



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

October 25, 2021

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:03 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 Recreation and Community Events Administrative Assistant Billings.

INVOCATION:

The Invocation was led by Pastor 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, Deputy City Manager Del Real (via teleconference), Police Chief Salvador (via teleconference), Public Works/Community Development Director Thompson, Finance Director Youmara, Information Technology Manager Lamerson (via teleconference), Recreation and Community Events Administrative Assistant Billings, 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 Mayor Pro Tem Cale and the vote was: Ayes: Button, Raymond, Cale, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***Merced County is currently going through a CEO recruitment.***
- ***Merced County's Trucking Logistics Test was recognized by the California Workforce Development Board.***
- ***Merced County Board of Supervisors is currently considering a resolution pertaining to redistricting with Stanislaus County.***
- ***An American Rescue Plan Act (ARPA) Virtual Community Workshop is scheduled for November 10, 2021, at 6:00 PM on Zoom.***
- ***County Labor Workforce and Industry Employment estimated that unemployment rates in Merced County are lower.***

CONSENT CALENDAR:

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

WARRANTS:

1. October 25, 2021

ACTION: *Approval of warrants as listed.*

TREASURER'S REPORT:

2. September 30, 2021

ACTION: *Approval of report as listed.*

MINUTES: (City Council)

3. October 11, 2021 – Regular meeting

ACTION: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. September 15, 2021 – Regular meeting

ACTION: Acceptance of minutes as listed.

RESOLUTIONS:

5. 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. 3265-21 making the required findings authorizing the continuation of remote teleconference/virtual meetings of the legislative bodies of the City of Atwater.

6. Establishing an Architectural and Engineering Services Administration and Procurement Policy and adopting the Caltrans Local Assistance Procedures Manual Chapter 10 (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3263-21 establishing an Architectural and Engineering Services Administration and Procurement Policy in compliance with 23 CFR 172.7(b)(4), and adopts the State of California Department of Transportation (Caltrans) Local Assistance Procedures Manual (LAPM) Chapter 10: Consultant Selection.

7. Approving Budget Amendment regarding appropriation of Abandoned Vehicle Program Funds for an Electronic Citation System (Police Chief Salvador)

ACTION: Adoption of Resolution No. 3260-21 approving Budget Amendment No. 12 amending Fiscal Year 2021-22 Budget regarding appropriation of Abandoned Vehicle Program Funds to implement an Electronic Citation Program for the Police Department.

8. Approving Budget Amendment regarding Winton Way Road Improvement Project (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3261-21 approving Budget Amendment No. 13 amending the Fiscal Year 2021-22 Budget regarding the Winton Way Road Improvement Project.

9. Approving Budget Amendment appropriating funds for 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Police Chief Salvador)

ACTION: Adoption of Resolution No. 3262-21 approving Budget Amendment No. 14 amending the Fiscal Year 2021-22 Budget regarding appropriating funds in the amount of \$14,353.00 to the Fiscal Year 2021-22 Police Grants Budget derived from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2021 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

10. Approving Budget Amendment allocating additional funding for Traffic Signal Interconnect Project, and approving Change Order to General Construction Contract with Tim Paxin's Pacific Excavation, Inc. for Traffic Signal Interconnect Project (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3264-21 approving Budget Amendment No. 15 amending Fiscal Year 2021-22 Budget to allocate funding for Traffic Signal Interconnect Project, City Project 14-2, in the amount of \$36,000.00; approves Change Order No. 4 to General Construction Contract with Tim Paxin's Pacific Excavation, Inc. for Traffic Signal Interconnect Project, City Project 14-2 in the amount of \$35,994.00; and authorizes and directs the City Manager, or her designee, to execute the Change Order on behalf of the City.

OTHER ACTIONABLE ITEMS:

11. Declaring certain City vehicles and equipment surplus and authorizing disposal of surplus vehicles and equipment (Police Chief Salvador)

ACTION: Declaration of certain City vehicles and other City equipment surplus; and authorizes the items to be sold at auction or disposed of.

PUBLIC HEARINGS:

Waiving the first reading and introducing an ordinance repealing Chapter 8.52 of the Atwater Municipal Code, "Personal Cannabis Cultivation" and replacing it with Chapter 8.52, "Illegal Cultivation of Cannabis" (City Attorney Splendorio)

City Attorney Splendorio provided background information on the item.

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 waive the first reading and introduce Ordinance No. CS 1041 repealing Chapter 8.52 of the Atwater Municipal Code, "Personal Cannabis Cultivation" and replacing it with Chapter 8.52, "Illegal Cannabis Cultivation." The motion was seconded by City Council Member

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

REPORTS AND PRESENTATIONS FROM STAFF:

Approving General Services Agreement to Joe's Landscaping and Concrete, Inc. for Landscape Maintenance Services in Landscape Maintenance Districts (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson provided background information on the item.

