



CITY OF ATWATER

CITY COUNCIL
ACTION MINUTES

March 27, 2023

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:30 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 Button, Cale, Mayor Pro Tem Raymond, Mayor Nelson
Absent: City Council Member Ambriz
Staff Present: City Manager Waterman, City Attorney Splendorio, Public Works Director Vinson, 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 to Conference Room A for Closed Session at 5:31 PM. Closed Session was called to order at 5:35 PM.

Conference with Legal Counsel - WORKERS' COMPENSATION LIABILITY CLAIM (Gov. Code 59465.95): Claimant: John Smothers; Agency claimed against: City of Atwater

Closed Session adjourned at 5:39 PM.

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 Bill Lawrence.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by City Council Member Ambriz.

ROLL CALL: (City Council)

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

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, Senior Planner Rashe, City Clerk Billings, Deputy City Clerk Martin

SUBSEQUENT NEED ITEMS: ***None***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: City Council Member Button moved to approve the agenda as posted. 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.

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***Refugio Llamas, Merced County Veteran Service Officer provided an update.***
- ***Supervisor McDaniel provided a county wide update via video presentation.***

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.

Agenda item #5 under Agreements, "Awarding a Purchase Agreement (Purchase Order) to Data Path, Inc. for the purchase of new switches throughout the city" was removed from the Consent Calendar for separate discussion and possible action.

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

TREASURER'S REPORT:

1. February 28, 2023

ACTION: *Approval of report as listed.*

WARRANTS:

2. March 27, 2023

ACTION: *Approval of warrants as listed.*

MINUTES: (City Council)

3. March 13, 2023 – 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 CRRSAA Swap Fiscal Year 2022/23 (Community Development Director Thompson)

ACTION: *Adopts Resolution No. 3384-23, approving and authorizing the annual Local Transportation Fund (LTF) Claim in the amount of \$147,135 to be filed with the Merced County Association of Governments (MCAG) for CRRSAA Swap Fiscal Year 2022-23; Authorizes and directs the City Manager to execute the Claim form on behalf of the City; and Adopts Resolution No. 3385-23, approving Budget Amendment No. 16 regarding FY 2022-23 Local Transportation Fund.*

AGREEMENTS:

5. Awarding a Purchase Agreement (Purchase Order) to Data Path, Inc. for the purchase of new switches throughout the city (Public Works Director Vinson)

This item was removed from the consent calendar for separate discussion and possible action.

City Council Member asked for clarification regarding the item.

Public Works Director Vinson provided background information on this item.

MOTION: Mayor Pro Tem Raymond moved to approve Agenda item #5; Awards a Cooperative Purchase, Purchase Agreement (Purchase Order), to Data Path, Inc. of Modesto, California, for the purchase of new switches throughout the city, in the combined amount not to exceed \$110,916.32; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Raymond, Button, Cale, Nelson; Noes: Ambriz; Absent: None. The motion passed.

6. Authorizing Fee Credit Agreement with Sukhdeep Khatra for 1960 Green Sands Avenue Project (Community Development Director Thompson)

ACTION: Approves a Fee Credit Agreement, in a form approved by City Attorney, with Sukhdeep Khatra for 1960 Green Sands Avenue Project; and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Adoption of an Ordinance approving Zoning 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)

ACTION: Adopts an Ordinance approving Zoning Text Amendment of the City Council amending Title 17, "Zoning," of the Atwater Municipal Code for Site Plan and Architectural Review.

PUBLIC HEARINGS

Waiving the first reading, by title only and introducing a Zoning Ordinance Text Amendment of the City Council amending certain sections of Chapter 17.69 "Sign Regulations," 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.

Rich Miller asked regarding other businesses and regulations.

No one else came forward to speak.

Mayor Nelson closed the public hearing.

