



CITY OF ATWATER

CITY COUNCIL AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

ACTION MINUTES

December 13, 2021

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: (City Council)

Present: City Council Members Ambriz, Button, Raymond, Mayor Creighton

Absent: Mayor Pro Tem Gale

Staff Present: City Manager Waterman, City Attorney Splendorio, 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 5:37 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 6:05 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater and the Governing Board of the Successor Agency to the Atwater Redevelopment Agency 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/Chair Creighton presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Evelyn Quintero.

INVOCATION:

The Invocation was led by Police Chaplain Steve Mead.

ROLL CALL: (City Council/Governing Board)

Present: City Council Members/Board Members Ambriz, Button, Raymond, Mayor Pro Tem/Vice-Chair Cale, Mayor/Chair Creighton

Absent: None

Staff Present: City Manager/Executive Director Waterman, City Attorney Splendorio, Deputy City Manager Del Real (via teleconference), CAL FIRE Battalion Chief Ayuso, Police Chief Salvador, Public Works/Community Development Director Thompson, Finance Director/Treasurer Youmara, Information Technology Manager Lamerson (via teleconference), Recreation and Community Events Administrative Assistant Billings, Deputy City Clerk/Secretary Martin

SUBSEQUENT NEED ITEMS: ***None***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

The agenda item under Ceremonial Matters, “Oath of Office – Police Officer” was postponed to the next regular City Council meeting of January 10, 2022. The agenda item under Ceremonial Matters, “Presentation of plaque to the Quintero Family for winning the Great Christmas Light Fight” will take place first before the “Oath of Office – Police Sergeant.”

MOTION: City Council Member/Board Member Button moved to approve the agenda as amended. The motion was seconded by Mayor Pro Tem/Vice-Chair

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

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council considered two items of anticipated litigation. Staff was provided direction and no reportable action was taken. The Closed Session agenda was completed.

CEREMONIAL MATTERS:

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

Mayor/Chair Creighton congratulated and presented the plaque to the Quintero Family.

Oath of Office – Police Sergeant

Mayor/Chair Creighton administered the oath of office to the newly appointed Police Sergeant Lorin Mann.

Oath of Office – Police Officer

This item was postponed to the next regular City Council meeting of January 10, 2022.

Mayor/Chair Creighton called a recess at 6:31 PM.

The City Council returned to the dais and Mayor/Chair Creighton resumed the meeting at 6:37 PM.

PRESENTATIONS:

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

Dr. Eric Cheung, Atwater Family Dental, spoke regarding Tobacco Retail Licensing and the increased tobacco usage in today's youth.

CONSENT CALENDAR:

Agenda item #13 under Agreements, "Approving Use Agreement with Atwater Little League regarding use of City fields for organized baseball, softball, and T-ball activities," was removed from the Consent Calendar for separate discussion and possible action.

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

WARRANTS:

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

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

2. November 15, 2021 – Special meeting

ACTION: *Approval of minutes as listed.*

MINUTES: (Planning Commission)

3. October 20, 2021 – Regular meeting

ACTION: *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)

ACTION: *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)

ACTION: *Adoption of Resolution No. 3266-21 amending City of Atwater Classification Plan and adoption 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)

ACTION: 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)

ACTION: 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)

ACTION: 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)

ACTION: 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)

ACTION: 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)

ACTION: 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)

ACTION: 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)

This item was removed from the consent calendar for separate discussion and possible action.

PUBLIC IMPROVEMENTS:

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

ACTION: Accepts work done under the contract for Repair and Upgrade Traffic Signal at Winton Way and Bellevue Road, City Project No. 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)

ACTION: 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)

ACTION: 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.

AGREEMENTS:

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

Two representatives from the Atwater Little League's Governing Board spoke regarding their concerns of the contract terms for the Atwater League to maintain the cost of lights and portable toilets.

Recreation and Community Events Administrative Assistant Billings provided background information on the item.

City Council Member/Board Member Button spoke regarding the timing of the reconstruction of restrooms at the City fields and asked for clarification of the total cost to maintain portable toilets by the Atwater Little League.

City Council Member/Board Member Raymond spoke regarding the safety of the children at the City fields and of his experience with the Challenger Program hosted by the Atwater Little League.

Mayor Pro Tem/Vice-Chair Cale agreed with City Council Member Raymond regarding the safety of the children at the City fields.

City Council Member/Board Member Ambriz spoke regarding his concerns of the contract terms, specifically the cost of the maintenance of lights, portable toilets and sewage, along with the assistance from the City to manage the parking area of the City fields.

Mayor/Chair Creighton agreed with City Council Member Ambriz and spoke regarding the necessity of parking lot restriping and future opportunities for the City fields.

City Manager/Executive Director Waterman, Public Works/Community Development Director Thompson, Recreation and Community Events

Administrative Assistant Billings, and Leah Brown from the Atwater Little League addressed the City Council's concerns.

Mayor/Chair Creighton stated that he would like to amend the contract to include that the City will provide portable toilets at its own cost for the Atwater Little League. Mayor Pro Tem Cale was in favor of this amendment.

City Council Member/Board Member Ambriz stated that in addition to Mayor/Chair Creighton's suggested amendments, that he would like to amend section 5(a)(4) of the contract to include that the City will provide barricades to the Atwater Little League to manage parking.