MOTION: City Council Member Raymond moved to award a General Service Agreement, in a form approved by the City Attorney, to Joe's Landscaping and Concrete, Inc., Newman, CA for Landscape Maintenance Services in Landscape Maintenance Districts, in an amount not to exceed \$115,061.04; and to authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Cale and the vote was: Ayes: Raymond, Button, Ambriz, Cale, Creighton; Noes: None; Absent: None. The motion passed.

CITY MANAGER REPORTS/UPDATES:

Monthly report by City Manager Waterman

City Manager Waterman reported the following:

- ***The City ranked 106 in the 2019-20 California State Auditor's Fiscal Health Analysis for California cities.***
- ***S&P Global Ratings for the City's Wastewater Revenue Bonds is now rated as BBB.***
- ***The most recent City Cleanup Day Event at Castle Air Force Base was successful.***
- ***The City's Water Tower is currently being renovated.***
- ***The Bloss Bowl between Atwater High School and Buhach Colony High School will take place on October 29, 2021, at Merced College.***
- ***The City's Police and Fire Departments will be hosting a Christmas Toy Drive and will be accepting toy donations at the Bloss Bowl.***
- ***Old Town Atwater donated ice-skating tickets to every school aged child from K-8th in the City and is seeking volunteers to help with the ice-skating rink.***

- *The City's Veterans Day Program will be held at 3:00 PM on November 11, 2021, at Veterans Park.*
- *The ribbon cutting for Old Town Atwater's ice-skating rink will be held at 10:00 AM on November 11, 2021.*
- *The TCP vessels within the City are now all running, and an update will be provided by GHD at the November City Council Meeting.*

Finance Director Youmara provided additional information on the S&P Global Ratings and Bond Ratings.

Public Works/Community Development Director Thompson provided additional information on the recent City Cleanup Day Event and about the destruction of a well located on Shaffer Road.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person thanked the City Council and City staff for their work towards positive progress for the City. They also reminded the community of the upcoming 30-year celebration at Victory Baptist Church and spoke regarding their appreciation for the City.

One person spoke regarding the A Community Counteracting Tobacco (ACCT) Coalition's mission to educate the community and decision makers on the harmful effects that come with the usage of flavored tobacco products by youth. They recommended to the City Council that the adoption of a Tobacco Retail Licensing Fee Program would be a solution and asked the City Council if they would like any additional information.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Button requested additional information regarding the A Community Counteracting Tobacco Coalition's mission as the usage of flavored tobacco products by youth is a problem. He also thanked the City Council and City staff for their work in bringing up the City's bond rankings and ratings.

City Council Member Raymond had nothing to report.

City Council Member Ambriz reminded the community to drive safely during the Halloween holiday. He also stated that he looks forward to the reveal of Old Town Atwater's ice-skating rink, hopes it will be successful and becomes an annual event in the City.

Mayor Pro Tem Cale reminded the community that Old Town Atwater's ice-skating rink will be opened on November 1, 2021. He thanked City staff, Adam Reed, Jason Hoogenhous, Russel Wetmore, Junior Silva and his crew, Brad Kessler for his leadership and his crew, Special Ice, and all the sponsors for making the ice-skating rink possible. He also reminded the community that Old Town Atwater is seeking volunteers to help with the ice-skating rink, and those who would like to volunteer should email jcale@atwater.org. He agreed with City Council Member Ambriz's reminder to the community to drive safely during the Halloween holiday. He also reminded the community about the Trunk or Treat event hosted by the Police and Fire Departments at City Hall on Halloween. Mayor Pro Tem Cale thanked City staff for their work in bringing up the City's bond rankings and ratings, and reminded the community of the Bloss Bowl on October 29, 2021, at Merced College, and encouraged the community to bring a toy to the event to donate to the City's Police and Fire Departments' Christmas Toy Drive. He also thanked Pastor Rich Miller and Dr. Eric Cheung for being a part of this community.

Mayor Creighton thanked the Police and Fire Departments for hosting the Trunk or Treat event, thanked City staff for their involvement within the community, and thanked City Manager Waterman, Public Works/Community Development Director Thompson, and Chief Building Official/Fire Code Official Pereida for their dedication and commitment towards making the ice-skating rink possible. He thanked Merced Irrigation District and Taylor Backhoe for working together to provide power to the ice-skating rink, and thanked all agencies, sponsors, and those responsible for their work towards making the ice-skating rink possible. He also reminded the community that Old Town Atwater is seeking volunteers to help with the ice-skating rink.

Sergeant Smothers provided additional information about the Trunk or Treat Event hosted by the Police and Fire Departments that will take place at 6:00 PM on Halloween in the front parking lot of City Hall.

ADJOURNMENT:

Mayor Creighton adjourned the meeting in memory of Brian Shaw.

The meeting adjourned at 6:50 PM.

Janell A. Martin

JANELL MARTIN
DEPUTY CITY CLERK

By: Leslie Thuang
Recording Secretary