



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**January 11, 2021**

OPEN SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Open Session this date at 5:09 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; City Council Member Cale presiding due to the Mayor's absence and Mayor Pro Tem's loss of voice.***

ROLL CALL: (City Council)

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

***Absent: Mayor Creighton***

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

CLOSED SESSION: (Conference Room A)

***City Council Member Cale invited public comment on Closed Session items.***

***No one came forward to speak.***

***City Council Member Cale adjourned the meeting to Conference Room A for Closed Session at 5:10 PM. Closed Session was called to order at 5:14 PM.***

Pursuant to Government Code Section 54957, Public Employee Annual Performance Evaluation; Title: City Manager

Conference with Labor Negotiator - Government Code Section 54957 .6. Agency Negotiators: City Manager Waterman, Deputy City Manager Del Real, and City Attorney

Splendorio; Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 - Miscellaneous Unit

***Closed Session adjourned at 6:03 PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Regular Session this date at 6:06 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; City Council Member Cale presiding due to Mayor's absence and Mayor Pro Tem's loss of voice.***

PLEDGE OF ALLEGIANCE TO THE FLAG:

***The Pledge of Allegiance was led by Administrative Assistant Kory Billings.***

INVOCATION:

***The Invocation was led by Pastor Rich Miller.***

ROLL CALL:

***Present: City Council Members Ambriz, Button, Cale, Mayor Pro Tem Raymond***  
***Absent: Mayor Creighton***  
***Staff Present: City Manager Waterman, City Attorney Splendorio, Deputy City Manager Del Real (via teleconference), CAL FIRE Battalion Chief Ayuso, Police Chief Salvador (via teleconference), Public Works/Community Development Director Thompson, Finance Director Jacobs-Hunter (via teleconference), Deputy Director of Public Works/Community Development Holsinger (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 item of labor negotiations and another item involving performance evaluations of the City Manager's Office. 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 Ambriz moved to approve the agenda as posted. The motion was seconded by City Council Member Button and the vote was: Ayes: Ambriz, Button, Raymond, Cale; Noes: None; Absent: Creighton. The motion passed.*

PRESENTATIONS:

City Attorney Splendorio verbal update regarding Brown Act.

***City Attorney Splendorio provided the City Council with an overview of the Brown Act and a new law, AB 992, which went into effect January 1, 2021 and prohibits certain actions of elected officials on social media platforms.***

CONSENT CALENDAR:

***MOTION:*** *City Council Member Ambriz 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. January 11, 2021

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

MINUTES: (City Council)

2. December 14, 2020

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

CALL FOR BIDS:

3. Adopting a resolution approving a budget amendment to allocate additional funding for the Juniper and Shaffer Signal Modification, and approving Plans and Specifications and authorizing advertising and calling for bids for the Juniper and Shaffer Signal Modification Project (Public Works/Community Development Director Thompson)

***ACTION:*** *Adopts Resolution No. 3197-21 approving Budget Amendment No. 10 amending Fiscal Year 2020-21 Budget to allocate additional funding for Juniper and Shaffer Signal Modification in the amount of \$18,330.00; and approves the plans and specifications and authorize advertising and calling for bids for the Juniper and Shaffer Signal Modification Project, City Project No. 16-1, Federal Project No. HSIPL- 5254(026).*

RESOLUTIONS:

4. Resolution authorizing a Purchase and Sale Agreement with Edward A. Vanek, II for certain property located North of Bell Drive and East of Truckee Drive, APN: 001-134-015 (Public Works/Community Development Director Thompson)

***ACTION: The Housing Successor to the Atwater Redevelopment Agency adopts Resolution No. 3199-21 authorizing a Purchase and Sale Agreement with Edward A. Vanek, II, in a form approved by the City Attorney, for certain property located North of Bell Drive and East of Truckee Drive, APN: 001-134-015, in the amount of \$450,000; and authorize and direct the City Manager, or her designee, to execute the Agreement and all documents related to the sale of the Property on behalf of the City.***

AGREEMENTS:

5. Approving First Amendment to City Manager Employment Agreement (Deputy City Manager Del Real)

***ACTION: Approves the First Amendment to City Manager Employment Agreement, in a form approved by the City Attorney, with Lori Waterman regarding Section 2.5 "Term," and Section 4.13 "Review and Evaluation;" and authorizes and directs the Mayor to execute the Amendment on behalf of the City.***

6. Approving First Amendment to Police Chief Employment Agreement (Deputy City Manager Del Real)

***ACTION: Approves First Amendment to Police Chief Employment Agreement, in a form approved by the City Attorney, with Michael Salvador regarding Section 2.5 "Term;" and authorizes and directs the City Manager to execute the Amendment on behalf of the City.***

