



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**April 8, 2019**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 5:00 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, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton*

**Absent:** *None*

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

CLOSED SESSION:

*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 5:02 PM. Closed Session was called to order at 5:13 PM.*

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

*Closed Session adjourned at 5:24 PM.*

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.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by City Council Member Cale.*

INVOCATION:

*The Invocation was led by Poppy Phares.*

ROLL CALL:

**Present:** City Council Members Ambriz, Cale, Vierra, Mayor Pro Tem Raymond, Mayor Creighton  
**Absent:** None  
**Staff Present:** City Manager Waterman, City Attorney White, CAL FIRE Battalion Chief Slate, Police Chief Salvador, General Services Manager/Chief Building Official Pereida, Interim Public Works Director Shaw, Recreation Supervisor Rahn, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

*City Attorney White reported that by a five to zero vote the City Council authorized the City Manager to enter into a settlement agreement. There were no other matters, and staff was given direction. The Closed Session agenda was completed.*

SUBSEQUENT NEED ITEMS:

*None.*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

CEREMONIAL MATTERS:

Anderson Flooring

*Presentation of a certificate of appreciation to Matt Anderson of Anderson Flooring was moved to the April 22, 2019 regular meeting of the Atwater City Council.*

Atwater Girl Scout Troop 67

***Police Chief Salvador presented a certificate of appreciation to Atwater Girl Scout Troop 67 for their community service project where over 100 boxes of cookies were distributed to all the first responder agencies in Merced County. Atwater Girl Scout Troop 67 also presented cookies to the veterans present in the audience.***

Elmer Wood Elementary School

***City Council Member Cale and Recreation Supervisor Rahn recognized the members of the 2019 City Track Meet Champions and presented the annual plaque to the Elmer Wood Elementary School track and field teams.***

PRESENTATIONS:

California Health Collaborative, Merced County Tobacco Control Program (Stephanie Gonzalez, Program Manager)

***STEPHANIE GONZALEZ, Merced County Tobacco Control Program Manager, provided a Power Point presentation detailing the efforts of the program to reduce tobacco related health disparities and improve health in underserved communities. She focused on the efforts to reduce tobacco use among young people providing education about the dangers of flavored and E-cigarettes. She introduced Coalition Youth Member Criseydi Brito who spoke regarding her experiences on campus with smoking. She also introduced Coalition Community Member Esperanza Andrade De Aguilar who spoke urging the City Council to adopt a local Tobacco Retail License.***

GOD Belongs In My City Prayer Walk (Poppy Phares)

***Poppy Phares invited the community to participate in a GOD Belongs In My City Prayer Walk on May 4, 2019 at 10:30 AM starting at the Atwater Civic Center, 750 Bellevue Road, Atwater. The march will conclude at Veterans Park.***

COMMENTS FROM THE PUBLIC:

***Notice to the public was read.***

***One person spoke regarding the public perception that when items are brought up, nothing is done. He also addressed two problem areas that he has previously raised at the City Council meetings and received no response. He asked for some progress on the problems at Green Sands Road and on Broadway Avenue. He also asked for more information regarding the ongoing issues with the Johnson's past due water bills.***

*One person spoke in favor of the recent removal of the Administrative Police Sergeant position. He stated his opinion regarding issues surrounding previous administration in the Police Department.*

*One person spoke requesting that the City Manager speak in public regarding his ongoing issues with City services. He also reiterated his request to receive a copy of his utility bills.*

*One person spoke in opposition to the placement of a proposed gas station on Winton Way.*

*No one else came forward to speak at this time.*

*City Attorney White responded for the record that due to litigation pending regarding the Johnsons, some information cannot be disclosed. However, in recent meetings the Johnsons, who owe about \$2,600, were asked for a minimum payment of \$500. The Johnsons have made no payments and protested at the meeting that they would not make any payments.*

*City Manager Waterman clarified for the record that in the recent meeting with the Johnsons there were actually five people present, both of the Johnsons, a neighbor that they brought to the meeting, the City Manager, and a Deputy City Attorney.*

CONSENT CALENDAR:

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

WARRANTS:

1. April 8, 2019

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

MINUTES: (City Council)

2. March 25, 2019 – Regular meeting

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

MINUTES: (Audit and Finance Committee)

3.
  - a) October 16, 2012 – Regular meeting
  - b) November 20, 2012 – Regular meeting
  - c) December 18, 2012 – Regular meeting

- d) July 16, 2013 – Regular meeting
- e) August 19, 2013 – Regular meeting
- f) September 16, 2013 – Regular meeting
- g) October 21, 2013 – Regular meeting
- h) December 16, 2013 – Regular meeting

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

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 4. Waiving the second reading and adopting Ordinance No. CS 1012 repealing Chapter 2.30 “Community Development and Resources Commission” and adding Chapter 2.32 “Planning Commission” of the Atwater Municipal Code (General Services Manager Pereida)

**ACTION: Waives the second reading and adopts Ordinance No. CS 1012 repealing Chapter 2.30 “Community Development and Resources Commission” and adding Chapter 2.32 “Planning Commission” of the Atwater Municipal Code.**

OTHER ACTIONABLE ITEMS:

- 5. Declaring City vehicles and equipment surplus and authorizing disposal of surplus vehicles and equipment (Police Chief Salvador)