City Attorney Splendorio clarified Mayor/Chair Creighton's and City Council Member/Board Member Ambriz's amendments to the contract.

MOTION: City Council Member/Board Member Ambriz moved to approve 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 Reponse Field, Miyake Field, and T-ball Field at Osborn Park for organized baseball, softball, and T-ball activities, along with an amendment to section 5(a)(4) to manage parking and set up necessary barricades provided by the City to prevent parking in non-designated areas; and authorizes and directs the City Manager, or her designee, to execute the Use Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem/Vice-Chair Cale and the vote was: Ayes: Ambriz, Button, Raymond, Cale, Creighton; Noes: None; Absent: None. The motion passed.

MOTION: Mayor/Chair Creighton moved to moved to approve 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 Reponse Field, Miyake Field, and T-ball Field at Osborn Park for organized baseball, softball, and T-ball activities, along with an amendment that the City agrees to provide and maintain portable restrooms at its expense to the Atwater Little League; and authorizes and directs the City Manager, or her designee, to execute the Use Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem/Vice-Chair Cale and the vote was: Ayes: Raymond, Ambriz, Cale, Button, Creighton; Noes: None; Absent: None. The motion passed.

CITY MANAGER REPORTS/UPDATES:

Monthly report by City Manager Waterman

City Manager/Executive Director Waterman reported the following:

- **Eugene Drummond was recently hired as the Recreation Supervisor in the Recreation and Community Events Department.**

- ***New businesses and projects coming to the City include Peet's Coffee inside of Hope's Church, the expansion of Atwater Family Dental, Chelsea Investment Corporation's Multifamily Affordable Housing, and a Starbucks at the Save Mart shopping center.***
- ***64 new businesses opened up in the City within the last 24 months.***
- ***388 children registered for the Atwater Fire and Police Holiday Toy Drive.***
- ***The Christmas in Atwater Event hosted by Victory Baptist Church will be taking place on December 17-19, 2021 from 5:00 PM to 9:00 PM at the Bloss Mansion.***
- ***Old Town Atwater will be hosting a special event for donations to the Atwater Fire and Police Holiday Toy Drive at the Razzari Ice-Skating Rink on December 18, 2021 from 1:00 PM to 3:00 PM.***
- ***The City of Atwater Police Department and Kids Outreach Creating Hope Organization will be hosting a holiday event on December 19, 2021 from 11:00 AM – 2:00 PM at Veterans Park.***
- ***A quote was received for the painting and lettering of the City's water tower, and a special meeting may be held before the first City Council meeting of January 2022 to address the cost savings potential to the City.***

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

One person spoke regarding Fruitland Christian Preschool's years of service to the community and throughout the COVID-19 pandemic, and asked the City Council to also provide COVID-19 aid and Personal Protective Equipment to the Preschool as distributed to local businesses in the community.

One person reminded the community of the Christmas in Atwater Event hosted by Victory Baptist Church on December 17-19, 2021 from 5:00 PM – 9:00 PM at the Bloss Mansion.

One person spoke in favor of Dr. Eric Cheung's presentation regarding Tobacco Retail Licensing and Flavored Tobacco Products.

Recreation and Community Events Administrative Billings spoke regarding a letter sent from the Atwater Chamber of Commerce to the City thanking the public, community, Police, and Fire Department for their assistance with the annual Christmas Parade. He also thanked the City Council, the community, and the children of the Atwater Elementary School District for their assistance with providing toys and funding for the Atwater Fire and Police Holiday Toy Drive.

Police Chief Salvador thanked the Travis Credit Union Atwater branch for the use of their coin counting machines.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

Mayor Pro Tem/Vice-Chair Cale wished the community a Merry Christmas and Happy New Year. He thanked Alice and the Chamber of Commerce, and all those who helped with the annual Christmas Parade. He also spoke regarding his enjoyment of the Razzari Ice-Skating Rink hosted by Old Town Atwater.

City Council Member/Board Member Ambriz spoke regarding the events happening within the City and thanked the community for listening to his concerns tonight. He also wished the community a Merry Christmas and a Happy Holidays.

City Council Member/Board Member Raymond spoke regarding his appreciation to be able to assist the Atwater Little League with their concerns, and stated that he looks forward to Eugene Drummond working for the City's Recreation and Community Events Department. He also wished the community a Merry Christmas.

City Council Member/Board Member Button welcomed Eugene Drummond to the City and encouraged the community to comment, get involved, and attend the City Council meetings to discuss changes to the City. He spoke regarding his appreciation for Dr. Eric Cheung's presentation as youth tobacco use is an issue within the community. He also commended Atwater High School and Buhach Colony High School for their production of A Christmas Carol at the Bloss Mansion, as well as the frontline workers within the daycare community for their work during the COVID-19 pandemic.

Mayor/Chair Creighton thanked Chi Chi Wood for her work towards coordinating with businesses in Downtown Atwater to decorate Christmas displays, and for raising funds to provide Christmas lights in Downtown Atwater.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 7:52 PM.

Janelle Martin

JANELL MARTIN
DEPUTY CITY CLERK

By: Leslie Thuang
Recording Secretary