



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**January 24, 2022**

OPEN SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Open Session this date at 5:03 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:*** City Council Members Ambriz (via teleconference), Button, Raymond (5:04 PM), Mayor Pro Tem Cale, Mayor Creighton  
***Absent:*** None  
***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 5:04 PM. Closed Session was called to order at 5:10 PM.***

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

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(d)(1): Name of case: Sandra L. Rahn v. City of Atwater; Case No. 1:21-CV-01712-DAD-SKO

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: Daisy Fuentes

Property Location: APN 002-207-008

Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): Number of cases (1)

***Closed Session adjourned at 5:57 PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Regular Session this date at 6:04 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 Merced County District 3 Supervisor McDaniel.***

INVOCATION:

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

ROLL CALL:

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

***Absent: None***

***Staff Present: City Manager 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, Information Technology Manager Lamerson (via teleconference), Deputy City Clerk Martin***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***City Attorney Splendorio reported that 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: Ambriz, Button, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.*

CEREMONIAL MATTERS:

Oath of Office – Police Officer

***City Council Member Button administered the oath of office to the newly appointed Police Officer Matthew Bowen.***

Oath of Office – Public Safety Dispatcher Trainee

***City Council Member Button administered the oath of office to the newly appointed Public Safety Dispatcher Trainee Crystal Herrera.***

***Mayor Creighton called a recess at 6:18 PM.***

***The City Council returned to the dais and Mayor Creighton resumed the meeting at 6:25 PM.***

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

***Merced County District 3 Supervisor McDaniel reported the following:***

- ***Raul Mendez has been designated as the new County Executive Officer for Merced County.***

CONSENT CALENDAR:

**MOTION:** *City Council Member Raymond 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, Creighton; Noes: None; Absent: None. The motion passed.*

WARRANTS:

1. January 24, 2022

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

TREASURER'S REPORT:

2. November 30, 2021

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

MINUTES: (City Council)

3. a) January 10, 2022 – Special meeting  
b) January 10, 2022 – Regular meeting

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

MINUTES: (Planning Commission)

4. November 17, 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. 3278-22 making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater.**

6. Approving Revisions to the City of Atwater Purchasing System Manual pursuant to Chapter 3.04 "Purchasing System" of the Atwater Municipal Code (City Manager Waterman)

**ACTION: Adoption of Resolution No. 3287-22 approving revisions to the City of Atwater Purchasing System Manual pursuant to Chapter 3.04 "Purchasing System" of the City of Atwater Municipal Code.**

7. Authorizing Submittal of Grant Application to Department of Homeland Security's Staffing for Adequate Fire and Emergency Response Grant (CAL FIRE Battalion Chief Ayuso)

**ACTION: Adoption of Resolution No. 3285-22 authorizing submittal of a grant application to the Department of Homeland Security's (DHS) Staffing for Adequate Fire and Emergency Response (SAFER) Grant; and authorizes and directs the City Manager, or her designee, to sign the grant application and implement the project on behalf of the City.**

8. Authorizing Submittal of Grant Application to California Department of Resources Recycling and Recovery for SB 1383 Local Assistance Grant Program (Public Works/Community Development Director Thompson)

***ACTION: Adoption of Resolution No. 3282-22 authorizing submittal of a grant application to the California Department of Resources Recycling and Recovery (CalRecycle) for SB 1383 Local Assistance Grant Program; and authorizes and directs the City Manager, or her designee, to execute all documents on behalf of the City.***

9. Authorizing Submittal of Grant Application to California Department of Transportation for Clean California Local Grant Program (Public Works/Community Development Director Thompson)

***ACTION: Adoption of Resolution No. 3286-22 authorizing submittal of a grant application to the California Department of Transportation (Caltrans) for Clean California Local Grant Program (CCLGP); and authorizes and directs the City Manager, or her designee, to execute all documents on behalf of the City.***

10. Approving Agreement affecting Real Property and Outside Service Agreement for Water Service with Clay and Sherry Berlier (Public Works/Community Development Director Thompson)

***ACTION: Adoption of Resolution No. 3283-22 approving the Agreement affecting Real Property and Outside Service Agreement for Water Service, in a form approved by the City Attorney, with Clay and Sherry Berlier; and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.***

11. Approving Agreements affecting Real Property and Outside Service Agreement for Water Service with property owners of Castle Park Acres Division (Public Works/Community Development Director Thompson)

***ACTION: Adoption of Resolution No. 3284-22 approving the Agreements affecting Real Property and Outside Service Agreement for Water Service, in a form approved by the City Attorney, with the property owners of the Castle Park Acres Division; and authorizes and directs the City Manager, or her designee, to execute the agreements on behalf of the City***

REPORTS AND PRESENTATIONS FROM STAFF:

Waiving the first reading and introducing an ordinance of the City Council amending Section 13.12.120, "Service to Users Outside City Limits," of Title 13, "Public Services," of the Atwater Municipal Code (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 waive the first reading and introduce Ordinance No. CS 1043 amending Section 13.12.120, "Service to Users Outside City Limits," of Title 13, "Public Services," of the Atwater Municipal Code. The motion was seconded by Mayor Creighton and the vote was: Ayes: Raymond, Cale, Button, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.***

Waiving the first reading and introducing an ordinance of the City Council amending Section 2.07.010, "Commission Appointments," of Title 2, "Administration and Personnel," of the Atwater Municipal Code (Public Works/Community Development Director Thompson)

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

***MOTION: Mayor Pro Tem Cale moved to waive the first reading and introduce Ordinance No. CS 1044 amending Section 2.07.010, "Commission Appointments," of Title 2, "Administration and Personnel," of the Atwater Municipal Code. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Cale, Ambriz, Button, Raymond, Creighton; Noes: None; Absent: None. The motion passed.***