**ACTION: Declares certain City vehicles and other City equipment surplus and authorizes them to be sold at auction or disposed of.**

REPORTS AND PRESENTATIONS FROM STAFF:

State of the Atwater Police Department presentation (Police Chief Salvador)

***Police Chief Salvador provided a summary of his activities over the past six weeks; he noted five different areas that need attention. In a Power Point presentation he offered a new organizational chart, a departmental infrastructure review, Information Technology challenges, a review of the aging vehicle fleet, and a master plan to deal with the challenges and issues.***

***One person spoke asking about the location of a proposed new police station. Police Chief Salvador responded that it is part of current City Hall property.***

***One person spoke asking if repeaters are a problem in the radio control center. Police Chief Salvador responded that new repeaters are going in around the county and will serve Atwater.***

Resolution approving Budget Amendment regarding Traffic Signal Interconnect Project, and awarding a contract to Tim Paxin's Pacific Excavation, Inc. for construction of the project (General Services Manager Pereida)

***MOTION:*** City Council Member Cale moved to adopt Resolution No. 3080-19 approving Budget Amendment No. 6 amending 2018-19 Fiscal Year Budget regarding Traffic Signal Interconnect Project; to award a General Construction Contract, in a form approved by the City Attorney, to Tim Paxin's Pacific Excavation, Inc., of Elk Grove, California for construction of Project No. 14-2 – Traffic Signal Interconnect Project Bell Lane, Bell Drive, Commerce Avenue, Applegate Road, Winton Way in the amount of \$554,443; and to authorize and direct the City Manager to execute the Contract on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Vierra, Cale, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

Waiving the formal bid process, resolution approving a budget amendment, and awarding a Purchase Agreement to Evoqua Water Technologies for carbon media replacement services at Well Site 15 (Interim Public Works Director Shaw)

***MOTION:*** City Council Member Vierra moved to waive the formal bid process; adopt Resolution No. 3079-19 approving Budget Amendment No. 5 amending Fiscal Year 2018-19 Budget establishing a budget expense regarding 1,2,3 TCP; award a purchase agreement to Evoqua Water Technologies, LLC, Oakland, California for carbon media replacement services for the change out of four (4) 20,000 pound vessels with 80,000 pounds of AquaCarb® 830C (virgin coconut based carbon) at Well Site 15 in the amount not to exceed \$146,795; and authorize and direct the City Manager to execute the purchase order on behalf of the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Vierra, Cale, Raymond, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.

#### CITY MANAGER'S REPORTS/UPDATES:

Resolution approving a budget amendment regarding budgeted personnel to add funding for the position of Project Manager and resolution amending Project Manager job classification

***MOTION:*** Mayor Creighton moved to adopt Resolution No. 3081-19 approving Budget Amendment No. 7 amending Fiscal Year 2018-19 Budget regarding budgeted personnel to add funding for the position of Project Manager; and to adopt Resolution No. 3082-19 amending City of Atwater Classification Plan regarding Project Manager job classification. The motion was seconded by City Council Member Cale and the vote was: Ayes: Ambriz, Cale, Vierra, Creighton; Noes: Raymond; Absent: None. The motion passed.

#### CITY COUNCIL MATTERS:

City Council comments

***Mayor Pro Tem Raymond announced that Ms. Dora Anderson, Miss Plus Atwater and Miss Plus California, is hosting a dinner fundraiser in Ralston Park on***

**Saturday, April 13<sup>th</sup> at 3:00 PM to raise funds for her competition in the Miss Plus America program; and donations are appreciated.**

**City Council Member Vierra reminded the community about the Atwater Easter Egg Hunt on Saturday, April 20<sup>th</sup> between 10:00 AM and 12:00 PM. There is a coloring contest for children with prizes. A raffle for bicycles to children of several age groups will also be held. She thanked the Atwater-Winton Lions Club for co-sponsoring the event. She also announced the birth of two newest twin grandchildren.**

**City Council Member Cale commented that strategic planning is key to the future of the City of Atwater. He congratulated City Council Member Vierra on the birth of her twin grandchildren.**

**City Council Member Ambriz congratulated City Council Member Vierra on the birth of her twin grandchildren. He also congratulated his neighbors on the birth of their child earlier this date.**

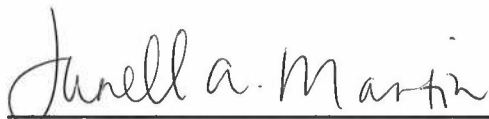
**Mayor Creighton announced his participation in the recent 70<sup>th</sup> Anniversary of the Atwater Veterans of Foreign Wars. He stated that a new organization, Historic Downtown Atwater Association is being formed, and that several fundraising events are planned to fund the return of downtown Christmas lights. He stated that the recent Atwater-Winton Lions Club dinner raised over \$1,000 in the dessert auction and that he and Police Chief Salvador put forth an additional item for auction that raised another \$1,000. He thanked the 93<sup>rd</sup> OMS for all their work at Veterans Park. He also thanked Atwater's police and fire personnel for donating bicycles for the upcoming Atwater Easter Egg Hunt.**

**CLOSED SESSION:**

**Continuation of closed session was not necessary.**

**ADJOURNMENT:**

**The meeting adjourned at 8:28 PM.**



Janell Martin,  
Deputy City Clerk

By: Lesa Rasmussen  
P-M Transcription Services