



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

September 26, 2022

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:

Present: City Council Member Ambriz, Button, Raymond, Mayor Pro Tem Cale, Mayor Creighton

Absent: None

Staff Present: City Manager Waterman, City Attorney Splendorio, 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 5:36 PM.

Mayor stated that he would not be attending the Closed Session due to a conflict of interest.

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding price and terms of payment. Agency Negotiators: Public

Works/Community Development Director Thompson and City Attorney Splendorio.
Negotiating Parties: Kiranjeet Dhami and Roberto Hugo Carbajal

Property Locations: 1039 Atwater Blvd., APN 002-219-010
1089 Atwater Blvd., APN 002-219-011
337 E. Bellevue Road, APN 156-060-009

Closed Session adjourned at 5:57PM.

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.

ROLL CALL:

Present: City Council Members Ambriz, Button, Raymond, Mayor Pro Tem Cale, Mayor Creighton
Absent: None
Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, Public Works Director Vinson, Battalion Chief Ayuso, Community Development Director Thompson, Finance Director Youmara, Deputy City Clerk Martin

SUBSEQUENT NEED ITEMS: ***None***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council was provided direction and no reportable action was taken. The Closed Session agenda was completed.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

City Manager Waterman requested to move the Public Hearing item Business the Public Hearing regarding Business Licenses be moved to be the last of the Public Hearing section of the agenda.

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

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Daniel Perez.

INVOCATION:

The Invocation was led by Daniel Perez.

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

- **Castle Demolition Project is nearly complete, one more remains and gives 15 more acres of space.**
- **Transportation Research Company (TRC) has 15 more companies working for them and in total 22 different companies are road testing at Castle.**
- **Final Budget Hearing for Merced County September 27, 2022, at 10AM, budget is currently at just over \$1 Billion.**

City Council Member Raymond asked regarding the Demo contract.

Mayor Pro Tem Cale asked regarding TRC and the number of employees.

CONSENT CALENDAR:

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

TREASURER'S REPORT:

1. July 31, 2022

ACTION: Approval of report as listed.

WARRANTS:

2. September 26, 2022

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

3. July 11, 2022 – Regular meeting

ACTION: Acceptance of minutes as listed

RESOLUTIONS:

4. Approving Budget Amendment No. 3 amending Fiscal Year 2022-23 Budget regarding the 5-Year Capital Improvement Program and ARPA-American Rescue Plan Act Fund Expenditures (Finance Director Youmara)

ACTION: Adoption of Resolution No. 3344-22, approving Budget Amendment No. 3 amending the 2022-2023 Fiscal Year Budget pertaining to the 5-Year Capital Improvement Program and ARPA-American Rescue Plan Act Fund; and amends the 5-Year Capital Improvement Program to reflect the budget amendments contained in Resolution No. 3344-22.

AGREEMENTS:

5. Waiving the Formal Procurement Process and awarding a sole source purchase to Exeloo Corporation, of San Luis Obispo, California for purchase of Exeloo Jupiter Automated Twin Cubicle Restroom for Osborn Park (Public Works Director Vinson)

ACTION: Waive the Formal Procurement Process and award a sole source purchase to Exeloo Corporation of San Luis Obispo, California for purchase of Exeloo Jupiter Automated Twin Cubicle Restroom for Osborn Park upgrades, in an amount not to exceed \$222,021; and authorize and direct the City Manager, or her designee, to execute the Purchase Order on behalf of the City.

6. Approving a Purchase Agreement (Purchase Order) with Shannon Pump Co. of Merced, California for the purchase of a new pump and motor for Well 14 (Public Works Director Vinson)

ACTION: Approves a Purchase Agreement (Purchase Order), in a form approved by the City Attorney, with Shannon Pump Co. of Merced, California, for the purchase of a new pump and motor for Well 14, in an amount not to exceed \$108,581.19; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

7. Awarding a General Service Agreement to Tri County Flooring for new flooring at Fire Station 41 (Public Works Director Vinson)

ACTION: Awards a General Services Agreement, in a form approved by the City Attorney, to Tri County Flooring of Atwater, California, in an amount not to exceed \$55,533.17; authorizes and directs the City Manager to sign and affirm contract change order up to an additional aggregate of \$2,777 (5%); and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.

8. Approving Ground Lease Agreement between the City of Atwater and Old Town Atwater regarding use of Real Property Parking Lot located at Fourth Street and Cedar Avenue (City Manager Waterman)

ACTION: Approves a Ground Lease Agreement, in a form approved by the City Attorney, with Old Town Atwater for the use of Real Property Parking Lot located at the corner of Fourth Street and Cedar; and authorizes and directs the City Manager, or her designee, to execute the Lease Agreement on behalf of the City.