PUBLIC HEARINGS:

Confirmation of Itemized Costs Report, pursuant to Atwater Municipal Code 5.60.130, regarding the abatement of an unpermitted and unlicensed cannabis business in the City of Atwater (Police Chief Salvador)

***Police Chief Salvador provided background information on this item.***

***City Council Member Cale opened the public hearing for this item.***

***No one came forward to speak, and City Council Member Cale closed the public hearing.***

***MOTION:*** City Council Member Button moved to confirm the Itemized Costs Report, pursuant to Atwater Municipal Code 5.60.130, regarding the abatement of an unpermitted and unlicensed cannabis business located at APN 056-330-036-000; Property Owner: Albert J. Cisneros; and to authorize and direct the City Manager, or her designee, to execute any and all documents on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Button, Raymond, Cale; Noes: None; Absent: Creighton. The motion passed.

COMMENTS FROM THE PUBLIC:

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

***Recreation and Community Events Administrative Assistant Billings thanked the Atwater community and the Atwater City Council for their support and participation in the City's Christmas Toy Drive.***

***Deputy City Clerk Martin read into the record one comment received by email regarding suggestions on traffic light and business improvements within the City.***

***No one else came forward to speak.***

CITY COUNCIL MATTERS:

Discussion and possible direction regarding adding additional zones for Cannabis retail uses

***City Manager Waterman provided background information on this item.***

***Mayor Pro Tem Raymond commented on his support of adding additional zones for cannabis retail businesses and for Atwater to consider following neighboring Cities' actions of bringing Cannabis businesses out into the public more to try and capture more revenue.***

***City Council Members Ambriz and Button commented that City staff should move forward with researching this matter further, and requested that their findings be presented to the Council at a future meeting. City Council Member Ambriz also requested that staff report on how much revenue the current cannabis retail businesses are bringing into the City as well.***

***City Council Member Cale commented on his concerns of adding additional zones to the cannabis retail businesses.***

***One member of the public spoke regarding their opposition for adding additional zones for cannabis retail businesses in the City of Atwater.***

***City Manager Waterman informed the City Council that food trucks are also another type of business that is limited to the same zoning requirements as cannabis retail businesses, and can be included in the study if the City Council would like to request so.***

***City Attorney Splendorio clarified what directions, if any, Council can give to staff regarding a study on possible additional zones.***

***MOTION: City Council Member Button moved to provide staff with the direction to prepare a study or preliminary analysis of potential and additional zones for food trucks and retail cannabis businesses, and to bring this item back to the council at a future agenda for further discussion. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Raymond, Ambriz, Button, Cale; Noes: None; Absent: Creighton. The motion passed.***

#### City Council Reorganization/Mayor's Committee Assignments

- Mayor Pro Tern
- Merced County Association of Governments (1 representative and 1 alternate)
- League of California Cities Central Valley Division (1 representative and 2 alternates)
- City Audit and Finance Committee (2 representatives)
- LAFCO (1 representative)
- USP/Atwater Community Liasion Group (1 representative and 1 alternate)
- Atwater Community Services/Neighborhood Watch (1 representative)
- 4th of July Committee (1 representative)
- San Joaquin Valley Air Pollution Control District (1 representative and 1 alternate)
- SGMA (1 representative and 1 alternate)
- IRWIN (1 representative and 1 alternate)
- ACE Train (1 Representative and 1 alternate)
- One Voice (1 representative and 1 alternate)
- Bloss House (2 representatives)
- Christmas Parade (2 representatives)
- General Plan Update Committee (1 representative and 1 alternate)

***This item was postponed to a future agenda due to the Mayor's absence.***

***City Council Member Ambriz requested for staff to send to the Council Members background information on each committee for their review.***

City Council comments

***Mayor Pro Tem Raymond wished his grandmother well.***

***City Council Member Button commented on his concerns of the increasing censorship from big technology companies, stated that he enjoyed the***

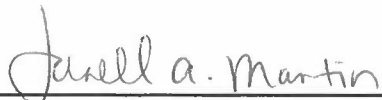
*orientation tour earlier in the morning, and sent his thoughts and prayers to his wife's grandfather.*

*City Council Member Ambriz commented that he also enjoyed the tour from the orientation earlier in the morning.*

*City Council Member Cale welcomed the City's new CAL FIRE Battalion Chief Bobby Ayuso, wished Mayor Pro Tem Raymond's grandmother well, and wished everyone a Happy New Years.*

ADJOURNMENT:

*City Council Member Cale adjourned the meeting at 6:48 PM.*



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JANELL MARTIN  
DEPUTY CITY CLERK

By: Richard Vang  
Deputy City Clerk