



CITY OF ATWATER

CITY COUNCIL AND HOUSING SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

ACTION MINUTES

February 14, 2022

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 4:32 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 (4:35 PM), Button, Raymond (via teleconference), Mayor Pro Tem Cale, Mayor Creighton

Absent: None

Staff Present: City Manager Waterman, City Attorney Splendorio, Information Technology Manager Lamerson, 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 4:34 PM. Closed Session was called to order at 4:38 PM.

Conference with Labor Negotiators – Government Code Section 54957.6, Agency Negotiators: City Manager Waterman, Deputy City Manager Del Real, and City Attorney Splendorio, Bargaining Units: Atwater Police Officers Association and AFSCME Local 2703 – Clerical Employees Unit, Mid-Managers Group, Miscellaneous Employees Unit, and Unrepresented Employees

Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases (1)

Conference with Legal Counsel – Existing Litigation – Government Code Section 54956.9(d)(1): Name of case: Samuel Joseph v. City of Atwater; Case No. 18CV-04981

Closed Session adjourned at 5:59 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater and the Board of Directors of the Housing Successor Agency to the Atwater Redevelopment Agency 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 and on Zoom; Mayor/Board Chair Creighton presiding.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Pastor Jimmie Davis.

INVOCATION:

The Invocation was led by Police Chaplain Rich Miller.

ROLL CALL: (City Council/Board of Directors)

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

Absent: None

Staff Present: City Manager/Executive Director Waterman, City Attorney Splendorio, CAL FIRE Battalion Chief Ayuso (via teleconference), Police Chief Salvador, Public Works/Community Development Director Thompson, Finance Director Youmara, 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/Board Member Raymond moved to approve the agenda as posted. The motion was seconded by City Council Member/Board Member Button and the vote was: Ayes: Button, Ambriz, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.*

CEREMONIAL MATTERS:

Proclamation

Black History Month, February 1 – March 1, 2022

Mayor Creighton presented the proclamation to the Ebony Socialites of Atwater, recognizing and honoring the month of February 1, 2022 to March 1, 2022 as Black History Month.

Mayor Creighton called a recess at 6:17 PM.

The City Council returned to the dais and Mayor Creighton resumed the meeting at 6:26 PM.

CONSENT CALENDAR:

Agenda item #13 under Petitions and Communications, "Approving fee waiver requested by Merced County Registrar of Voters to use Atwater Community Center as a Voting Assistance Center for 2022 Elections," was removed from the Consent Calendar for separate discussion and possible action.

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

WARRANTS:

1. February 14, 2022

ACTION: *Approval of warrants as listed.*

TREASURER'S REPORT:

2. December 31, 2021

ACTION: *Approval of report as listed.*

MINUTES: (City Council)

3. a) January 24, 2022 – Regular meeting
b) January 31, 2022 – Special meeting

ACTION: Approval 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. 3292-22 making the required findings authorizing the continuation of Remote Teleconference/Virtual Meetings of the Legislative Bodies of the City of Atwater.

5. Approving Budget Amendment allocating funding for Affordable Housing Consulting Services and Approving Professional Services Agreement with RSG, Inc. for SB 341 Annual Reports (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. HSA 2022-1 approving Budget Amendment No. 24 amending Fiscal Year 2021-22 Budget to allocate funding for Affordable Housing Consulting Services with RSG, Inc. in an amount not to exceed \$5,000; approves a Professional Services Agreement, in a form approved by the City Attorney, with RSG, Inc. for SB 341 Annual Reports; and authorizes and directs the City Manager, or her designee, to execute the Professional Services Agreement on behalf of the City.

6. Approving Budget Amendment establishing budget appropriation for Affordable Housing Underwriting Services and Approving Professional Services Agreement with RSG, Inc. for Affordable Housing Underwriting Services (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. HSA 2022-2 approving Budget Amendment No. 25 amending Fiscal Year 2021-22 Budget to establish revenue and expenditure budget appropriation for Affordable Housing Underwriting Services for the proposed Chelsea Investment Corporation Affordable Housing Project with RSG, Inc. in an amount not to exceed \$14,995; approves a Professional Services Agreement, in a form approved by the City Attorney, with RSG, Inc. for Affordable Housing Underwriting Services; and authorizes and directs the City Manager, or her designee, to execute the Professional Services Agreement on behalf of the City.

7. Designating All-Way Stop Control at intersection of Commerce Avenue at Applegate Ranch Shopping Center Commercial Driveways (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3288-22 designating All-Way Stop Control at the intersection of Commerce Avenue at the Applegate Ranch Shopping Center Commercial Driveways.

8. Adopting Notification of Intent to Comply to California Department of Resources Recycling and Recovery (Public Works/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3281-22 adopting the Notification of Intent to Comply to the California Department of Resources Recycling and Recovery (CalRecycle); and authorizes and directs the City Manager, or her designee, to execute all documents on behalf of the City.

