



# CITY OF ATWATER

## CITY COUNCIL ACTION MINUTES

**March 28, 2022**

REGULAR SESSION: (Council Chambers)

*The City Council of the City of Atwater 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 Creighton presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Adam Reed.*

INVOCATION:

*The Invocation was led by John Motz.*

ROLL CALL:

**Present:** *City Council Members Ambriz, Button, Raymond, Mayor Pro Tem Cale, Mayor Creighton*

**Absent:** *None*

**Staff Present:** *City Manager Waterman, City Attorney Splendorio (via teleconference), CAL FIRE Battalion Chief Ayuso, Police Chief Salvador, Public Works/Community Development Director Thompson, Finance Director Youmara, Deputy City Clerk Martin*

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, Cale, Raymond, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

CEREMONIAL MATTERS:

Ceremonial Presentation with Engie Services U.S. to Old Town Atwater

***Engie Services U.S. made the presentation to Old Town Atwater.***

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

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

- ***Mobile district office hours are 1:30 PM – 3:30 PM on the fourth Thursday of each month at the Atwater Community Center.***

***Merced County District 3 Supervisor McDaniel and Merced County Community and Economic Development Director Mark Hendrickson presented a PowerPoint presentation detailing the Castle Rail District Project which includes the board vision, the current partnership and overview of Patriot Rail, future plans, and the next steps. They also addressed concerns of the City Council regarding project costs, logistics, and the traffic impacts.***

CONSENT CALENDAR:

***Agenda item #6 under Resolutions, “Authorizing submittal of grant application to California Department of Parks and Recreation for Per Capita Grant Program and approving Budget Amendment establishing revenue and expense account for Per Capita Grant Funds” and Agenda item #7 under Agreements, “Approving On-Call Professional Services Agreements with various consultants for Construction/Project Management Services” were 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, Button, Cale, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

WARRANTS:

1. March 28, 2022

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

TREASURER'S REPORT:

2. February 28, 2022

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

MINUTES: (City Council)

3. March 14, 2022 – Regular meeting

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

MINUTES: (Planning Commission)

4. a) February 16, 2022 – Regular meeting  
b) February 24, 2022 – Adjourned meeting

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

RESOLUTIONS:

5. Waiving electoral requirement for General Plan Technical Advisory Committee (Public Works/Community Development Director Thompson)

**ACTION: Adoption of Resolution No. 3306-22 waiving the electoral requirement for the General Plan Technical Advisory Committee in relation to the three at large, technical members.**

6. Authorizing submittal of grant application to California Department of Parks and Recreation for Per Capita Grant Program and approving Budget Amendment establishing revenue and expense account for Per Capita Grant Funds (Public Works/Community Development Director Thompson)

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

AGREEMENTS:

7. Approving On-Call Professional Services Agreements with various consultants for Construction/Project Management Services (Public Works/Community Development Director Thompson)

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

8. Approving Improvement Agreement with Atwater Elementary School District for public improvements related to construction of new elementary school (Public Works/Community Development Director Thompson)

***ACTION: Approval of the Improvement Agreement, in a form approved by the City Attorney, with the Atwater Elementary School District for public improvements related to the construction of a new elementary school; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.***

9. Approving Memorandum of Understanding with County of Merced for Merced County Operational Area Technical Rescue Team (CAL FIRE Battalion Chief Ayuso)

***ACTION: Approval of the Memorandum of Understanding, in a form approved by the City Attorney, with the County of Merced for the Merced County Operational Area Technical Rescue Team; and authorizes and directs the City Manager, or his or her designee, to execute any and all documents related to the Memorandum of Understanding on behalf of the City.***

10. Awarding General Construction Contract to Straight Edge Roofing for installation of new roof at future City Administration Building ( Thompson)

***ACTION: Awards a General Construction Contract, in a form approved by the City Attorney, to Straight Edge Roofing of Atwater, California for the installation of a new roof and gutters at the future City Administration Building at 1160 Fifth Street, in an amount not to exceed \$39,950; authorizes and directs the City Manager to sign and affirm construction contract change orders up to an additional aggregate of \$3,995.00 (10%); and authorizes and directs the City Manager, or her designee, to execute the Contract on behalf of the City.***

