



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**January 10, 2022**

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 and on Zoom; Mayor Creighton presiding.*

ROLL CALL:

**Present:** Mayor Pro Tem Cale, Mayor Creighton  
**Absent:** City Council Members Ambriz, Button, Raymond  
**Staff Present:** City Manager Waterman, City Attorney Splendorio (via teleconference) Deputy City Manager Del Real, 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 5:35 PM. Closed Session was called to order at 5:39 PM.*

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

Conference with Labor Negotiators – Government Code Section 54957.6, Unrepresented employee: City Manager Lori Waterman

***Closed Session adjourned at 6:02 PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Regular Session this date at 6:07 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California and on Zoom; Mayor Creighton presiding.***

PLEDGE OF ALLEGIANCE TO THE FLAG:

***The Pledge of Allegiance was led by Jeannie Knight.***

INVOCATION:

***The Invocation was led by Police Chaplain Jim McClellan.***

ROLL CALL:

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

***Absent: None***

***Staff Present: City Manager Waterman, City Attorney Splendorio (via teleconference), Finance Director Youmara, Information Technology Manager Lamerson (via teleconference), Recreation and Community Events 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 performance evaluation and one item of labor negotiations for City Manager Waterman. The City Council was provided direction and 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 Raymond moved to approve the agenda as posted. The motion was seconded by Mayor Pro Tem Cale and the vote was: Ayes: Button, Raymond, Ambriz, Cale, Creighton; Noes: None; Absent: None. The motion passed.***

CEREMONIAL MATTERS:

Oath of Office – Police Officer

***This item was postponed to the next regular City Council meeting of January 24, 2022.***

Presentation of trophy to Fire Department for winning the City Christmas tree decorating contest

***This item was postponed to the next regular City Council meeting of January 24, 2022.***

Presentation of trophy to Mayor Creighton for winning the City snowman decorating contest

***This item was postponed to the next regular City Council meeting of January 24, 2022.***

CONSENT CALENDAR:

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

WARRANTS:

1. a) December 17, 2021  
b) January 10, 2022

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

TREASURER'S REPORT:

2. October 31, 2021

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

MINUTES: (City Council)

3. a) December 13, 2021 – Regular meeting  
b) December 20, 2021 – Special meeting

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

RESOLUTIONS:

4. Approving Budget Amendment allocating funding for CMU Wall installation at Industry Sewer Lift Station and Awarding General Construction Contract to W.M. Lyles Co. for CMU Wall installation at Industry Sewer Lift Station (Public Works/Community Development Director Thompson)

***ACTION: Adoption of Resolution No. 3280-22 approving Budget Amendment No. 20 amending Fiscal Year 2021-22 Budget to allocate funding for CMU Wall installation at Industry Sewer Lift Station in the amount of \$479,760; and awards a General Construction Contract, in a form approved by the City Attorney, to W.M. Lyles Co. of Fresno, California, in an amount not to exceed \$436,145.00; authorizes and directs the City Manager to sign and affirm construction contract change orders up to an aggregate of \$43,614.50 (10%); and authorizes and directs the City Manager, or her designee, to execute the contract on behalf of the City.***

5. Approving Budget Amendment establishing budget in Measure V Regional Fund for Bellevue Road Rehabilitation/Realignment Project Study Report Equivalent and Approving Measure V Regional Project Funding Agreement with Merced County Association of Governments (Public Works/Community Development Director Thompson)

***ACTION: Adoption of Resolution No. 3276-22 approving Budget Amendment No. 18 amending Fiscal Year 2021-22 Budget to establish a budget within the Measure V Regional Fund for the preparation of the PSR-E for Bellevue Road Project; and approval of the Measure V Regional Funding Agreement, in a form approved by the City Attorney, with Merced County Association of Governments (MCAG) for the preparation of the Bellevue Road Rehabilitation/Realignment Project Study Report Equivalent (PSR-E); makes the finding that the preparation of the Bellevue Road Rehabilitation/Realignment Project Study Report Equivalent (PSR-E) is categorically exempt from CEQA; and authorizes and directs the City Manager, or her designee, to execute all documents on behalf of the City.***

6. 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. 3277-22 making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater***

7. Accepting Reimbursement Funds and Approving Budget Amendment appropriating funds for 2021 Federal Emergency Management Agency's Public Assistance Grant Program (CAL FIRE Battalion Chief Ayuso)

***ACTION: Adoption of Resolution No. 3279-22 approving Budget Amendment No. 19 amending the Fiscal Year 2021-22 Budget regarding appropriating funds in the amount of \$4,680.58 to the Fiscal Year 2021-22 Fire Department Special Departmental Expense derived from the Federal Emergency Management Agency's (FEMA) Public Assistance (PA) Grant program.***

