



# CITY OF ATWATER

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## CITY COUNCIL ACTION MINUTES

**July 25, 2022**

REGULAR SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Regular Session this date at 6:02 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Creighton presiding.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The Pledge of Allegiance was led by Juan Sufuentes.*

INVOCATION:

*The Invocation was led by Pastor Alan Thomas.*

ROLL CALL:

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

**Absent:** None

**Staff Present:** Deputy City Manager Del Real, City Attorney Splendorio, Police Chief Salvador, Community Development Director Thompson, Finance Director Youmara, Public Works Director Vinson, 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 City Council Member Button and the vote was: Ayes: Ambriz, Button, Cale, Raymond, Creighton; Noes: None; Absent: None. The motion passed.

CEREMONIAL MATTERS:

Recognition – Retirement of Police Clerk II Juan Sufuentes

***Mayor the City Council Members recognized the retirement of Juan Sufuentes and wished him well***

Monthly report by Merced County District Supervisor McDaniel

***Merced County District 3 Supervisor Mc Daniel reported the following:***

- ***Committee Economic Resilience Fund – all funds for Merced County will be awarded through Merced County, Workforce Investment***
- ***July 21, 2022 – Interim Health Officer appointed, Dr. Asadi***
- ***August 23, 2022 – Truth Act Annual Report, Sheriff Warnke done at Board of Supervisors Meeting***
- ***Contract with Self Help for bottled water and replacing of well program, please call 559-651-1000***
- ***Introduced Sharon Wardale-Trejo, Director Merced/Mariposa Regional Dept. of Child Support Services, August is Child Support Awareness Month. She spoke about the event to take place on August 3, 2022 in the City of Atwater at the Merced County Library. Also, the many activities that take place in the month of August regarding Child Support Awareness.***

CONSENT CALENDAR:

***Agenda item #8 under Public Improvements, “Approving contract change order No. 2 to the General Construction Contract with Techno Coatings, Inc. for the Water Tower Renovation/Recoating Project and accepting Water Tower Renovation/Recoating Project as complete,” was removed from the Consent Calendar for separate discussion and possible action.***

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

***Mayor Creighton opened public comment regarding items on the Consent Calendar.***

*One person spoke regarding checks listed on the warrant.*

*Public Comment regarding items on the Consent Calendar was closed.*

WARRANTS:

1. July 25, 2022

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

RESOLUTIONS:

2. Acknowledging receipt of 2022 Annual City of Atwater Fire Inspection Compliance Report (CAL FIRE Battalion Chief Ayuso)

**ACTION: Adoption of Resolution No. 3334-22 acknowledging receipt of 2022 annual City of Atwater Fire Inspection Compliance Report as mandated by California Senate Bill 1205.**

3. Approving and authorizing negotiations for the Exchange of Real Property (Community Development Director Thompson)

**ACTION: Adoption of Resolution No. 3337-22 approving and authorizing negotiations for the exchange of real property, also known as a portion of APN 056-241-014, for approximately 0.71 acres of real property also known as APN: 150-15-023; and authorizes and directs the City Manager to execute related documents.**

4. Ordering the engineer to prepare and file reports, declaring the City's intent to collect, preliminarily approving the engineer's reports, and setting a public hearing for the collection of annual levy for various assessment maintenance districts for Fiscal Year 2022/23 (Community Development Director Thompson)

**ACTION: Adoption of Resolution No. 3330-22 ordering the City's Assessment Engineer to prepare and file the Engineer's Reports for the collection of the proposed annual assessments for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2022/23; and**

***Adoption of Resolution No. 3331-22 declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2022/23, granting preliminary approval of the Engineer's Reports, and setting a public hearing date for said assessments for August 8, 2022.***

5. Approving Regional Surface Transportation Program Exchange Funds Claim for Fiscal Year 2021-22 (Community Development Director Thompson)

**ACTION:** *Adoption Resolution No. 3328-22 authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2021-22.*

PUBLIC IMPROVEMENTS:

6. Approving plans and specifications and authorizing advertising and calling for bids for Well 20-A (Public Works Vinson)

**ACTION:** *Approval of the plans and specifications and authorizes advertising and calling for bids for Well 20-A, City Project No 20-2.; Bid Call No. 715-22.*

7. Accepting CMU Wall installation at Industry Sewer Lift Station Project as complete (Community Development Director Thompson and Public Works Director Vinson)

**ACTION:** *Accepts work done under the contract for CMU Wall Installation at Industry Sewer Lift Station, City Project No. 21-17 as complete; and 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 \$30,029.50.*

8. Approving contract change order No. 2 to the General Construction Contract with Techno Coatings, Inc. for the Water Tower Renovation/Recoating Project and accepting Water Tower Renovation/Recoating Project as complete (Public Works Director Vinson)

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

*Public Works Director provided background information on this item.*

*City Council Member Raymond spoke regarding concerns about the change order.*

*Mayor Pro Tem Cale asked about completion of the project.*

PUBLIC IMPROVEMENTS:

Approving contract change order No. 2 to the General Construction Contract with Techno Coatings, Inc. for the Water Tower Renovation/Recoating Project and accepting Water Tower Renovation/Recoating Project as complete (Public Works Director Vinson)