11. Waiving the Formal Procurement Process and Awarding a Sole Source Purchase to Tesco Controls, Inc. for upgrades to the SCADA Hardware and Software (Public Works/Community Development Director Thompson)

***ACTION: Waives the Formal Procurement Process and awards a sole source purchase to Tesco Controls, Inc. of Sacramento, CA for upgrades to the City SCADA hardware and software, in an amount not to exceed \$249,500; and authorizes and directs the City Manager to execute the Purchase Order on behalf of the City.***

12. Approving Cooperative Agreement with Comcast Business Communications, LLC for the installation of Internet Services at future City Administration Building (City Manager Waterman)

***ACTION: Approval of the Cooperative Agreement, in a form approved by the City Attorney, with Comcast Business Communications, LLC of Philadelphia, Pennsylvania, for the installation of internet services at the future City Administration building, in an amount not to exceed \$47,000; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.***

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

13. Waiving the second reading and adoption of an ordinance of the City Council adopting a Military Equipment Use Policy and adding said Policy to the Atwater Police Department Policy Manual (Police Chief Salvador)

***ACTION: Waives the second reading and adopts Ordinance No. CS 1045 adopting a Military Equipment Use Policy and adding said Policy to the Atwater Police Department Policy Manual.***

14. Waiving the second reading and adopting an ordinance of the City Council amending Section 8.16, "Solid Waste, Recyclables, and Organic Waste Collection," of Title 8, "Health and Safety," of the Atwater Municipal Code (Public Works/Community Development Director Thompson)

***ACTION: Waives the second reading and adopts Ordinance No. CS 1047 amending Section 8.16, "Solid Waste, Recyclables, and Organic Waste Collection," of Title 8, "Health and Safety," of the Atwater Municipal Code.***

RESOLUTIONS:

Authorizing submittal of grant application to California Department of Parks and Recreation for Per Capita Grant Program and approving Budget Amendment establishing revenue and expense account for Per Capita Grant Funds (Public Works/Community Development Director Thompson)

*Public Works/Community Development Director Thompson, City Manager Waterman, and City Attorney Splendorio provided background information on this item and addressed concerns of the City Council regarding the choice of project options, total project cost, timeframe, deadlines, disadvantaged areas, and the application process.*

*City Council Member Button stated he is against voting on this item at this meeting due to not having more time to discuss the different options.*

*City Council Member Raymond agreed with City Council Member Button's comments.*

***MOTION:*** *Mayor Pro Tem Cale moved to choose option B; and adoption of Resolution No. 3304-22 approving the submittal of grant application to California Department of Parks and Recreation for Per Capita Grant funds; and adoption of Resolution No. 3305-22 approving Budget Amendment No. 26 amending Fiscal Year 2021-22 Budget to establish a revenue and expense account for Per Capita Grant funds; and authorizes and directs the City Manager, or her designee, to serve as the City's authorized representative to execute all documents on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Cale, Creighton; Noes: Button, Raymond; Absent: None. The motion passed.*

AGREEMENTS:

Approving On-Call Professional Services Agreements with various consultants for Construction/Project Management Services (Public Works/Community Development Director Thompson)

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

***MOTION:*** *City Council Member Ambriz moved to approve the Professional Services On-Call Master Agreements, in a form approved by the City Attorney, with GHD, Inc. of Fresno, California, Griffin Structures of Irvine, California, Precision Civil Engineering, Inc. of Fresno, California, Premier Management Group of Roseville, California, and Quad Knopf, Inc. of Merced, California for construction/project management services, in an amount not to exceed \$200,000 per Task Order and Agreement; and authorizes and directs the City Manager, or her designee, to execute the Agreements on behalf of the City. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Button,*

***Ambriz, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.***

PUBLIC HEARINGS:

