



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

April 24, 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 Ambriz, Cale, Mayor Pro Tem Raymond, Mayor Nelson*

Absent: *City Council Member Button*

Staff Present: *City Manager Waterman, City Attorney Splendorio, Community Development Director Thompson. Interim Human Resources Director Sousa, 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.

City Council Member Button joined Closed Session in Conference Room A at 5:37 PM.

Conference with Labor Negotiators - Government Code Section 54957.6, Agency Negotiators: City Manager Waterman, Interim Human Resources Director Sousa, Bargaining Units: Atwater Police Officers Association

Closed Session adjourned at 6:01 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:06 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 Pastor Rich Miller.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Nelson.

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, Interim Human Resources Director Sousa, City Clerk Billings, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

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

SUBSEQUENT NEED ITEMS: ***None***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Mayor Nelson asked that the adjournment for the meeting be moved to the beginning of the agenda.

MOTION: Mayor Pro Tem Raymond moved to approve the agenda as amended. 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.

CEREMONIAL MATTERS:

Mayor Pro Tem Raymond spoke regarding the passing of Jean Kirby.

Certificate of Recognition - Atwater High School CCC Student Athletes

City Council Member Cale and Ambriz presented certificates of recognition to the Atwater High School CCC Student Athletes for their achievements.

Proclamations

National Crime Victims' Rights Week, April 23-29, 2023

Mayor Nelson presented the proclamation on behalf of the City Council to District Attorney Silveira, recognizing the Week of April 23 - 29, as Crime Victims' Rights Week.

National Public Safety Telecommunicators Week, April 9-15, 2023

Mayor Nelson presented the proclamation to Police Chief Salvador, on behalf of the Atwater Police Department, recognizing the Week of April 9 - 15, as National Public Safety Telecommunicators Week.

Professional Municipal Clerks Week, April 30 - May 6, 2023

Mayor Nelson presented the proclamation to City Clerk Billings, on behalf of the City Clerk's Office, recognizing the Week of April 30-May 6, as Professional Municipal Clerks Week.

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel, County Executive Officer Mendez, and Assistant County Executive Officer Hendrickson

County Executive Officer Mendez and Assistant County Executive Officer Hendrickson provided a PowerPoint presentation regarding the Castle Commerce community update.

Merced County District 3 Supervisor McDaniel reported the following:

- **Supervisor McDaniel provided an update regarding Patriot Rail.**
- **Spoke regarding Private Sector projects and the facilitation process.**

CONSENT CALENDAR:

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

Rich Miller spoke regarding item # 5 on the consent calendar and asked for further clarification.

No one else came forward to speak.

Mayor Nelson closed the public comment.

Agenda item #5 under Resolutions, "Authorizing the City Manager to make specified modifications for time extensions and/or tax rates for existing Cannabis businesses during their transition to the Cannabis Regulatory Program under Chapter 5.70" was removed from the Consent Calendar for separate discussion and possible action.

MOTION: City Council Member Cale moved to approve the Consent Calendar as amended. 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.

TREASURER'S REPORT:

1. March 31, 2023

ACTION: Approval of report as listed.

WARRANTS:

2. April 24, 2023

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

3. a) April 7, 2023 – Special Meeting
b) April 10, 2023 – Regular Meeting

ACTION: Approval of minutes as listed

MINUTES: (Planning Commission)

4. a) October 19, 2022 – Regular meeting
b) January 18, 2023 – Regular meeting
c) February 15, 2023 – Regular meeting
d) March 15, 2023 – Regular meeting

ACTION: Acceptance of minutes as listed

RESOLUTIONS:

5. Authorizing the City Manager to make specified modifications for time extensions and/or tax rates for existing Cannabis businesses during their transition to the Cannabis Regulatory Program under Chapter 5.70 (Community Development Director Thompson)

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

Mayor Nelson asked for clarification regarding the item.

Community Development Director Thompson provided background information on this item.

Rich Miller asked for clarification regarding the item and for a report regarding outstanding Cannabis businesses.

MOTION: Mayor Pro Tem Raymond moved to approve Agenda item #5; Adoption of Resolution No. 3389-23 authorizing the City Manager to make specified modifications for time extension and/or tax rates for existing Cannabis businesses during their transition to the Cannabis regulatory program under Chapter 5.70. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.

6. Approving Budget Amendment No. 18 regarding American Rescue Plan Act Fund for the Police Department Remodel/Rehab Project (Public Works Director Vinson and Police Chief Salvador)

ACTION: Adoption of Resolution No. 3390-23 approving Budget Amendment No. 18 amending the Fiscal Year 2022-23 Budget to allocate funding from Capital Project Fund in the amount of \$220,000 to the Police Department Remodel/Rehabilitation.

AGREEMENTS:

7. Awarding a Purchase to Aqua Metric for Water Meters and Transmitters (Public Works Director Vinson)

ACTION: Waives the Formal Procurement Process and awards a sole source purchase to Aqua Metric of Sacramento, California for water meters and transmitters, in an amount not to exceed \$274,158.75; and authorizes and directs the City Manager, or her designee, to execute the Purchase Order on behalf of the City.

