

CORONAVIRUS DISEASE (COVID-19) ADVISORY

Pursuant to Assembly Bill (AB) 361, the City Council may participate via teleconference/electronically. In-person participation by the public will be permitted. In addition, remote public participation and public comment is available in the following ways:

1. Livestream online at www.atwater.org (Please be advised that there is a broadcasting delay. If you would like to participate in public comment, please use the options below).
2. Join the electronic meeting at <https://atwater-org.zoom.us/j/89554963092> (Webinar ID: 89554963092). Members of the public participating electronically via this link and wishing to speak may do so during public comment, by using the "raised hand" feature in the Zoom webinar.
3. Submit a written public comment prior to the meeting: Public comments submitted to cityinfo@atwater.org by 4:00 p.m. on the day of the meeting will be distributed to the City Council, and made part of the official minutes. In view of the other public comment opportunities listed above, email/written comments will not be read out loud during the meeting.

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the City in advance of the meeting, and as soon as possible, at (209) 357-6300.

CITY OF ATWATER CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

December 13, 2021

CALL TO ORDER:

5:30 PM

ROLL CALL:

Ambriz _____, Button _____, Cale _____, Raymond _____, Creighton _____

CLOSED SESSION:

Adjourn to Conference Room A

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

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Police Chaplain Steve Mead

ROLL CALL : (City Council/Governing Board)

Ambriz _____, Button _____, Cale _____, Raymond _____, Creighton _____

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

SUBSEQUENT NEED ITEMS: (The City Clerk shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the City Council present at the meeting.)

APPROVAL OF AGENDA AS POSTED OR AS AMENDED: (This is the time for the City Council to remove items from the agenda or to change the order of the agenda.)

Staff's Recommendation: Motion to approve agenda as posted or as amended.

CEREMONIAL MATTERS:

- **Oath of Office - Police Sergeant**

Staff's Recommendation: That Mayor Creighton administer the oath of office to the newly appointed Police Sergeant Lorin Mann.

- **Oath of Office - Police Officer**

Staff's Recommendation: That Mayor Creighton administer the oath of office to the newly appointed Police Officer Matthew Bowen.

- **Presentation of plaque to the Quintero Family for winning the Great Christmas Light Fight**

Staff's Recommendation: That Mayor Creighton make the presentation to the Quintero Family.

PRESENTATIONS:

- **Tobacco Retail Licensing and Flavored Tobacco Products (Dr. Eric Cheung, Atwater Family Dental)**

*****CONSENT CALENDAR*****

NOTICE TO THE PUBLIC

Background information has been provided on all matters listed under the Consent Calendar, and these items are considered to be routine. All items under the Consent Calendar are normally approved by one motion. If discussion is requested on any item, that item will be removed from the Consent Calendar for separate action.

WARRANTS:

1. a) November 22, 2021
b) December 13, 2021

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. November 15, 2021 - Special meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

3. October 20, 2021 - Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS:

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

Staff's Recommendation: Adoption of Resolution No. 3272-21 making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater.

5. Amending Classification Plan and adopting Salary Schedule B-22, effective December 23, 2021 (City Manager Waterman and Deputy City Manager Del Real)

Staff's Recommendation: Adoption of Resolution No. 3266-21 amending City of Atwater Classification Plan and adopting Salary Schedule B-22, effective December 23, 2021.

6. Approving Budget Amendment establishing budget appropriation for Recreation and Community Events Department to allow customers to make online payments through Civic Rec (City Manager Waterman)

Staff's Recommendation: Adoption of Resolution No. 3275-21 approving Budget Amendment No. 17 amending Fiscal Year 2021-22 Budget to establish a revenue and expense budget appropriation for \$2,000 for the Recreation and Community Events Department to allow customers to make online payments through Civic Rec.

7. **Considering Opting into Settlement Agreements with opioid distributors Amerisource Bergen, Cardinal Health, and Mckesson, and opioid manufacturer Janssen** (City Manager Waterman)

Staff's Recommendation: Adoption of Resolution No. 3271-21 opting into Settlement Agreements with opioid distributors Amerisource Bergen, Cardinal Health, and McKesson, and opioid manufacturer Janssen (owned by Johnson and Johnson), whereby the County of Merced will receive the City's designated share of settlement funds; and authorizes and directs the City Manager to execute any documents necessary to implement the action.

