



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

April 10, 2023

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater and the Governing Board met in Open Session this date at 5:30 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 Cale, Button, Mayor Pro Tem Raymond, Mayor Nelson
Absent: City Council Member Ambriz
Staff Present: City Manager Waterman, City Attorney Splendorio, Community Development Director Thompson, Public Works Director Vinson, Interim Human Resources Director Sousa, 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 5:31 PM. Closed Session was called to order at 5:34 PM.

Conference with Legal Counsel - LIABILITY CLAIM (Gov. Code 54956.95): Claimant: Manuel Duran; 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 Josh Davis.

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 Cale, Button, Mayor Pro Tem Raymond, Mayor Nelson
Absent: City Council Member Ambriz
Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, Battalion Chief Ayuso, Battalion Chief/Fire Marshal Lopes, Community Development Director Thompson, Public Works Director Vinson, Finance Director Youmara, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council discussed the item of one liability claim, 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: Cale, Raymond, Button, Nelson; Noes: None; Absent: Ambriz. The motion passed.

CONSENT CALENDAR:

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

WARRANTS:

1. April 10, 2023

ACTION: Approval of warrants as listed.

MINUTES: (Audit and Finance Committee)

2. a) January 23, 2023 – Regular meeting
b) February 27, 2023 – Regular meeting

ACTION: Accept minutes as listed.

MINUTES: (City Council)

3. March 27, 2023 – Regular Meeting

ACTION: Approval of minutes as listed.

RESOLUTIONS:

4. Amending City of Atwater Classification Plan and adopting Salary Schedule D-23 relating to City Engineer (Interim Human Resources Director Sousa)

ACTION: Adoption of Resolution No. 3387-23 amending City of Atwater Classification Plan and adopting Salary Schedule D-23 regarding City Engineer job classification.

5. Approving Budget Amendment No. 17 regarding Osborn Park Project 22-06 (Public Works Director Vinson)

ACTION: Adopts Resolution No. 3386-23 approving Budget Amendment No. 17 amending Fiscal Year 2022-23 Budget regarding the Osborn Park Improvement Project 22-06 for Five Hundred Thousand Dollars (\$500,000).

AGREEMENTS:

6. Approving an Amended and Restated Lease Agreement with Merced County Radio Control Club (Public Works Director Vinson)

ACTION: Approves an Amended and Restated Lease Agreement between Merced County Radio Control Club and City of Atwater, in a form approved by the City Attorney, for real property located at 6205 Bert Crane Road; and Authorize City Manager to execute Amended and Restated Lease Agreement on behalf of the City.

7. Ratifying a Purchase Agreement (Purchase Order) for two (2) new fire department command vehicles to Hedrick's Chevrolet of Fresno, California (CAL FIRE Battalion Chief Ayuso)

ACTION: Ratifies a Purchase Agreement (Purchase Order), in a form approved by the City Attorney, with Hedrick's Chevrolet of Fresno, CA for the purchase of two (2) new Fire Command vehicles, in the amount not to exceed \$138,538.92.

CALL FOR BIDS:

8. Approving plans and specification and authorizing advertising and calling for bids for Atwater Boulevard and First Street Traffic Signal Project (Public Works Director Vinson)

ACTION: Approves the plans and specifications and authorizes advertising and calling for bids for the Atwater Boulevard and First Street Traffic Signal, Project Number 18-2, Bid Call Number 716-22.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

9. Adoption of an Ordinance amending certain sections of Chapter 17.69 "Sign Regulations," of the Atwater Municipal Code (Community Development Director Thompson)

ACTION: Adopts an ordinance amending certain sections of Chapter 17.69 "Sign Regulations," of the Atwater Municipal Code.

10. Adoption of an Ordinance Approving Zone Change No. 22-24-0400 located along the south side of Commerce Avenue, adopting an Initial Study and Mitigated Negative Declaration and adopting a resolution approving a site plan and architectural review to develop four vacant parcels (Senior Planner Rashe)

ACTION: Adopts Ordinance No. CS 1060 Approving Zone Change No. 22-24-0400 located along the south side of Commerce Avenue, adopts an Initial Study and Mitigated Negative Declaration; and adopts Resolution No. 3388-23 Approving a site plan and architectural review to develop four vacant parcels located along the south side of Commerce Avenue.

PUBLIC HEARINGS:

Adopting Resolution Amending Resolution No. 2145-06 Declaring Certain Roads to be Subject to Public Traffic Regulations (Police Chief Salvador)

Police Chief Salvador 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 adopt Resolution No. 3381-23, amending Resolution No. 2145-06 declaring certain roads to be subject to public traffic regulations. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Raymond, Button, Nelson; Noes: None; Absent: Ambriz. The motion passed.