CITY MANAGER REPORTS/UPDATES:

Categorizing American Rescue Plan Act (ARPA) funds as "Lost Revenue," Establishing List of ARPA Priorities, Approving Budget Amendment establishing revenue and budget appropriation for ARPA, and Authorizing and Directing City Manager to approve Call for Bids, Plans, and Specifications for all Eligible ARPA Priority Projects and award such Projects

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

*City Council Member Raymond stated that the American Rescue Plan Act funds need to be given back to the public and those who were most affected by the COVID-19 pandemic. He also spoke regarding his concerns of the American Rescue Plan Act Priority Projects list and the expenditure of funds towards different projects.*

*Mayor Creighton agreed with City Council Member Raymond regarding the need of American Rescue Plan Act funds to be given back to the public.*

*City Council Member Button asked for clarification regarding the prioritization of the American Rescue Plan Act Priority Projects list. He also spoke regarding his concerns of future revenue expectations and future amendments to the Priority Projects list to assist different areas of the community, such as daycares.*

**Mayor Pro Tem Cale stated that the American Rescue Plan Act Priority Projects list needs to be further discussed to establish which projects need to be completed first.**

**City Manager Waterman, City Attorney Splendorio, and Finance Director Youmara addressed the City Council's concerns.**

**City Attorney Splendorio clarified the City Council's options and explained that instead of staff's recommendation to categorize the American Rescue Plan Act Revenue in the amount of \$7,071,141 as "Lost Revenue," the City Council can categorize half of the revenue, \$3,535,571, as "Lost Revenue" for Public Works Projects. He also explained that "Lost Revenue" is not discretionary and can only be spent on items as defined by the U.S. Department of Treasury's Final Rule.**

**MOTION: Mayor Pro Tem Cale moved to categorize all ARPA Revenue in the amount of \$3,535,571.00 as "Lost Revenue" as defined by the U.S. Department of Treasury's Final Rule. The motion was seconded by Mayor Creighton and the vote was: Ayes: Raymond, Button, Ambriz, Cale, Creighton; Noes: None; Absent: None. The motion passed.**

**MOTION: Mayor Creighton moved to establish and approve a list of ARPA Priorities. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Button, Ambriz, Creighton; Noes: Raymond; Absent: None. The motion passed.**

**MOTION: Mayor Pro Tem Cale moved to adopt Resolution No. 3290-22 approving Budget Amendment No. 22 amending the Fiscal Year 2021-22 Budget to establish revenue and expenditure budget appropriation in the amount of \$3,535,571 for the American Rescue Plan Act. The motion was seconded by Mayor Creighton and the vote was: Ayes: Button, Ambriz, Cale, Creighton; Noes: Raymond; Absent: None. The motion passed.**

**No further motion was made for consideration.**

**COMMENTS FROM THE PUBLIC:**

**Notice to the public was read.**

**One person thanked the City Council for their time in discussing and considering agenda item #14 under City Manager Reports/Updates, "Categorizing American Rescue Plan Act (ARPA) funds as "Lost Revenue," Establishing List of ARPA Priorities, Approving Budget Amendment establishing revenue and budget appropriation for ARPA, and Authorizing and Directing City Manager to approve Call for Bids, Plans, and Specifications for all Eligible ARPA Priority Projects and award such Projects" as it is important for public transparency. They also spoke regarding mental health issues amongst the youth, and the need to invest towards parks and recreation within the City for the youth.**

*No one else came forward to speak.*

CITY COUNCIL MATTERS:

City Council comments

*City Council Member Button spoke regarding his appreciation for the City Council and their time in discussing agenda item #14 under City Manager Reports/Updates, "Categorizing American Rescue Plan Act (ARPA) funds as "Lost Revenue," Establishing List of ARPA Priorities, Approving Budget Amendment establishing revenue and budget appropriation for ARPA, and Authorizing and Directing City Manager to approve Call for Bids, Plans, and Specifications for all Eligible ARPA Priority Projects and award such Projects." He also spoke in opposition of a bill that would mandate the COVID-19 vaccine for all California school-aged children and encouraged the community to reach out to local representatives to voice their opinions.*

*Mayor Pro Tem Cale spoke in opposition against companies enforcing COVID-19 vaccination mandates for employees and agreed with City Council Member Button's sentiments opposing a bill that would mandate the COVID-19 vaccine for all California school-aged children. He congratulated newly appointed Police Officer Matthew Bowen and Public Safety Dispatcher Trainee Crystal Herrera and spoke regarding the success of the Razzari Ice-Skating Rink hosted by Old Town Atwater. He also thanked the members of Old Town Atwater, Brad Kessler, Adam Reed, Junior Silva, Jason Hoogenhous, and all those who worked and contributed to the Razzari Ice-Skating Rink.*

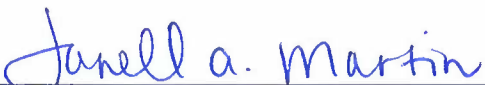
*Mayor Creighton had nothing to report.*

*City Council Member Raymond thanked former Planning Commissioner Shari Mead for her years of service on the City's Planning Commission.*

*City Council Member Ambriz thanked and expressed his appreciation to all who reached out to him and his family regarding the recent passing of his father-in law.*

ADJOURNMENT:

*Mayor Creighton adjourned the meeting at 7:24 PM.*

  
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JANELL MARTIN  
DEPUTY CITY CLERK

By: Leslie Thuang  
Recording Secretary