



# CITY OF ATWATER

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## CITY COUNCIL ACTION MINUTES

**July 11, 2022**

OPEN SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Open Session this date at 5:05 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Pro Tem Cale presiding.***

ROLL CALL:

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

***Absent: City Council Member Raymond, Mayor Creighton***

***Staff Present: City Manager Waterman, City Attorney Splendorio, Community Development Director Thompson (5:08 PM) Deputy City Clerk Martin***

CLOSED SESSION: (Conference Room A)

***Mayor Pro Tem Cale invited public comment on Closed Session items.***

***No one came forward to speak.***

***Mayor Pro Tem Cale adjourned the meeting to Conference Room A for Closed Session at 5:07 PM. Closed Session was called to order at 5:09 PM.***

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding price and terms of payment. Agency Negotiators: Community Development Director Thompson and City Manager Waterman. Negotiating Parties: Roberto H. and Maria Elena Carbajal

Property Locations: APN 156-060-006

Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: Sandra L. Rahn v. City of Atwater; Case No. 1:21-CV-01712-DAD-SKO

***Closed Session adjourned at 6:03PM.***

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Regular Session this date at 6:07 PM in the City Council Chambers located at the Atwater Civic Center, 750 Bellevue Road, Atwater, California; Mayor Pro Tem Cale presiding.***

PLEDGE OF ALLEGIANCE TO THE FLAG:

***The Pledge of Allegiance was led by Planning Commissioner Chair Mike Nelson.***

INVOCATION:

***The Invocation was led by Lance Corporal Carlos Davadi.***

ROLL CALL:

***Present: City Council Members Ambriz, Button, Raymond, Mayor Pro Tem Cale***  
***Absent: Mayor Creighton***  
***Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, Community Development Director Thompson, Finance Director Youmara, Public Works Director Vinson, Deputy City Clerk Martin***

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

***City Attorney Splendorio reported that the City Council was provided direction and no reportable action was taken. The Closed Session agenda was completed.***

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 City Council Member Raymond and the vote was: Ayes: Ambriz, Button, Raymond, Cale; Noes: None; Absent: Creighton. The motion passed.***

CEREMONIAL MATTERS:

Recognition - CAL FIRE Battalion Chief/Fire Marshal

***Mayor Pro Tem and the City Council Members recognized the newly appointed CAL FIRE Battalion Chief/Fire Marshal: Blaine Lopes.***

Recognition - Retirement of Police Officer

***Mayor Pro Tem and the City Council Member recognize the retirement of Police Officer Darin Jantz.***

Oath of Office - Police Officer

***Police Chief Salvador administered the oath of office to the newly appointed Police Officer: Alejandro Salazar.***

***Recess was taken at 6:29 pm City Council returned to the Dias at 6:44 pm.***

CONSENT CALENDAR:

***Agenda item #6 under Resolutions, " Approving Regional Surface Transportation Program Exchange Funds Claim for Fiscal Year 2021-22 " was removed from the Consent Calendar and placed on the next agenda.***

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

WARRANTS:

1. July 11, 2022

***ACTION: Approval of warrants as listed.***

MINUTES: (City Council)

2. a) June 27, 2022 – Regular meeting  
b) July 2, 2022 – Special meeting

***ACTION: Approval of minutes as listed.***

RESOLUTIONS:

3. Adopting Updated Conflict of Interest Code (City Clerk Armstrong)

**ACTION: Adoption of Resolution No. 3329-22 amending the City of Atwater's Conflict of Interest Code.**

4. Approving Budget Amendment Appropriating Funds for the Existing and Expanded Lease-Purchase of the Body Camera System and Approving Equipment/Software Lease-Purchase Agreement with Axon Taser for the lease-purchase of an expanded Body Camera System (Police Chief Salvador)

**ACTION: Adoption of Resolution No. 3333-22 approving Budget Amendment No. 1 amending the Fiscal Year 2022-23 Budget regarding appropriating funds in the amount of \$40,000 to the Fiscal Year 2022-23 General Fund Police Department Budget; approval of an addendum to the current Five-Year Lease-Purchase Agreement, in a form approved by the City Attorney, with Axon Taser of Arizona, in the amount not to exceed \$54,319.09 over a 4-year period for the expansion of the Police Department's Current Body Camera System; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.**

5. Authorizing Submittal of Grant Application to San Joaquin Air Pollution Control District for Public Benefit Grant, New Alternative Fuel Vehicle Program (Police Chief Salvador)

**ACTION: Adoption of Resolution No. 3325-22 authorizing submittal of a grant application to the San Joaquin Air Pollution Control District Alternative Public Benefit Grant, Alternative Fuel Vehicle Program; and authorizes and directs the City Manager to execute all documents on behalf of the City.**

6. Approving Regional Surface Transportation Program Exchange Funds Claim for Fiscal Year 2021-22 (Community Development Director Thompson)

**ACTION: Adoption of Resolution No. 3328-22 authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2021-22.**

**AGREEMENTS:**

7. Approving Equipment/Software Lease-Purchase Agreement with Axon Taser for the lease-purchase of a Less Lethal Weapons System (Police Chief Salvador)

**ACTION: Approval of a Five-Year Lease-Purchase Agreement, in a form approved by the City Attorney, with Axon Taser of Arizona, in the amount not to exceed \$187,716 over a 5-year period for the lease-purchase of a less Lethal Weapons System; and authorizes and directs the City Manager to execute the Agreement on behalf of the City.**

