



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

March 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, Mayor Pro Tem Raymond, Mayor Nelson

Absent: City Council Member Cale

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

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 5:38 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 5:58 PM.

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 Nelson presiding.

INVOCATION:

The Invocation was led by Daniel Perez.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The pledge of allegiance to the flag was led by Mayor Pro Tem Raymond.

ROLL CALL: (City Council)

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

Absent: City Council Member Cale

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/Deputy City Clerk Peralta

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council discussed the item of one existing litigation, provided direction, and there was no reportable action.

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 Button and the vote was: Ayes: Ambriz, Raymond, Button, Nelson; Noes: None; Absent: Cale. The motion passed.

CONSENT CALENDAR:

Mayor Pro Tem Raymond abstained from the Consent Calendar due to conflict of interest with Agenda item #9.

Mayor Nelson opened the public comment.

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 Ambriz and the vote was: Ayes: Ambriz, Button, Nelson; Noes: None; Abstain: Raymond; Absent: Cale. The motion passed.

WARRANTS:

1. March 13, 2023

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

2. a) February 13, 2023 – Regular meeting
b) February 27, 2023 – Regular meeting

ACTION: Approval of minutes as listed.

MINUTES: (Citizens' Oversight Committee)

3. December 6, 2022 – Regular Meeting

ACTION: Approval of minutes as listed.

RESOLUTIONS:

4. Approving and authorizing the annual Local Transportation Fund (LTF) Claim to be filed with Merced County Association of Governments (MCAG) for Fiscal Year 2022-23 and approving Budget Amendment No. 15 regarding Fiscal Year 2022-23 Local Transportation Fund (Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3379-23, approving the annual Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2022-23; and authorizes and directs the City Manager to execute the Claim form on behalf of the City; and Adopts Resolution No. 3380-23, approving Budget Amendment No. 15 regarding FY 2022-23 Local Transportation Fund.

AGREEMENTS:

5. Approving a Purchase Order (Purchase Agreement) with Aqueous Vets for GAC Exchange at Well 19 (Public Works Director Vinson)

ACTION: Approves a Purchase Agreement (Purchase Order), in a form approved by the City Attorney, to Aqueous Vets of Danville, California for GAC Exchange at Well 19, in an amount not to exceed \$44,825; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

6. Approving Assistance By Hire (ABH) Agreement (CAL Fire Battalion Chief Ayuso)

ACTION: Approves the Assistance By Hire Agreement (ABH), in a form approved by the City Attorney, with CAL FIRE Madera-Mariposa-Merced Unit; and authorizes and directs the City Manager, or their designee, to execute any and all documents related to the Assistance By Hire Agreement.

7. Approving Third Amendment to the Professional Services Agreement to MuniServices, LLC of Centreville, Virginia for Consultant Services for Sales and Use Tax Audit & Report Services. (Finance Director Youmara)

ACTION: Approves Third Amendment to Professional Services Agreement, in a form approved by the City Attorney, to MuniServices, LLC of Centreville, Virginia to comply with state of California Department of Tax and Fee Administration requirements authorizing MuniServices, LLC to examine transactions tax, sales tax and use tax records of the City of Atwater, including but not limited to the transactions and use tax that becomes effective on or about April 1, 2023 known as the Measure B Transactions and Use Tax; and directs the City Manager, or her designee, to execute the Third Amendment on behalf of the City.

8. Approving First Amendment to the Professional Services Agreement to HdL Companies of Brea, California for Consultant Services for Cannabis Monitoring and Compliance Services (Finance Director Youmara)

ACTION: Approves the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, to HdL Companies of Brea, California for Consultant Services to extend the term and increase the compensation for Cannabis Monitoring and Compliance Services; and authorize and direct the City Manager, or her designee, to execute the First Amendment on behalf of the City.

9. Approving plans and specifications and authorizing advertising and calling for bids for Palm Avenue Improvements Project (Public Works Director Vinson)

ACTION: Approves the plans and specifications and authorizes advertising and calling for bids for the Palm Avenue Improvements on Palm Avenue and Bellevue Road Project, Project Number 22-06, Bid Call Number 719-22.

PUBLIC HEARINGS:

Waiving the first reading, by title only, and introducing a Zoning Ordinance Text Amendment of the City Council amending Title 17, "Zoning," of the Atwater Municipal Code for Site Plan and Architectural Review (Community Development Director Thompson)

Community Development Director Thompson provided background information on this item.

Mayor Nelson opened the public hearing.

No one came forward.

Mayor Nelson closed the public hearing.

MOTION: Mayor Pro Tem Raymond moved to waive the first reading and introduce a Zoning Ordinance Text Amendment of the City Council amending Title 17, "Zoning," of the Atwater Municipal Code for Site Plan and Architectural Review. The motion was seconded by City Council Member Button and the vote was: Ayes: Ambriz, Button, Raymond, Nelson; Noes: None; Absent: Cale. The motion passed.