**MOTION:** *City Council Member Raymond moved to Approve Contract Change Order No. 2 to the General Construction Contract with Techno Coatings, Inc. for the Water Tower Renovation/Recoating Project, City Project No. 20-15, in the amount of \$68,626.00; and to authorize and direct the City Manager to sign the change order; and accepts work done under the contract for Water Tower Renovation/Recoating Project, City Project No. 20-15 as complete; and 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 \$51,065.75. The motion was seconded by Mayor Pro Tem Cale and the vote was: Ayes: Ambriz, Button, Cale, Creighton; Noes: Raymond; Absent: None. The motion passed.***

REPORTS AND PRESENTATIONS FROM STAFF:

Initiates proceedings for the annual assessments levy with respect to the various maintenance districts

***Community Development Director Thompson provided background information on this item.***

***MOTION: Mayor Pro Tem Cale moved to Adopt Resolution No. 3338-22, initiating proceedings for the Annual Assessments Levy with respect to the various Assessment Maintenance Districts for Fiscal Year 2022/23 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California. The motion was seconded by City Council Member Button and the vote was: Ayes: Button, Ambriz, Cale, Creighton; Noes: Raymond; Absent: None. The motion passed.***

CITY MANAGER REPORTS/UPDATES:

Resolutions calling, giving notice of, and consolidating a General Municipal Election to be held Tuesday, November 8, 2022 regarding the renewal of a Transactions and Use Tax Measure in the City of Atwater

***Deputy City Manager Del Real provided background information on this item.***

***Mayor Creighton opened the public comment regarding this item.***

***One person spoke regarding the public safety tax and property tax.***

***One person spoke regarding the public safety tax.***

***One person spoke regarding the public safety tax and staffing levels for public safety.***

***One person spoke regarding the public safety tax and ISO ratings.***

***One person spoke regarding public safety and the protections they provide.***

***One person spoke regarding the public safety tax.***

***One person spoke regarding the public safety tax.***

***One person spoke regarding the public safety tax and inflation.***

*One person spoke regarding the public safety tax and the parameters of this item.*

*One person spoke regarding the public safety tax and supplementation.*

*Mayor Creighton closed public comment on this item.*

*City Council Member Raymond asked for clarification regarding the ballot question and what funds can be used for.*

*City Attorney Splendorio clarified the ballot question is intended to summarize the measure and is in a yes or no format. Funds are specifically used for special purposes for Public Safety services – equipment and personnel cost for Fire and Police.*

*City Council Member Button asked for clarification regarding the Citizens' Oversight Committee and the oversight of the public safety funds. Then asked for clarification regarding the sunset clause.*

*Mayor Pro Tem asked for clarification regarding the Oversight Committee.*

***MOTION:*** *Mayor Pro Tem Cale moved to Adopt Resolution No. 3341-22 calling for the placement of a local controlled special tax measure on the ballot for the November 8, 2022 for the submission to the qualified voters of an ordinance to extend a special transactions and use tax (Sales Tax) at the rate of one cent (1¢) to fund Police, Fire and 911 Emergency Response Services; and Adopt Resolution No. 3340-22 requesting the Board of Supervisors of the County of Merced to consolidate a General Municipal Election to be held on November 8, 2022 with the statewide General Election to be held on that date pursuant to §10403 of the elections code; and Adopt Resolution No. 3339-22 providing for the filing of primary and rebuttal arguments and setting rules for the filing of written arguments regarding a city measure to be submitted at the November 8, 2022 General Municipal Election. The motion was seconded by City Council Member Button and the vote was: Ayes: Ambriz, Button, Cale, Creighton; Noes: Raymond; Absent: None. The motion passed.*

COMMENTS FROM THE PUBLIC:

*Notice to the public was read.*

*One person spoke regarding the items listed on the warrant list.*

*One person spoke regarding water usage, utility billing and parks.*

*One person spoke regarding various topics regarding the city.*

*One person spoke regarding ambulance service in the City of Atwater.*

*One person spoke thanking first responders.*

*One person spoke regarding the state of the city fiscally.*

*No one else came forward to speak.*

CITY COUNCIL MATTERS:

Appointment of three (3) technical members to the General Plan Technical Advisory Committee to assist with the update to the City of Atwater General Plan

*Mayor Creighton provided background information on this item.*

*Community Development Director Thompson provided background information on this item.*

*Mayor Creighton named the three applicants.*

*Mayor Creighton opened public comment regarding this item.*

*No one came forward to speak.*

***MOTION:*** *City Council Member Raymond moved to appoint three (3) members to the General Plan Technical Advisory Committee to assist with the update to the City of Atwater General Plan. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Raymond, Button, Ambriz, Creighton; Noes: None; Absent: None. The motion passed.*

City Council comments

*Mayor Pro Tem Cale spoke regarding Fire personnel and their safety with the surrounding fires. He briefly spoke regarding the Public Safety Tax measure. He asked that staff address all questions asked by the public.*

*City Council Member Ambriz had nothing to report.*

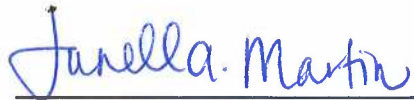
*City Council Member Button had nothing to report.*

*City Council Member Raymond had nothing to report.*

*Mayor Creighton asked that all residents could assist with Mariposa County, please reach out to the Sheriff's Department and CAL Fire. Thanked the public for their comments and assured that staff would do their best to get them the answers they need.*

ADJOURNMENT:

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



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JANELL MARTIN  
DEPUTY CITY CLERK