AGREEMENTS:

8. Approving First Amendment to Site Lease Agreement with T-Mobile West LLC at Osborn Park (Public Works/Community Development Director Thompson)

***ACTION: Approval of the First Amendment to the Site Lease Agreement with T-Mobile West LLC, in a form approved by the City Attorney, for the transfer of ownership of the newly constructed tower (pole); and authorizes and directs the City Manager, or her designee, to execute the First Amendment on behalf of the City.***

9. Awarding Professional Services Agreement to HdL Companies for Consultant Services for Cannabis Monitoring and Compliance Services (Public Works/Community Development Director Thompson)

***ACTION: Awards a Professional Services Agreement, in a form approved by the City Attorney, to HdL Companies of Brea, California for Consultant Services for Cannabis Monitoring and Compliance Services in an amount not to exceed \$78,150; and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.***

10. Approving a Master On-Call Provider list with various consultants for California Government Relations and Lobbying Services (Public Works/Community Development Director Thompson)

***ACTION: Approval of the establishment of a Master On-Call Provider list with various consultants for California Government Relations and Lobbying Services.***

COMMENTS FROM THE PUBLIC:

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

***One person wished the City Council a Happy New Year and spoke regarding their appreciation for the recent holiday events within the City.***

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

CITY COUNCIL MATTERS:

2022 City Council Reorganization/Mayor Committee Assignments

- Mayor Pro Tem
  - John Cale
  
- Merced County Association of Governments  
(1 representative and 1 alternate)
  - John Cale and Brian Raymond
  
- League of California Cities Central Valley Division  
(1 representative and 2 alternates)
  - John Cale and Danny Ambriz / Tyler Button
  
- City Audit and Finance Committee  
(2 representatives)
  - Danny Ambriz and Tyler Button
  
- LAFCO  
(1 representative)
  - Paul Creighton
  
- USP/Atwater Community Liaison Group  
(1 representative and 1 alternate)
  - Paul Creighton and Brian Raymond
  
- Atwater Community Services/Neighborhood Watch  
(1 representative)
  - Tyler Button
  
- 4<sup>th</sup> of July Committee  
(1 representative)
  - John Cale
  
- San Joaquin Valley Air Pollution Control District  
(1 representative and 1 alternate)
  - John Cale and Tyler Button
  
- SGMA  
(1 staff representative and 1 alternate)
  - Justin Vinson and Paul Creighton
  
- IRWIN  
(1 staff representative and 1 alternate)
  - Justin Vinson and Paul Creighton

- ACE Train  
(1 representative and 1 alternate)
  - Paul Creighton and Brian Raymond
  
- One Voice  
(1 representative and 1 alternate)
  - John Cale and Danny Ambriz
  
- Bloss Mansion  
(2 representatives)
  - John Cale and Danny Ambriz
  
- Christmas Parade  
(2 representatives)
  - Paul Creighton and Tyler Button
  
- General Plan Technical Advisory Committee  
(2 representatives)
  - John Cale and Danny Ambriz

City Council comments

***Mayor Pro Tem Cale spoke regarding the great holiday season within the City and encouraged the community to visit the Razzari Ice Skating Rink before it closes in one week.***

***City Council Member Button wished the community a Happy New Year, reminded the community to stay safe and healthy, and thanked all those who applied to the recent scheduled vacancy on the Planning Commission.***

***City Council Member Ambriz wished the community a Happy New Year. He also spoke regarding the recent passing of his father-in-law and asked the community to keep his family in their thoughts.***

***City Council Member Raymond sent his condolences to City Council Member Ambriz and his family.***

***Mayor Creighton sent his condolences to City Council Member Ambriz and his family. He thanked Adam Reed and Brad Kessler for their contributions to the community, Pastor Rich Miller for his work towards hosting the Christmas in Atwater Event at the Bloss Mansion, Chi Chi Wood for raising funds to provide Christmas lights in Downtown Atwater, and Jeannie Knight for purchasing a Christmas tree for the City and decorating it with Heidi Pacheco at the Bloss Mansion. He also thanked the City Council for volunteering their time on the different Committees and spoke regarding the City's plans for the 100-year anniversary on August 16, 2022.***

ADJOURNMENT:

***Mayor Creighton adjourned the meeting in memory of John Ruz.***

***The meeting adjourned at 6:32 PM.***

*Janell A. Martin*

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JANELL MARTIN  
DEPUTY CITY CLERK

By: Leslie Thuang  
Recording Secretary