9. Approving Budget Amendment establishing budget appropriation for Building Division to allow customers to make online payments through Bambora (Chief Building Official/Fire Code Official Pereida)

ACTION: Adoption of Resolution No. 3289-22 approving Budget Amendment No. 21 amending Fiscal Year 2021-22 Budget to establish a revenue and expense budget appropriation for \$5,240.00 for the Building Division to allow customers to make online payments through Bambora.

PUBLIC IMPROVEMENTS:

10. Accepting Winton Way Reconstruction Project as complete (Public Works/Community Development Director Thompson)

ACTION: Accepts work done under the contract for Winton Way Reconstruction, City Project No. 15-1; authorizes a final payment in the amount of \$141,865.37; and authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

11. Waiving the second reading and adopting 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)

ACTION: Waives the second reading and adopts 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.

12. Waiving the second reading and adopting 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)

ACTION: Waives the second reading and adopts Ordinance No. CS 1044 amending Section 2.07.010, "Commission Appointments," of Title 2, "Administration and Personnel," of the Atwater Municipal Code.

PETITIONS AND COMMUNICATIONS:

13. Approving fee waiver requested by Merced County Registrar of Voters to use Atwater Community Center as a Voting Assistance Center for 2022 Elections (City Clerk Armstrong & Merced County Registrar of Voters)

This item was removed from the Consent Calendar for separate discussion and possible action.

PETITIONS AND COMMUNICATIONS:

Approving fee waiver requested by Merced County Registrar of Voters to use Atwater Community Center as a Voting Assistance Center for 2022 Elections (City Clerk Armstrong & Merced County Registrar of Voters)

Darlene Ingersoll of the Merced County Registrar of Voters thanked the City Council for their consideration of this item.

MOTION: City Council Member Button moved to approve a fee waiver requested by the Merced County Registrar of Voters to use the Atwater Community Center from May 28, 2022 to June 8, 2022 and October 29, 2022 to November 9, 2022 for the June 7, 2022 Statewide Direct Primary Election and November 8, 2022 Midterm Election; and authorizes and directs the City Manager, or her designee, to execute any and all documents necessary to waive the facility rental fees associate with Merced County Registrar of Voters using the Atwater Community Center as a Voting Assistance Center. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Ambriz, Raymond, Cale, Button, Creighton; Noes: None; Absent: None. The motion passed.

PUBLIC HEARINGS:

Consideration of Criteria and Process Regarding City Council District Electoral Boundaries and Receive Public Input (City Attorney Splendorio)

City Attorney Splendorio provided background information on this item.

Henry Castillo of Best Best & Krieger LLP presented a PowerPoint presentation detailing the 2021-22 redistricting process which includes City Council terms,

redistricting rules and goals, existing districts and district boundaries, preeminent considerations, sources of information, and the redistricting timeline.

Mayor Creighton opened the public hearing to receive public input on district boundaries.

No one came forward to speak, and Mayor Creighton closed the public hearing.

Adopting 2020 Urban Water Management Plan (Public Works/Community Development Director Thompson)

Public Works/Community Development Director Thompson recommended to the City Council to continue this public hearing to the next regular City Council meeting of February 28, 2022.

MOTION: City Council Member Raymond moved to continue the public hearing for adopting 2020 Urban Water Management Plan to the next regular City Council meeting of February 28, 2022. 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.

Mayor Creighton opened the public hearing for continuance to the next regular City Council meeting of February 28, 2022.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Four people spoke in opposition of the color choices used for the City's Water Tower Renovation/Recoating Project.

One person voiced their frustrations in dealing with the City's Planning Division, Code Enforcement Division, and the Police Department with starting a new business.

One person spoke regarding respect for Police Officers.

No one else came forward to speak.

CITY COUNCIL MATTERS:

City Council comments

City Council Member Button clarified that there was no ill-intent behind the City Council's decision of the color choices used for the City's Water Tower Renovation/Recoating Project. He also asked to extend the duration of the scaffolding for the project and expressed his disappointment towards the current removal of the scaffolding.

City Council Member Raymond wished his wife a Happy Valentine's Day and his father-in-law a Happy Birthday.

Mayor Pro Tem Cale wished his wife a Happy Valentine's Day and expressed his appreciation for the community's work and contributions to Memorial Ball Park. He also clarified that there was no ill-intent behind the City Council's decision of the color choices used for the City's Water Tower Renovation/Recoating Project, as this project is for the City's upcoming Centennial Celebration.

City Council Member Ambriz had nothing to report.

Mayor Creighton wished the community a Happy Valentine's Day and thanked the community for coming to the City Council meeting and voicing their opinions. He also clarified that there was no ill-intent behind the City Council's decision of the color choices used for the City's Water Tower Renovation/Recoating Project and explained that there were prior opportunities for the public to review and speak on these matters.

ADJOURNMENT:

Mayor Creighton adjourned the meeting at 7:04 PM.



JANELL MARTIN
DEPUTY CITY CLERK

By: Leslie Thuang
Recording Secretary