the amount of \$164,445, for a total of \$559,590; and authorizes and directs the City Manager to execute the change order on behalf of the City.*

13. Awarding General Construction Contract to RTC Construction Management, Inc. for the Applegate Pump Station Rehab Project (Public Works/Community Development Director Thompson)

ACTION: *Awards a General Construction Contract, in a form approved by the City Attorney, to RTC Construction Management, Inc. of Merced, California for the Applegate Pump Station Rehab Project, in an amount not to exceed \$994,685 and construction contingency change orders up to an aggregate of an additional \$49,734.25 (5%); and authorizes and directs the City Manager, or her designee, to execute the Contract on behalf of the City.*

14. Awarding General Construction Contract to ANV Construction, Inc. for Tenant Improvements at Civic Center Building 1 Project (Public Works/Community Development Director Thompson)

ACTION: *Awards a General Construction Contract, in a form approved by the City Attorney, to ANV Construction, Inc. of Atwater, California for Tenant Improvements at Civic Center Building 1 Project, in an amount not to exceed \$225,490, and construction contingency change orders up to an aggregate of an additional \$22,549.01 (10%); and authorizes and directs the City Manager, or her designee, to execute the Contract on behalf of the City.*

15. Declaring Hoffman Electronic Systems a sole source service provider and awarding Professional Services Agreement for security controls at designated City facilities (Information Technology Manager Lamerson)

ACTION: Declares Hoffman Electronic Systems of Atwater, California as a sole source service provider for security controls at designated City facilities; awards a Professional Services Agreement, in a form approved by the City Attorney, to Hoffman Electronic Systems of Atwater, California for physical security systems at designated City facilities in an amount not to exceed \$142,000; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

16. Authorizing and approving Cooperative Purchase Agreement with Elk Grove Auto Group for purchase of a Police Vehicle (Police Chief Salvador)

ACTION: Authorizes and approves a Cooperative Purchase of a 2021 Dodge Charger Pursuit, in an amount not to exceed \$38,000 with Elk Grove Auto Group; and authorizes and directs the City Manager, or her designee, to execute the purchase on behalf of the City.

AGREEMENTS:

Awarding Professional Services Agreement to Pinnacle Healthcare for Occupational Health Services (Deputy City Manager Del Real)

Awarding Professional Services Agreement to Romeo Medical Clinic for Occupational Health Services (Deputy City Manager Del Real)

Deputy City Manager Del Real provided background information on these items.

Mayor Pro Tem Cale commented on the lack of responses received from local health providers within the community to the City's Request for Proposals for Occupational Health Services.

MOTION: City Council Member Raymond moved to award both Professional Services Agreements, in a form approved by the City Attorney, to Pinnacle Healthcare of Los Banos, California and Romeo Medical Clinic of Turlock, California for Occupational Health Services; and authorizes and directs the City Manager, or her designee to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Button, Ambriz, Creighton; Noes: Cale; Absent: None. The motion passed.

PUBLIC HEARINGS:

Consideration of Revised City Council District Electoral Boundaries as Required by Elections Code Section 21601 (City Attorney Splendorio)

City Attorney Splendorio provided background information on this item.

Henry Castillo of Best Best & Krieger LLP presented a PowerPoint presentation detailing the 2021-22 redistricting process which includes City Council terms, redistricting rules and goals, existing districts and district boundaries, preeminent considerations, sources of information, and the redistricting timeline. He also addressed the concerns of the City Council regarding future map changes in relation to district boundaries and the ideal population number.

Mayor Creighton opened the public hearing to receive public input on district boundaries.

No one came forward to speak, and Mayor Creighton closed the public hearing.

Adopting resolution amending Fiscal Year 2021-22 Miscellaneous Fee Schedule (Finance Director Youmara)

Finance Director Youmara provided background information on this item.

Finance Director Youmara and Police Chief Salvador addressed the concerns of the City Council regarding the Abandoned Cart Fee.

Mayor Creighton opened the public hearing for this item.

No one came forward to speak, and Mayor Creighton closed the public hearing.

MOTION: *Mayor Pro Tem Cale moved to adopt Resolution No. 3294-22 amending the City of Atwater's Miscellaneous Fee Schedule for Fiscal Year 2021-2022. The motion was seconded by City Council Member Button and the vote was: Ayes: Ambriz, Button, Raymond, Cale Creighton; Noes: None; Absent: None. The motion passed.*

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Budget Amendment regarding Revenue and Expenditure Adjustments based on Mid-Year Analysis; and adopting Salary Schedule C-22, effective March 3, 2022 (City Manager Waterman and Finance Director Youmara)

Finance Director Youmara provided background information on this item and presented a PowerPoint presentation detailing the Fiscal Year 2021-2022 Mid-Year Budget Review which includes an overview of the General Fund and other funds.

City Manager Waterman addressed concerns of the City Council regarding the Water Enterprise Fund.

Mayor Creighton opened the public hearing for this item.

No one came forward to speak, and Mayor Creighton closed the public hearing.

MOTION: City Council Member Button moved to adopt Resolution No. 3293-22 approving Budget Amendment No. 23 amending the Fiscal Year 2021-2022 Budget regarding revenue and expenditure adjustments based upon mid-year analysis; and Resolution No. 3297-22 adopting Salary Schedule C-22 effective March 3, 2022. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Cale, Button, Ambriz, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

CITY MANAGER REPORTS/UPDATES:

Monthly report by City Manager Waterman

City Manager Waterman had nothing to report.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

No one came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

Mayor Pro Tem Cale reminded the community of the 1880's All Star Baseball Game hosted by the Castle Veterans Organization and the Atwater-Winton Lions Club on April 16, 2022 at Atwater Memorial Ballpark. He commended Finance Director Youmara, Finance Operations Manager Tejeda, and the Finance Department for their work conducting the Fiscal Year 2021-2022 Mid-Year Budget Review and thanked the City Council and Pastor Rich Miller and his team for their contributions to the community. He also spoke regarding the clean-up of City landmarks for the City's upcoming Centennial Celebration and congratulated the Atwater Elementary School District for breaking ground on the Juniper Elementary School Project.

City Council Member Ambriz thanked Public Works/Community Development Director Thompson and Chief Building Official/Fire Code Official Pereida for their time in meeting with himself along with business owners within the community. He also thanked City staff for their presentations at tonight's meeting.

City Council Member Raymond spoke regarding the ending of California's school mask mandate on March 12, 2022.

City Council Member Button thanked City staff for their work towards the Fiscal Year 2021-2022 Mid-Year Budget Review and spoke regarding the positive progress within the City. He also spoke regarding his appreciation for the community events during the Christmas Holiday and agreed with Mayor Pro Tem Cale's earlier comment regarding the lack of responses from local health providers within the community to the City's Request for Proposals for Occupational Health Services.

Mayor Creighton reminded the community of Mardi Gras on March 1, 2022, Ash Wednesday on March 2, 2022, and of the City's Easter Egg Hunt on April 9, 2022 to begin at 9:00 AM at Veterans Park. He also commented on the Russia-Ukraine war.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 7:37 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Leslie Thuang
Recording Secretary