PUBLIC HEARINGS

Public Hearing for 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Police Chief Salvador)

***Police Chief Salvador provided background information on this item.***

***Mayor Pro Tem Cale opened the Public hear on this item.***

***No one came forward to speak, and Mayor Pro Tem Cale closed the public hearing.***

***MOTION: City Council Member Raymond moved to adopt Resolution No. 3326-22, authorizing the grant application in the amount of \$13,726.00 to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2022 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and authorizing and directing the City Manager to execute Grant Application, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Button, Raymond, Ambriz, Cale; Noes: None; Absent: Creighton. The motion passed.***

REPORTS AND PRESENTATIONS FROM STAFF:

Presentation regarding City of Atwater Fiscal Revenue Analysis of Commercial Cannabis and Related Recommendations, and Possible Direction to Staff regarding changes to the City's Cannabis Program

***City Manager Waterman provided background information on this item and introduced Community Development Director Thompson and HdL, Mark Lovelace (Senior Policy Advisor) to provide a presentation.***

***HdL provided background information regarding the City of Atwater Cannabis Program.***

***Finance Director Youmara provided background regarding staff's recommendation.***

***Council Member Raymond spoke regarding the movement of the changes to the City's Cannabis Program.***

***Police Chief Salvador spoke to the concerns and questions regarding possible crime surrounding Cannabis businesses.***

***Mayor Pro Tem Cale spoke regarding the presentation and asked for clarification on several items.***

***Council Member Button spoke regarding the concerns of the residents and asked there be movement of the current program.***

***One person spoke regarding the presentation.***

***MOTION: City Council Member Raymond moved to provide direction to staff Migrate the pilot program into the permanent cannabis business program and sundown the existing development agreements in favor of a similar sales tax structure as presented by HdL. Set tax rates to be competitive with our surrounding service area and adjust cannabis ordinance as necessary to ensure that both the initial and annual permit fees for cannabis businesses are competitive with other jurisdictions in addition to recouping costs for maintaining the highly regulated program. It is worthy of consideration to have City staff investigate if it is viable to have Cannabis retail in other areas of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Button, Ambriz, Cale, Creighton; Noes: None; Absent: Creighton. The motion passed.***

Presentation by FM3 Research regarding tracking survey results, and discussion and possible direction regarding Public Safety Use Tax renewal measure.

***City Manager Waterman provided background information on this item and introduced Curt Below with FM3 Research to provide a presentation.***

***One person spoke regarding the presentation.***

***One person spoke regarding the presentation and questions about the content and funds regarding the measure.***

***Two residents spoke regarding the tracking survey results.***

***One person spoke regarding the presentation.***

***One person spoke regarding the presentation and funding of the measure.***

***One person spoke regarding the presentation and the tracking survey results.***

***One person spoke (via zoom) regarding the presentation.***

***Mayor Pro Tem spoke regarding the presentation stated that the presentation was in line with most cities.***

***City Council Member Ambriz spoke regarding the measure and possible direction for the future Public Safety Measure.***

***City Council Member Button spoke regarding the tracking survey results and possible direction for future Public Safety Measure.***

***Council Member Button spoke regarding the tracking survey results and the direction for future Public Safety Measure.***

***MOTION: Mayor Pro Tem Cale moved to extend the ½ cent Public Safety Sales Tax without a sunset on the ballot for the November 8, 2022 General Municipal Election. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Ambriz, Cale; Noes: Button, Raymond; Absent: Creighton. The motion failed.***

***MOTION: City Council Member Button moved to place the one cent Public Safety Sales Tax without a sunset on the ballot for the November 8, 2022 General Municipal Election. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Button, Raymond, Ambriz, Cale; Noes: None; Absent: Creighton. The motion passed.***

***City Attorney Splendorio clarified this is direction for staff to prepare the materials for placement of the one cent Public Safety Sales Tax without a sunset on the ballot for the November 8, 2022 General Municipal Election.***

**CITY MANAGER REPORTS/UPDATES:**

City Manager Updates

***City Manager Waterman reported the following:***

***The passing of James Heller previous City of Atwater Treasurer.***

**COMMENTS FROM THE PUBLIC:**

***Notice to the public was read.***

***One person spoke regarding the drought and water regulations.***

***One person spoke regarding water usage at a business.***

***One person spoke regarding various topics with code enforcement.***

***One person spoke regarding the 4<sup>th</sup> of July festivities.***

***One person spoke regarding various topics with code enforcement.***

***One person spoke regarding various topics in the city.***

***One person spoke regarding their appreciation for the city.***

***One person spoke regarding community involvement.***

*One person spoke and asked for clarification regarding the previous motion.*

*No one else came forward to speak.*

CITY COUNCIL MATTERS:

City Council comments

*City Council Member Button spoke regarding restarting Neighborhood Watch, getting out and walking your dog and safety in your community. He briefly spoke regarding the measure.*

*City Council Member Ambriz thanked the 4<sup>th</sup> of July committee for the hard work and all those that were involved for the great 4<sup>th</sup> of July festivities.*

*City Council Member Raymond had nothing to report.*

*Mayor Pro Tem Cale spoke regarding a young man that graduated from Atwater High School named Thomas Garner that applied to all four Military Academies and was accepted to all four. He also spoke regarding the great job by the 4<sup>th</sup> of July committee.*

ADJOURNMENT:

*Mayor Pro Tem adjourned the meeting at 9:21 PM.*

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JANELL MARTIN  
DEPUTY CITY CLERK