Adopting resolution amending the Fiscal Year 2022-2023 Miscellaneous Fee Schedule (Finance Director Youmara)

Finance Director Youmara provided background information on this item.

Mayor Pro Tem Raymond asked for clarification.

Finance Director Youmara provided clarification.

MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3378-23 amending the City of Atwater's Miscellaneous Fee Schedule for Fiscal Year 2022-2023. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Button, Ambriz, Raymond, Nelson; Noes: None; Absent: Cale. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving plans and specifications and authorizing advertising and calling for bids for installation of Osborn Park Bathroom Project (Public Works Director Vinson)

Public Works Director Vinson provided background information on this item.

City Council Member Ambriz asked about the portable restrooms and the completion of this project.

Public Works Director Vinson provided clarification.

City Council Member Button asked about possible traffic.

Public Works Director Vinson provided clarification.

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

No one came forward regarding this item.

MOTION: City Council Member Ambriz moved to approve the plans and specifications and authorize advertising and calling for bids for the installation of Osborn Park Renovation Project, Project Number 22-05, Bid Call Number 717-22. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Button, Ambriz, Raymond, Nelson; Noes: None; Absent: Cale. The motion passed.

Code Enforcement Update 2022 (Code Enforcement Manager Garcia)

Code Enforcement Manager Garcia stepped out before the presentation.

Mayor Nelson announced they would be returning to this item later.

CITY MANAGER REPORTS/UPDATES:

City Manager Waterman had nothing to report.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Mayor Nelson clarified that under the Brown Act, members of the public are entitled to directly address the City Council and not entitled to address their comments to other members of the public or to staff.

Mayor opened the public comment.

Eula Toca shared concerns regarding the difficulty of finding the Community Center at night.

Field Representative for Assemblywoman Esmeralda Soria, Alejandro Carrillo, invited everyone to a community coffee event at Hope Coffee on Saturday, March 18th at 9:30 A.M.

No one else came forward to speak.

Mayor Nelson closed the public comment.

Code Enforcement Manager Garcia gave an update with a PowerPoint presentation and spoke about updating processes to log and track cases more efficiently.

City Council Member Button expressed his appreciation towards Code Enforcement Manager Garcia.

Mayor Pro Tem Raymond asked Code Enforcement Manager Garcia to be safe when working out in the field.

Mayor Nelson asked for more information about AVA.

Code Enforcement Manager Garcia provided clarification.

Mayor Nelson asked what tools Code Enforcement Manager Garcia needs.

Code Enforcement Manager Garcia stated that having an officer with the unhoused issues would assist greatly.

Mayor Nelson asked if any members of the public would like to speak on the presentation.

Pastor Rich Miller asked about the process for animal control and expressed concerns about an abandoned property the City is looking to purchase where vendors are constantly selling food.

Mayor Nelson asked Code Enforcement Manager Garcia to clarify on these concerns.

Code Enforcement Manager Garcia provided clarification regarding the food vendors and the process of animal control.

Police Chief Salvador elaborated on the animal control process and the County of Merced animal control activities, which the City of Atwater is in contract with.

No one else came forward.

CITY COUNCIL REPORTS/UPDATES:

Letters supporting Assembly Bill 293 allowing immediate family members of a Gold Star Family to obtain lifetime fishing and hunting licenses and Assembly Bill 308 allowing immediate family members of a Gold Star Family to obtain free entry into California State Parks

Mayor Pro Tem Raymond spoke in favor of this item.

MOTION: City Council Member Button moved to authorize and direct Mayor Nelson to execute the letters of support, on behalf of the City of Atwater, regarding Assembly Bill 293 allowing immediate family members of a Gold Star Family to obtain lifetime fishing and hunting licenses and Assembly Bill 308 allowing immediate family members of a Gold Star Family to obtain free entry into California State Parks. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Ambriz, Button, Raymond, Nelson; Noes: None; Absent: Cale. The motion passed.

Letter supporting Senate Bill 37 - The Older Adults and Adults with Disabilities Housing Stability Act of 2023

Mayor Pro Tem Raymond asked whether this item would affect rent control or if it was simply a subsidy and asked for more clarification.

City Council Member Button expressed concerns over the criteria.

City Manager Waterman provided some clarification about the item being a grantee program.

Mayor Pro Tem Raymond asked for further information.

Mayor Nelson postponed the item to the next meeting.

City Council comments

City Council Member Button had nothing to report.

City Council Member Ambriz had nothing to report.

Mayor Pro Tem Raymond thanked the community for coming together to raise funds for Barney Reyes' funeral service.

Mayor Nelson spoke about working closer with the District Attorney's office to assist with issues regarding the homeless.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 6:47 PM.



GISELA PERALTA
DEPUTY CITY CLERK