MOTION: *City Council Member Button moved to waive the first reading, by title only, and introduce Ordinance No. CS 1057 amending certain sections of Chapter 17.69 "Sign Regulations," of the Atwater Municipal Code. 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.*

Waiving the first reading, by title only and introducing an Ordinance Approving a Site Plan, Architectural Review and Zone Change No. 22-24-0400 to develop four vacant parcels located along the south side of Commerce Avenue and adopt an Initial Study and Mitigated Negative Declaration (Senior Planner Rashe)

Senior Planner Rashe 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, by title only, and introduce Ordinance No. CS 1060 approving a Site Plan No. 22-24-0100, Architectural Review No. 22-24-0300 and Zone Change No. 22-24-0400 to develop four vacant parcels located along the south side of Commerce Avenue and adopt an Initial Study and Mitigated Negative Declaration; (APNs: 056-241-012, 056-241-013, 056-241-014). 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.*

REPORTS AND PRESENTATIONS FROM STAFF:

Adopting a Resolution Awarding a Collection Services Agreement and Franchise to Mid Valley Disposal of Kerman, California 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.

Mayor Nelson spoke regarding the educational component that will be provided as well as the 4th of July events.

City Council Member Button asked regarding paper shredding services and whom the residents would call for broken cans.

City Council Member Cale asked regarding recycle program.

City Council Member Button thanked city staff for quickly working on this item.

Mayor Pro Tem Raymond thanked City Manager Waterman, City Attorney Splendorio, Public Works Vinson and Mid Valley Disposal for working so quickly on this item. He also asked regarding those in the city who are hanging signs saying they are performing trash services.

Public Works Director Vinson provided clarification.

City Council Member Ambriz asked for further clarification regarding small business trash haulers. He thanked staff for the work they put in for the contract and made a statement regarding the MOU.

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

Jeannie Knight spoke regarding self-hauling and thanked city staff.

Rich Miller thanked city staff and asked for clarification regarding the one-time pick-up communication and the connection to the Fall and Spring Clean-up.

Public Works Director provided clarification regarding the questions.

MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3382-23 to award a Collection Services Agreement and Franchise to Mid Valley Disposal of Kerman, California for the provision of Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services; and authorizes the Mayor of City of Atwater to execute said agreement. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Raymond, Button, Nelson; Noes: Ambriz; Absent: None. The motion passed.

Joseph Kalpakoff owner of Mid Valley Disposal came forward to introduce his team and thank the City Council and city staff.

CITY MANAGER REPORTS/UPDATES:

City Manager Updates

City Manager Waterman provided information regarding food vendors. Atwater Police Department has made contact and notified the food vendors regarding the Atwater Municipal Code. Code Enforcement will work with the food vendors to obtain the proper permitting and education to operate.

COMMENTS FROM THE PUBLIC:

Notice to the public was read.

Jim Price spoke regarding Castle Airport. He spoke regarding a Public Records request received.

Pastor Rich Miller spoke regarding the City of Atwater Easter Egg Hunt Saturday, April 1, 2023 at 10 AM. He spoke regarding services on Sunday, April 9, 2023.

Bill Lawrence spoke regarding the sidewalks in the area where he lives.

No one else came forward to speak.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

Letter supporting Assembly Bill 1708 increasing accountability for repeat theft offenders and offering pathways for pre-plea diversion programming.

Police Chief Salvador provided background information on this item.

Mayor Pro Tem Raymond asked for clarification.

City Council Member Cale stated his support for AB 1708.

No one came forward.

MOTION: City Council Member Cale moved to Motion to authorize and direct Mayor Nelson to execute the letter of support, on behalf of the City of Atwater, regarding Assembly Bill 1708 increasing accountability for repeat theft offenders and offering pathways for pre-plea diversion programming. 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.

City Council comments

City Council Member Cale thanked the City Staff for the trash service update. He stated to please be safe on the upcoming rain. He asked if staff could please look at the traffic congestion on Applegate and Bell overpass 3-6 PM.

City Council Member Button had nothing to report.

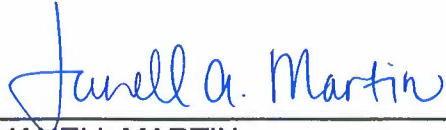
City Council Member Ambriz spoke regarding the City of Atwater seal and would like to hear from the residents..... what makes Atwater stands out?

Mayor Pro Tem Raymond thanked Public Works Vinson for his hard work. He spoke regarding Easter and that Christ dies for all of us.

Mayor Nelson thanked the Public Works crews for completing the striping on Shaffer Road north of Bellevue Road.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 7:17 PM.



JANELL MARTIN
DEPUTY CITY CLERK