8. Approving Second Amendment to Professional Services Agreement with RSG,

Inc. for the preparation of Development Impact Fee Reporting requirements in relation to AB 1600 and the Mitigation Fee Act (Community Development Director Thompson)

ACTION: Approves the Second Amendment to the Professional Services Agreement in a form approved by the City Attorney, with RSG, Inc for the preparation of Development Impact Fee Reporting requirements in relation to AB 1600 and the Mitigation Fee Act in a new amount not to exceed \$37,210.00; and authorizes and directs the City Manager to sign all documents on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

9. Adoption of 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)

ACTION: Adoption of 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.

PUBLIC HEARINGS:

Waive the first reading, by title only and introducing an ordinance amending Section 3.45.140 of the Atwater Municipal Code related to the Citizens' Oversight Committee (City Manager Waterman)

City Manager Waterman provided background information on this item.

Mayor Nelson opened the public hearing.

No one 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 1061 amending Section 3.45.140 of the Atwater Municipal Code related to the Citizens' Oversight Committee. 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.

REPORTS AND PRESENTATIONS FROM STAFF:

Awarding a General Construction Contract for the Palm Avenue Improvements Project (Community Development Director Thompson and Public Works Director Vinson)

Mayor Pro Tem recused himself from the item and left the dais at 7:09 PM.

Community Development Director Thompson provided background information on this item.

Public Works Director Vinson provided background information on this item.

City Council Member Cale asked regarding the scope of the project.

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

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

MOTION: City Council Member Button moved to award a General Construction Agreement, in a form approved by the City Attorney, to Redstone Construction Inc. of Atwater, California, for the Palm Avenue Improvements Project, City Project 22-06, in an amount not to exceed \$111,600.00 and authorize construction contract change orders up to an aggregate amount of \$11,160.00 (10%); and authorizes and directs the City Manager or her designee to execute all contract documents on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: None; Abstain: Raymond. The motion passed.

Mayor Pro Tem Raymond returned to the dais at 7:15 PM.

Approving an Amended and Restated Agreement with Veolia Water West Operating Service, Inc. for the Operations and Maintenance Program for the Regional Wastewater Treatment Plant (Public Works Director Vinson)

Public Works Director Vinson provided background information on this item.

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

Kory Billings spoke regarding the positive relationship between Veolia, the City of Atwater, and community groups.

MOTION: Mayor Pro Tem Raymond moved to approve an Amended and Restated Agreement, in a form approved by the City Attorney, with Veolia Water West Operating Service, Inc. for the Operations and Maintenance Program for the Regional Wastewater Treatment Plant in the amount of \$2,031,519; and authorizes and directs the City Manager, or her designee, to execute the contract on behalf of the City. 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.

Approving specifications and authorizing advertising of a Request for Proposal for the acquisition of a Public Safety Radio Communications System for the Police Department (Police Chief Salvador)

Police Chief Salvador provided background information of this item.

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

MOTION: Mayor Pro Tem Raymond moved to approve specifications and authorize the advertisement of a Request for Proposal for the acquisition of a dedicated Public Safety Radio Communications System for the Police Department. 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.

Human Resources Director Employment Agreement (City Manager Waterman)

City Manager Waterman provided background information on this item.

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

MOTION: City Council Member Cale moved to approve approve Human Resources Director Employment Agreement in the annual amount of \$136,731.84 plus benefits with Jana R. Sousa; and to authorize and direct the City Manager to execute the Agreement 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.

Human Resources Director Sousa introduced herself and thanked the Mayor and City Council and city staff.

CITY MANAGER REPORTS/UPDATES:

City Manager Updates

City Manager Waterman provided information regarding the invitation that was received from the Governor's Office of Housing and Community Development to attend a Policy Conference.

City staff will be bringing the following City Council meeting the contract for the General Plan update.

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 Nelson opened the public comment.

Field Representative for Congressman John Duarte, Christan Santos spoke regarding the recent Honor flight and budget meetings.

Pastor Rich Miller thanked the Mayor, City Council, and staff for always providing clarification and working together.

No one else came forward to speak.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

City Council comments

City Council Member Cale congratulated Human Resources Director Sousa as well as Atwater High School student athletes. He spoke regarding the loss of Jean Kirby.

City Council Member Button congratulated Human Resources Director Sousa. He spoke regarding Atwater Castle Air Museum Golf Tournament as well McNamara Sports celebrating 100 years.

City Council Member Ambriz congratulated Atwater High School student athletes. He spoke regarding the culture of staff and the positivity and congratulated Human Resources Director Sousa.

Mayor Pro Tem Raymond congratulated Human Resources Director Sousa.

Mayor Nelson spoke regarding the Public Leaders' Summit that was attended by himself, City Manager Waterman and Community Development Director Thompson.

ADJOURNMENT:

Mayor Nelson adjourned the meeting in memory of Jean Kirby at 7:40 PM.



JANELL MARTIN
DEPUTY CITY CLERK