



# CITY OF ATWATER

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## CITY COUNCIL

### ACTION MINUTES

### February 13, 2023

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater and the Governing Board met in Open Session this date at 5:31 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Nelson presiding.*

ROLL CALL:

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

**Absent:** None

**Staff Present:** City Manager Waterman, City Attorney Splendorio, Community Development Director Thompson, Public Works Director Vinson, Administrative Assistant Peralta, Deputy City Clerk Martin

CLOSED SESSION: (Conference Room A)

*Mayor Nelson invited public comment on Closed Session items.*

*No one came forward to speak.*

*Mayor Nelson Adjourned the meeting Conference Room A for Closed Session at 5:32 PM. Closed Session was called to order at 5:36 PM.*

Conference with Legal Counsel - Anticipated Litigation - Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: Number of cases (1)

***Closed Session adjourned at 5:51 PM.***

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; Mayor Nelson presiding.***

INVOCATION:

***The Invocation was led by Michael Giordano.***

PLEDGE OF ALLEGIANCE TO THE FLAG:

***The pledge of allegiance to the flag was led by City Council Member Cale.***

ROLL CALL: (City Council)

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

***Absent: None***

***Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, Battalion Chief Ayuso, Community Development Director Thompson, Public Works Director Vinson, Finance Director Youmara, City Clerk Billings, Administrative Assistant Peralta, Deputy City Clerk Martin***

SUBSEQUENT NEED ITEMS: ***None***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

CONSENT CALENDAR:

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

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

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

WARRANTS:

1. February 13, 2023

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

MINUTES: (City Council)

2.
  - a) December 12, 2022 – Regular meeting
  - b) January 9, 2023 – Special meeting
  - c) January 9, 2023 – Regular meeting
  - d) January 17, 2023 – Special meeting

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

AGREEMENTS:

3. Awarding an Equipment Purchase Agreement (Purchase Order) with Pro Force Law Enforcement for the purchase of Sig Sauer P320 handguns for the Police Department (Police Chief Salvador)

**ACTION: Adoption of Resolution No. 3368-23 approving Budget Amendment No. 11 amending the Fiscal Year 2022-23 Budget regarding appropriating funds in the amount of \$27,445.50 to the Fiscal Year 2022-23 General Fund Police Department Budget; and Awarding Purchase Agreement with Pro Force Law Enforcement of Arizona, in the amount not to exceed \$31,000; and authorize and direct the City Manager to execute the Agreement on behalf of the City.**

PUBLIC HEARINGS:

Waiving the first reading, by title only, and introducing a Zoning Ordinance Text Amendment of the City Council amending Chapter 17.49.020, "Definition of mini warehouse," of the Atwater Municipal Code (Community Development Director Thompson)

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

***Mayor Nelson opened the public hearing.***

**MOTION: City Council Member Cale moved to waive the first reading and introduce Ordinance No. CS 1058 amending Chapter 17.49.020 "Definition of mini-warehouse," of the Atwater Municipal Code. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Cale, Ambriz Button, Nelson; Noes: Raymond; Absent: None. The motion passed.**

Adopting a resolution authorizing submittal of a Prohousing Designation Program Application to the California Department of Housing and Community Development (HCD) (Community Development Director Thompson)

***Mayor Nelson opened the public hearing.***

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

***Senior Planner Rashe provided background information on this item.***

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

***Mayor Nelson closed the public hearing.***

***MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3365-23 authorizing the submittal of an application to the California Department of Housing and Community Development for Prohousing Designation Program; and authorize the City Manager, or designee to execute all documents deemed necessary or appropriate to participate in the Prohousing Designation Program, and make any subsequent amendments or modifications related to them as required by the California Department of Housing and Community Development. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Button, Raymond, Cale, Nelson; Noes: None; Absent: None. The motion passed.***

#### **REPORTS AND PRESENTATIONS FROM STAFF:**

Awarding a Professional Services Agreement to Centerline Design, LLC for the Design of Tenant Improvements at the future City Hall (Public Works Director Vinson)

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

***Mayor Nelson asked if any members of the public would like to speak regarding this item.***

***No one came forward regarding this item.***

***MOTION: City Council Member Button moved to award a Professional Service Agreement, in a form approved by the City Attorney, to Centerline Design, LLC of Clovis, California, for the Design of Tenant Improvements at the future City Hall, in an amount not to exceed \$92,700.00; and authorizes and directs the City Manager to execute the Professional Services Agreement on behalf of the City. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.***

Resolution adopting procedure guidelines and review criteria for evaluating cannabis regulatory permit applications (Community Development Director Thompson)

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

**Mayor Nelson asked if any members of the public would like to speak regarding this item.**

**Linda Dash spoke regarding the budget for cannabis.**

**MOTION: City Council Member Ambriz moved to adopt Resolution No. 3369-23 approving procedure guidelines and review criteria for evaluating cannabis regulatory permit applications. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Button, Ambriz, Cale, Raymond, Nelson; Noes: None; Absent: None. The motion passed.**

Resolution authorizing the City Manager or designee to sign the necessary documentation to reserve two (2) new Fire Command Vehicles for purchase in an amount not to exceed \$160,000. (Battalion Chief Ayuso)