PUBLIC HEARINGS:

Adoption of Resolution of Necessity for the Acquisition of Fee Interests in Certain Real Property, by Eminent Domain, Located at 1039 & 1089 Atwater Boulevard (Community Development Director Thompson)

Mayor Creighton left the Dias due to a conflict of interest pertaining to this item. (6:09 PM)

Mayor Pro Tem Cale presiding (6:09 PM)

City Attorney Splendorio provided background information on this item.

Attorney Saghian with Best, Best and Krieger law provided background information on this item.

Community Development Director Thompson clarified the item and read the findings into the administrative record.

Mayor Pro Tem Cale opened the public hearing.

Mayor Pro Tem Cale called upon Deputy City Clerk Martin regarding the proof of mailing of the notice of hearing, written objections, protests, and requests to be heard which have been filed, received, read and considered.

Deputy City Clerk Martin stated proofs of mailing have been attached and other items, if received, to the City Council packet.

No one came forward to speak.

Mayor Pro Tem Cale closed the public hearing.

City Council Member Raymond spoke regarding the hearing.

MOTION: City Council Member Button moved to adopt Resolution of Necessity No. 3345-22 For the Acquisition of Fee Interest in Certain Real Property, by Eminent Domain, located at 1039 & 1089 Atwater Boulevard, Atwater, California, 95301, more particularly described as Assessor Parcel Nos. 002-219-010 & 002-219-011, for construction of new parking facilities in the downtown area of the City of Atwater, Merced County, California as further identified In Exhibit A attached hereto. The motion was seconded by City Council Member Ambriz and the vote was: Ayes:

Button, Cale, Ambriz, Raymond; Noes: None; Abstain: Creighton; Absent: None. The motion passed.

Adoption of Resolution of Necessity for the Acquisition of Fee Interests in Certain Real Property, by Eminent Domain, Located at 1039 & 1089 Atwater Boulevard (Community Development Director Thompson)

Mayor Creighton returned to the Dias. (6:29 PM)

City Attorney Splendorio provided background information on this item.

Attorney Saghian with Best, Best and Krieger law provided background information on this item.

Community Development Director Thompson clarified the item and read the findings into the administrative record.

Mayor Creighton opened the public hearing.

Mayor Creighton called upon Deputy City Clerk Martin regarding the proof of mailing of the notice of hearing, written objections, protests, and requests to be heard which have been filed, received, read, and considered.

Deputy City Clerk Martin stated proofs of mailing have been attached and other items, if received, to the City Council packet.

One person spoke in favor.

Mayor Creighton closed the public hearing.

MOTION: City Council Member Ambriz moved to adopt Resolution of Necessity No. 3346-22 For the Acquisition of Fee Interest in Certain Real Property, by Eminent Domain, located at 337 E. Bellevue Road, Atwater, California, 95301, More Particularly Described as Assessor Parcel No. 156-060-009, in Merced County, California, for the Osborn Park Improvements Project, in Merced County, California as further identified In Exhibit A attached hereto. The motion was seconded by Mayor Pro Tem Cale and the vote was: Ayes: Button, Ambriz, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

Waiving the first reading and introducing an ordinance repealing and replacing Chapter 5.04, "General Provisions" and amending portions of Chapter 5.08, "Schedule of License Fees" of Title 5 of the Atwater Municipal Code (Community Development Director Thompson and Finance Director Youmara)

Finance Director Youmara provided background information on this item.

Community Development Director Thompson provided background information on this item.

Mayor Creighton opened the public hearing.

No one came forward to speak.

MOTION: Mayor Pro Tem Cale moved to waive the first reading and introduce Ordinance No. CS 1042 repealing and replacing Chapter 5.04, "General Provisions" and amending portions of Chapter 5.08, "Schedule of License Fees" of Title 5 of the Atwater Municipal Code. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Button, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke regarding the Public safety measure.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

Mayor Pro Tem Cale had nothing to report.

City Council Member Ambriz had nothing to report.

City Council Member Raymond thanked Manual Vierra and the Portuguese Community for bringing the President of Portugal to the community in the City. He also sent his condolences to the families of fallen law enforcement officers and wished the community and his mother a Happy Mother's Day.

Mayor Creighton spoke regarding Old Town Atwater and their volunteer work to the community. He also spoke regarding "Dinner with the Chiefs" will be taking place at Isabella's 5:30 pm Wednesday, September 28, 2022.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 6:46 PM.

JANELL MARTIN
DEPUTY CITY CLERK