8. **Adopting Recognized Obligation Payment Schedule and Administrative Budget for Fiscal Year 2022-23** (Treasurer of the Successor Agency Youmara)

Staff's Recommendation: Adoption of Resolution No. SA 2021-2 adopting the Recognized Obligation Payment Schedule 22-23 for the July 1, 2022 through June 30, 2023 period and adopting the Administrative Budget for Fiscal Year 2022-23.

9. **Approving Professional Services Agreement with RSG, Inc. for Successor Agency consulting services for Fiscal Year 2022-23** (Treasurer of the Successor Agency Youmara)

Staff's Recommendation: Adoption of Resolution No. SA 2021-3 approving a Professional Services Agreement, in a form approved by the City Attorney, with RSG, Inc. in the amount not to exceed \$25,000.00 for Successor Agency consulting services for Fiscal Year 2022-23; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

10. **Authorizing Submittal of Grant Application to San Joaquin Valley Air Pollution Control District's Emergency Vehicle Replacement Program for Type I Fire Engine/Pumper** (CAL FIRE Battalion Chief Ayuso)

Staff's Recommendation: Adoption of Resolution No. 3270-21 authorizing submittal of a grant application to the San Joaquin Valley Air Pollution Control District's Emergency Vehicle Replacement Program Grant; and authorizes and directs the City Manager, or her designee, to sign the grant application and implement the reimbursement project on behalf of the City.

- 11. Authorizing Submittal of Grant Application to Department of Homeland Security's Assistance to Firefighters Grant for Mobile Air Unit Trailer (CAL FIRE Battalion Chief Ayuso)**

Staff's Recommendation: Adoption of Resolution No. 3273-21 authorizing submittal of a grant application to the Department of Homeland Security's Assistance to Firefighters Grant for a Mobile Air Unit Trailer; and authorizes and directs the City Manager, or her designee, to sign the grant application and implement the reimbursement project on behalf of the City.

- 12. Establishing General Plan Technical Advisory Committee to assist with update to City of Atwater General Plan (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Adoption of Resolution No. 3274-21 establishing a General Plan Technical Advisory Committee to assist with the update to the City of Atwater General Plan.

AGREEMENTS:

- 13. Approving Use Agreement with Atwater Little League regarding use of City fields for organized baseball, softball and T-ball activities (City Manager Waterman)**

Staff's Recommendation: Approval of a Use Agreement, in a form approved by the City Attorney, with Atwater Little League for the use of Raymond Field, Darren Hershcler Field, Frank Reponte Field, Miyake Field, and T-ball Field at Osborn Park for organized baseball, softball and T-ball activities; and authorizes and directs the City Manager, or her designee, to execute the Use Agreement on behalf of the City.

PUBLIC IMPROVEMENTS:

- 14. Accepting Repair and Upgrade Traffic Signal at Winton Way and Bellevue Road Project as complete (Public Works/Community Development Director Thompson)**

Staff's Recommendation: Accepts work done under the contract for Repair and Upgrade Traffic Signal at Winton Way and Bellevue Road, City Project 20-6 as complete; authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$6,357.50.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 15. Waiving the second reading and adopting 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)**

Staff's Recommendation: Waives the second reading and adopts 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."

OTHER ACTIONABLE ITEMS:

- 16. Accepting 2022 Regular Meeting Schedule which cancels the second City Council meeting of the month in November and December 2022 (City Clerk Armstrong)**

Staff's Recommendation: Acceptance of the 2022 Regular Meeting Schedule which cancels the second meeting of the month in November and December 2022; and authorizes and directs the Mayor and/or City Manager to sign any documents required to maintain essential City services. Said documents shall be reviewed by the City Attorney and be scheduled for ratification of the entire City Council at the next regularly scheduled City Council meeting.

*****END OF CONSENT CALENDAR*****

CITY MANAGER REPORTS/UPDATES:

- 17. Monthly report by City Manager Waterman**

COMMENTS FROM THE PUBLIC:

NOTICE TO THE PUBLIC

At this time any person may comment on any item which is not on the agenda. You may state your name and address for the record; however, it is not required. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. Please limit comments to a maximum of three (3) minutes.

CITY COUNCIL MATTERS:

City Council comments

CLOSED SESSION:

Continuation of Closed Session if necessary

ADJOURNMENT:

CERTIFICATION:

I, Lucy Armstrong, City Clerk of the City of Atwater, do hereby certify that a copy of the foregoing agenda was posted at City Hall a minimum of 72 hours prior to the meeting.



LUCY ARMSTRONG
CITY CLERK

SB 343 NOTICE

In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.

If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.



In compliance with the federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at (209) 357-6317. You may also send the request by email to larmstrong@atwater.org.