



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

February 27, 2023

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:00 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 Police Chaplain Steve Mead.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by City Attorney Splendorio.

ROLL CALL: (City Council)

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

Absent: *Mayor Pro Tem Raymond*

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

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

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

PRESENTATIONS:

Presentation regarding Atwater Historical Society updates, grants, and ongoing projects by the President of the society Greg Olzack

Atwater Historical Society President Olzack spoke about the society's 50th anniversary event, Mr. Bloss' BBQ, and an Oktoberfest in the fall.

Mary Pickford spoke regarding the Founder's Walk and opportunities to work with the school district and the community.

Presentation regarding Small Business Administration – Disaster Assistance in Merced County by Small Business Administration Public Affairs Specialist Caltenco

Javier Caltenco spoke about SBA's low interest federal disaster loans to businesses of all sizes, most private non-profit organizations, homeowners, and renters. He informed about SBA's loan for businesses which covers physical damage, damaged supplies, inventory, or machinery up to two million dollars. Caltenco advised homeowners to first apply with FEMA and then go to SBA where they can qualify for a loan up to two thousand dollars. Homeowners have sixty days to accept or deny the loan. The deadline for physical damage loan is March 16th, 2023, and the deadline for economic disaster loan is October 16th, 2023.

Monthly report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***Informed that FEMA and SBA are available until March 16th and will pull out sooner if there is lack of business. He urged citizens to apply if needed as there were, in District 3 alone, 155 homes impacted by flooding.***
- ***Large hardware retailer looking to open a location in the Winton area.***
- ***After five years, permitting was given for restoration and to clean the creeks. Permit is for another ten years.***
- ***Castle presentation before the board of supervisors. They would like to reach out to the City Council and Mayor to do a presentation at a meeting to report and update.***

CONSENT CALENDAR:

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

No one came forward to speak.

Mayor Nelson closed the public comment.

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

TREASURER'S REPORT:

1. a) December 31, 2022
b) January 31, 2023

ACTION: Approval of report as listed.

WARRANTS:

2. February 27, 2023

ACTION: Approval of warrants as listed.

MINUTES:

3. January 23, 2023 – Regular Meeting

ACTION: Approval of minutes as listed

MINUTES: (Planning Commission)

4. a) September 21, 2022 – Regular Meeting
b) November 30, 2022 – Special Meeting

RESOLUTIONS:

5. Authorizing submittal of grant application submittal to the California Energy Commission for Automated Permit Processing; and approving Budget Amendment establishing revenue and expense account; and authorizes the City Manager or designee, to execute any and all agreements and accept funds awarded through the California Automated Permit Processing Program (Community Development Director Thompson)

ACTION: Adopts Resolution No. 3373-23 approving the submittal of a grant application to the California Energy Commission for Automated Permit Processing (CalAPP); and adopts Resolution No. 3372-23 approving Budget Amendment No. 12 amending Fiscal Year 2022-23 Budget to establish a revenue and expense account for CalAPP; and authorizes the City Manager or designee, to serve as the

City's authorized representative to execute all documents and accept all funds on behalf of the City.

AGREEMENTS:

6. Approving First Amendment to the Professional Service Agreement to Willdan Financial Services of Temecula, California for a Sanitation Service Rate Study (Public Works Director Vinson)

ACTION: Approves First Amendment to Professional Service Agreement, in a form approved by the City Attorney, to Willdan Financial Services of Temecula, California to extend the term for a Sanitation Service Rate Study; and authorizes the City Manager to execute the First Amendment on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Adoption of an ordinance amending Chapter 17.49.020, "Definition of mini-warehouse," of the Atwater Municipal Code (Community Development Director Thompson)

ACTION: Adopts an ordinance amending Chapter 17.49.020, "Definition of mini-warehouse," of the Atwater Municipal Code.

REPORTS AND PRESENTATIONS FROM STAFF:

Adopting a Resolution directing staff to begin negotiations with Mid Valley Disposal for Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services (Public Works Director Vinson)

Public Works Director Vinson provided background information on this item.

Senior Project Manager Mainolfi from HF&H Consultants provided background information on this item with a presentation.