Waiving the first reading, by title only and introducing an Ordinance amending Sections 5.54.120 and 5.54.130 and Adding Sections 5.54.150, 5.54.160, 5.54.170, 5.54.180, 5.54.190, and 5.54.200 to the Atwater Municipal Code Regarding Fireworks, and Determining the Ordinance to be Exempt from CEQA (CAL FIRE Battalion Chief Ayuso and Police Chief Salvador)

Police Chief Salvador and CAL FIRE Battalion Chief/Fire Marshall Lopes provided background information on this item.

Mayor Pro Tem Raymond asked for clarification regarding existing fireworks.

City Council Member Cale asked for clarification regarding the item.

Mayor Nelson thanked staff for the provided information.

Louis Linney, Vice President of TNT Fireworks spoke regarding safe and sane fireworks and in support of this item.

Mayor Nelson opened the public hearing on this item.

Diana Riggs spoke in support of the item.

Mayor Nelson provided a comment that was received by St. Anthony's 4-H.

Rich Miller spoke regarding this item and the ability to enforce.

Jim Price spoke regarding this item, the fee associated, and enforcement.

MOTION: City Council Member Cale moved to waive the first reading, by title only, and introduce Ordinance No. CS 1062 amending Sections 5.54.120 and 5.54.130 and Adding Sections 5.54.150, 5.54.160, 5.54.170, 5.54.180, 5.54.190, and 5.54.200 to the Atwater Municipal Code Regarding Fireworks, and Determining the

Ordinance to be Exempt from CEQA. The motion was seconded by Mayor Nelson and the vote was: Ayes: Cale, Raymond, Nelson; Noes: Button; Absent: Ambriz. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Awarding a General Construction Agreement with Phase One Construction for the Installation of the Bathrooms at Osborn Park (Public Works Director Vinson)

Public Works Director Vinson provided background information on this item.

City Council Member Cale asked regarding the Engineer's estimate.

Public Works Director Vinson provided clarification.

Mayor Nelson asked for clarification regarding the timeline of the project.

Public Works Director Vinson provided clarification.

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

Jim Price asked regarding the security of the restrooms.

No one else came forward regarding this item.

MOTION: City Council Member Button moved to award a General Construction Agreement, in a form approved by the City Attorney, to Phase One Construction of Atwater, California, for the Installation of the Osborn Park Bathrooms, City Project 22-05, in an amount not to exceed \$74,327.00 and authorize construction contract change orders up to an aggregate amount of \$7,432.70 (10%); and authorize and direct the City Manager to execute all contract documents on behalf of the City. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Cale, Raymond, Button, Nelson; Noes: None; Absent: Ambriz. The motion passed.

Accepting City of Atwater's audited Financial Statements and Single Audit for Fiscal Year ended June 30, 2022 (City Manager Waterman and Finance Director Youmara)

Finance Director Youmara provided background information on this item.

Ahmed Badawi, CPA Badawi & Associates provided a PowerPoint presentation to the City Council regarding the City of Atwater's audited Financial Statements and Single Audit for Fiscal Year ended June 30, 2022.

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 Cale moved to accept the City of Atwater's audited Financial Statements and Single Audit for Fiscal Year ended June 30, 2022. The motion was seconded by Mayor Nelson and the vote was: Ayes: Cale, Nelson; Noes: Button, Raymond; Absent: Ambriz. The motion failed.

CITY MANAGER REPORTS/UPDATES:

City Manager Waterman stated that she will be reporting regarding larger projects that include Economic Development, Transportation, and Recreation.

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 are not entitled to address their comments to other members of the public or to staff.

Mayor opened the public comment.

Linda Dash spoke regarding personnel and calls for service.

Jim Price spoke regarding a Public Records request received.

Field Representative for Congressman John Duarte, Christian Santos spoke regarding the various committees the Congressman sits on.

Rich Miller spoke regarding the sidewalk and curb work that is going on. Spoke regarding the Easter Egg Hunt and thanked staff for their hard work.

No one else came forward to speak.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

City Council comments

City Council Member Cale thanked Atwater Youth Baseball for their opening day ceremonies and allowing him to throw the first pitch. He thanked staff for a great Easter Egg Hunt and thanked Atwater High School for allowing the churches of Atwater for the use of the field for a great sunrise service of Easter Sunday.

City Council Member Button wished his daughter a happy 7th birthday.

Mayor Pro Tem Raymond wished his son a happy 19th birthday.

Mayor Nelson announced that the Splash Park will be open tomorrow. He read a statement regarding the Sam Joseph Arbitration.

ADJOURNMENT:

Mayor Nelson adjourned the meeting in memory of George Sziraki at 7:19 PM.



JANELL MARTIN
DEPUTY CITY CLERK