**Battalion Chief Ayuso provided background information on this item.**

**Mayor Nelson asked if any members of the public would like to speak regarding this item.**

**MOTION: City Council Member Ambriz moved to adopt Resolution No. 3371-23, authorizing the City Manager or designee to sign the necessary documentation to reserve two (2) new Fire Command Vehicles for purchase. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Button, Ambriz, Cale, Raymond, Nelson; Noes: None; Absent: None. The motion passed.**

Approving a Purchase Agreement (Purchase Order) for the purchase of 911 dispatch radio recording equipment and approving a Budget Amendment appropriating funds for the purchase of radio recording equipment (Police Chief Salvador)

**Police Chief Salvador provided background information on this item.**

**Mayor Pro Tem Raymond asked regarding the expenditure.**

**City Council Member Ambriz asked regarding how often equipment should be replaced and regarding the life of the server.**

**City Council Member Cale asked regarding the warranty for the equipment.**

**Mayor Pro Tem Raymond asked if this is an expense that may be reimbursed by FEMA.**

**City Council Member Button asked regarding the electrical.**

**Mayor Nelson asked if any members of the public would like to speak regarding this item.**

**MOTION: City Council Member Ambriz moved to approve a Purchase Agreement (Purchase Order) to Commercial Electronics, for the purchase of 911 dispatch recording equipment in an amount not to exceed \$55,418.52; and authorize and direct the City Manager, or her designee, to execute the Purchase Agreement (Purchase Order) on behalf of the City; and Adopts Resolution No. 3367-23 approving Budget Amendment No. 10 amending the Fiscal Year 2022-23 Budget regarding appropriating funds in the amount of \$55,418.52 to the Fiscal Year 2022-23 Public Safety Transactions and Use Tax Budget. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Button, Ambriz, Cale, Raymond, Nelson; Noes: None; Absent: None. The motion passed.**

Approving a Purchase Agreement (Purchase Order) for the purchase of dispatch radio console equipment and approving a Budget Amendment appropriating funds for the purchase of radio console equipment (Police Chief Salvador)

**Police Chief Salvador provided background information on this item.**

**Mayor Pro Tem Raymond Asked regarding the ordering of the equipment.**

**Mayor Nelson asked if any members of the public would like to speak regarding this item.**

**Jim Price spoke regarding the use of radios in the past with the Atwater Police Department.**

**Linda Dash spoke regarding the dispatch center.**

**Mayor Pro Tem Raymond asked regarding the Sheriff's Department project regarding radios.**

**MOTION: Mayor Pro Tem Raymond moved to approve a Purchase Agreement (Purchase Order) with Delta Wireless for dispatch radio console equipment, in an amount not to exceed \$192,319.74; and adopts Resolution No. 3366-23 approving Budget Amendment No. 9 amending the Fiscal Year 2022-23 Budget regarding appropriating funds in the amount of \$192,319.74 to the Fiscal Year 2022-23 Public Safety Transactions and Use Tax Budget; and authorizes and directs the City Manager, or her designee, to execute the Purchase Agreement (Purchase Order) on behalf of the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.**

Police Department 2022 Annual Report

**Police Chief Salvador provided background information on this item and presented a PowerPoint detailing the City of Atwater Police Department annual report.**

**Mayor Nelson asked regarding recruitment of the Police Department and traffic enforcement.**

**Police Chief Salvador provided clarification.**

CITY MANAGER REPORTS/UPDATES:

**City Manager Waterman thanked the Mayor and City Council for allowing her to attend the California League of Cities City Manager Conference. During the training she was afforded training regarding promoting different departments, recruiting and retention post COVID-19, small city succession planning and economic development.**

COMMENTS FROM THE PUBLIC:

**Notice to the public was read.**

**Justin Sarginson spoke regarding his activity in the city, his various feelings of the city and leadership in the city.**

**Gilbert Felix, District Director of Assembly Member Esmeralda Soria spoke regarding the location of the office in Merced.**

**Linda Dash spoke regarding three public records requests.**

**Jim Price spoke regarding the use of city funds.**

**Richard Edwards spoke regarding a recent incident with his family.**

**Rich Miller spoke regarding transparency.**

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

CITY COUNCIL REPORTS/UPDATES:

**City Council Member Cale, District 1 thanked the public for their comments as well as sorry to the family for their loss. He announced the Grand Opening Ribbon Cutting for Castle Veterans Organization on February 25, 2023 at 2 PM to 10 PM. He spoke regarding the recent tragedy involving Memphis Police Department. He spoke regarding training of the Atwater Police Department.**

**City Council Member Button, District 2 spoke regarding mailbox theft.**

**City Council Member Ambriz, District 3 spoke regarding Chance Dobbins charity ribbon cutting that he was able to attend. He encourages those who would like to run for City Council to do so.**

**Mayor Pro Tem Raymond, District 4 spoke regarding City Council Member Ambriz mother and happy that she is doing well. He welcomed District Director Felix and mentioned AB 308. He wished his daughter a Happy Birthday!**

**Mayor Nelson spoke regarding his attendance at the MCAG new Director's workshop. He stated that disabled people and college students are allowed to ride the bus for free. He encourages people to be involved as the city begins the General Plan Update. He spoke regarding illegal Fireworks; he will be meeting with the chiefs to have a plan in place. He would like to use an incentive program regarding this topic.**

**ADJOURNMENT:**

**Mayor Nelson adjourned the meeting at 7:41 PM.**



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JANELL MARTIN  
DEPUTY CITY CLERK