Mayor Nelson asked for clarification regarding the number of garbage bins and how to keep others from stealing out of the recyclable bins.

Senior Project Manager Mainolfi provided clarification.

Mayor Nelson informed of phone calls received regarding citizens complaining of double billing despite Republic Services dumping green cans into black cans from lack of drivers.

Mayor Nelson asked how rates are going to increase.

Senior Project Manager Mainolfi provided clarification.

Public Works Director Vinson provided clarification.

Mayor Nelson asked about roll-off bins.

City Council Member Cale asked regarding disposal and bins.

City Manager Waterman clarified that with the new separation system, the contract will educate residents on this matter.

City Council Member Button asked if this would include a curb side pickup for residential, such as setting out an old couch or TV set on their curb.

Public Works Director Vinson informed about the Spring/Fall cleanups for bulk items and stated that including curb side pickup would raise the price on service.

City Council Member Button suggested including this service for residents who cannot attend Spring/Fall cleanups.

City Manager Waterman had a statement from Mayor Pro Tem Raymond in his absence. Mayor Pro Tem Raymond opposes an exclusive roll-off bin contract and supports opening it up to a free market.

City Council Member Cale expressed concerns over another ten-year contract.

Public Works Director Vinson provided clarification.

Senior Project Manager Mainolfi provided clarification.

Mayor Nelson asked if anyone would like to come forward and speak on this item.

Jeannie Knight provided a speaker card regarding this item.

Eddie Franks spoke in support of local businesses.

Cindy Vierra spoke in support of this item.

Steve McCaffery from Republic Services addressed the comment regarding the mixture of garbage and will follow up with Public Works Director Vinson.

Tony Shukle asked if three cans will be picked up during the week.

Alex Ibarra from Teamsters 386 expressed concerns about workers losing their jobs.

Lauren Arnest from North Valley Labor Federation spoke in support of prioritizing the workers during transition.

Pastor Rich Miller spoke against City Council Member Button's suggestion of curb side pick-up.

Gabe Santos spoke in favor of working with local businesses and asked if language barriers would be incorporated.

Jim Lester spoke about the Spring/Fall cleanup.

Public Works Director Vinson provided clarification.

Supervisor McDaniel suggested handing out vouchers regarding curb side pick-up.

President and owner of Mid Valley Disposal Joseph Kalpakoff spoke of company's achievements and readiness to work with the City of Atwater.

Jim Price spoke about huge costs regarding recycling, the landfill, and about educating residents on the matter.

No one else came forward.

City Council Member Ambriz spoke in support of MOU suggestion from Teamsters 386.

MOTION: City Council Member Ambriz moved to adopt Resolution No. 3374-23 directing city staff to begin negotiations with Mid Valley Disposal to finalize the new franchise agreement for the Residential and Commercial Garbage, Recyclable Material, and Organics Waste Collection Services Contractor. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: None; Absent: Raymond. The motion passed.

Approving Budget Amendment No. 13 regarding Sewer Enterprise Fund to purchase APN 0156-060-013 and 0156-060-014 from Global International Equities, Inc (Public Works Director Vinson)

ACTION: Adopts Resolution No. 3375-23 authorizing the Sewer Enterprise Fund to purchase real property located at 255 E Bellevue Rd, Atwater, CA 95301, more particularly described as Assessor's Parcel No's. 156-060-013 and 156-060-014, from Global International Equities, Inc, Michael Tims, President, for the Lower Shaffer Storm Drain Project 22-07 in the amount of Six Hundred Thousand Dollars (\$600,000), and approve the expenditure of any additional and related closing costs expenses; and authorize and direct the City Manager to execute a Purchase and Sale Agreement, in a form approved by the City Attorney, and all documents related to the purchase of the property on behalf of the City.

Public Works Director Vinson provided background on this item.

Mayor Nelson asked if anyone would like to speak on this item.

No one came forward.