Consideration of Revised City Council District Electoral Boundaries as Required by Elections Code Section 21601 and Ordinance Amendment Adjusting Council District Boundaries (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 redistricting rules and goals, and existing districts and district boundaries. He also presented the final map considerations for map option 1 along with its findings.***

***Mayor Creighton opened the public hearing to receive public input on district boundaries and the proposed ordinance.***

***One person asked for clarification regarding the notification process of district changes and polling locations.***

***Henry Castillo of Best Best & Krieger LLP addressed concerns of the public regarding the notification process of district changes and polling locations.***

***No one else came forward to speak, and Mayor Creighton Closed the public hearing.***

***MOTION: City Council Member Ambriz moved to waive the first reading (by title only) and introduce an Ordinance entitled, An Ordinance of the City Council of the City of Atwater, California Amending Section 2.10.020(E) of the Atwater Municipal Code to Adjust the Boundaries of City Council Election Districts and to Confirm Such Revised Council District Boundaries. The motion was seconded by City Council Member Button and the vote was: Ayes: Raymond, Ambriz, Button, Cale, Creighton; Noes: None; Absent: None. The motion passed.***

REPORTS AND PRESENTATIONS FROM STAFF:

Fire Department 2021 Annual Report (CAL FIRE Battalion Chief Ayuso)

***CAL FIRE Battalion Chief Ayuso presented a PowerPoint presentation and reported on the following:***

- ***The organizational structure of the Atwater Fire Department and the City's contract with CAL FIRE to provide services include eleven paid employees. Two battalion chiefs, four captains, and five engineers.***
- ***Daily staffing levels include one battalion chief and two personnel at***

*Station 41 and Station 42.*

- *The Reserve Firefighter Program currently has five active reserves.*
- *The Fire Department's equipment and fire trucks and commented on the Fire Department's current capabilities and limitations.*
- *Station 41 received 2,868 calls and Station 42 received 1,859 calls in 2021 pertaining to structure fires, vegetation fires, other fires, vehicle accidents, and medical aids/public assists. Calls received regarding other fires were up 3% and vehicle accidents were up 30% from 2020.*
- *The Fire Department met the SB 1205 State Mandate and completed inspections on 220 apartments, 227 businesses, 17 schools, and 26 assemblies.*
- *Accomplishments of the Fire Department in 2021 include the new engine put in service at Station 41, the purchase of a second set of battery-operated extrication equipment on OTS grant and a forcible entry prop, the Memorandum of Understanding entered with the Merced County Hazardous Materials Team, securing grant funding opportunities to reimburse COVID-19 related purchases, and the completion of the annual Ladder Truck Academy.*

CITY MANAGER REPORTS/UPDATES:

City Manager Updates

*City Manager Waterman had nothing to report.*

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*One person thanked CAL FIRE Battalion Chief Ayuso and the Fire Department for their service to the community and spoke regarding the need for additional staffing for the Fire Department.*

*No one else came forward to speak.*



CITY COUNCIL MATTERS:

City Council comments

***City Council Member Button reminded the community to drive carefully near Osborn Park because of the current Atwater Little League games and to attend the upcoming City Easter Egg Hunt on April 9, 2022 from 10:00 AM – 12:00 PM at Veterans Park. He also clarified that his previous statement made regarding agenda item #6 was not directed towards staff's efforts in preparing the item.***

***City Council Member Raymond had nothing to report.***

***Mayor Pro Tem Cale wished the community a Happy Easter.***

***City Council Member Ambriz thanked staff for their presentations and for the recent alleyway clean-up on Olive Avenue. He also spoke regarding the creation of a plan for future alleyway clean-ups.***

***Mayor Creighton reminded the community of the upcoming City Easter Egg Hunt on April 9, 2022 at Veterans Park and commended staff for the recent alleyway cleanup on Olive Avenue. He also spoke regarding the need for nighttime police patrols in the downtown district and commented on the Russia-Ukraine war.***

ADJOURNMENT:

***Mayor Creighton adjourned the meeting at 7:34 PM.***



JANELL MARTIN  
DEPUTY CITY CLERK

By: Leslie Thuang  
Recording Secretary