MOTION: City Council Member Ambriz moved to adopt Resolution No. 3375-23 authorizing the Sewer Enterprise Fund to purchase real property located at 255 E Bellevue Rd, Atwater, CA 95301, more particularly described as Assessor's Parcel No's. 156-060-013 and 156-060-014, from Global International Equities, Inc, Michael Tims, President, for the Lower Shaffer Storm Drain Project 22-07 in the amount of Six Hundred Thousand Dollars (\$600,000), and approve the expenditure of any additional and related closing costs expenses; and authorize and direct the City Manager to execute a Purchase and Sale Agreement, in a form approved by the City Attorney, and all documents related to the purchase of the property on behalf of the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Button, Cale, Ambriz, Nelson; Noes: None; Absent: Raymond. The motion passed.

Accepting Traffic Signal Interconnect Project as complete (Community Development Director Thompson)

Community Development Director Thompson provided background information on this item.

City Council Member Ambriz expressed concerns over traffic light timing.

Mayor Nelson asked if the public would like to speak on this item.

No one came forward.

MOTION: City Council Member Cale moved to accept Traffic Signal Interconnect Project as complete. The motion was seconded by City Council Member Button and the vote was: Ayes: Ambriz, Cale, Button, Nelson; Noes: None; Absent: Raymond. The motion passed.

Approving Budget Amendment regarding Revenue and Expenditure Adjustments based on Mid-Year Analysis (City Manager Waterman and Finance Director Youmara)

ACTION: Adopts Resolution No. 3376-23 approving Budget Amendment No. 14 amending the Fiscal Year 2022-2023 Budget regarding revenue and expenditure adjustments based upon mid-year analysis.

Finance Director Youmara provided background information and presented a PowerPoint of the Fiscal Year 2022-2023 Mid-Year Budget analysis which detailed various funds.

City Council Member Ambriz asked for clarification on fire facility impact fees fund.

Finance Director Youmara provided clarification.

City Council Member Button asked about the decrease of fund balance.

Public Works Director Vinson and Finance Director Youmara provided clarification.

City Council Member Cale asked about funds and what they cover.

Finance Director Youmara provided clarification.

Mayor Nelson asked if any member of the public would like to speak on this item.

Linda Dash asked for an update regarding her public records request.

Jim Price asked about Measure H funds.

Mayor Nelson informed there is more background in the Agenda Packet.

MOTION: City Council Member Cale moved to approve Budget Amendment regarding Revenue and Expenditure Adjustments based on Mid-Year Analysis. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Button, Cale, Ambriz, Nelson; Noes: None; Absent: Raymond. The motion passed.

Fire Department 2022 Annual Report (CAL FIRE Battalion Chief Ayuso)

Battalion Chief Ayuso provided background information on this item and presented a PowerPoint detailing the annual report and a video to showcase the Fire Department's daily routine.

CITY MANAGER REPORTS/UPDATES:

City Manager Updates

City Manager Waterman had nothing to report.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Linda Dash spoke about her disappointment at obtaining information from the City.

Jim Price expressed concerns over the Sam Joseph case, graffiti abatement, Measure V, and SB 1.

Jeannie Knight expressed her appreciation for the City of Atwater staff and the City Council.

Gabe Santos expressed his gratitude for staff and their accomplishments. Pastor Miller expressed his appreciation for City and staff.

No one else came forward to speak.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

Adopting Resolution No. 3377-23 opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act

ACTION: Adopts Resolution No. 3377-23 opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

Mayor Nelson provided background information on this item.

Mayor Nelson asked if the City Council or public had any comments on this item.

No one came forward.

MOTION: City Council Member Cale moved to adopt Resolution No. 3377-23 opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act. The motion was seconded by City Council Member Button and the vote was: Ayes: Ambriz, Button, Cale, Nelson; Noes: None; Absent: Raymond. The motion passed.

City Council comments

City Council Member Cale thanked the Public Works department and extended prayers to City Council Member Raymond and City Council Member Ambriz for the loss of their friend Barney Reyes.

City Council Member Button had nothing to report.

City Council Member Ambriz thanked all staff for their presentations and apologized to the Atwater Historical Society for having to step out during their presentation. He also sent his condolences to the family and friends of Barney Reyes.

Mayor Nelson announced that the City Council goal setting workshop has been set for April 7th and that he and City Manager Waterman are planning to have a town hall meeting at the end of May. He would also like to request a budget workshop for staff and the public.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 8:02 PM.



GISELA PERALTA
DEPUTY CITY CLERK