



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

July 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 5:02 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, Button, Mayor Nelson
Absent: Mayor Pro Tem Raymond
Staff Present: City Manager Waterman, City Attorney Splendorio, Community Development Director Thompson, 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 5:03 PM. Closed Session was called to order at 5:06 PM.

Mayor Pro Tem Raymond joined the Closed Session in Conference Room at 5:20 PM.

Conference with Labor Negotiators - Government Code Section 54957.6,
AgencyNegotiators: City Manager Waterman and Human Resources Director Sousa

Bargaining Units: Atwater Police Officers Association, AFSCME Local 2703 - Clerical Employees Unit, Mid-Managers Group, Miscellaneous Employees Unit and Unrepresented Management and Confidential Employees.

Closed Session adjourned at 5:40 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 Police Chaplain Jim McClellan.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The pledge of allegiance to the flag was led by Police Chaplain Jim McClellan.

ROLL CALL: (City Council)

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

Absent: None

Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, Battalion Chief Ayuso, Deputy City Manager/Community Development Director Thompson, Senior Planner Rashe, City Clerk Billings, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council received information and 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 Ambriz and the vote was: Ayes: Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.

CEREMONIAL MATTERS:

Recognition - Police Chaplain

Mayor Nelson and Police Chief Salvador recognized Police Chaplain Jim McClellan for his service to the Police Chaplaincy.

Certificate of Recognition - 2022 Dispatcher of the Year

Mayor Nelson and Police Chief Salvador presented the certificates of recognition to Dispatcher of the Year, Kathy Mathis.

Recognition - Retirement of Police Sergeant

Mayor Pro Tem Raymond and Police Chief Salvador recognized Police Sergeant John Smothers on his retirement after 32 years of service.

Joe Ballas on behalf of Assemblymember Soria recognized Police Sergeant John Smothers on his retirement after 32 years of service.

PRESENTATIONS

Caltrans District 10 presentation regarding State Route 99 Pavement Rehabilitation

Antoine Kismetian, Design Manager, Caltrans and Brian Hooker Public Information Officer, Caltrans provided a verbal update regarding State Route 99 Pavement Rehabilitation

- **Remaining work in Atwater to be completed by Friday, July 21, 2023.**
- **Merced Rehab is anticipated to be completed by May 2024.**
- **Applegate/Bell Lane South bound on ramp missing pole working on replacement.**
- **Applegate/Bell Lane South bound on ramp flashing red working with City staff to get this operating.**

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. July 10, 2023

ACTION: Approval of warrants as listed.

MINUTES: (General Plan Technical Advisory Committee)

2. May 3, 2023 – Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (Planning Commission)

3. a) May 17, 2023 – Regular meeting
b) June 1, 2023 – Special meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (City Council)

4. June 12, 2023 – Regular meeting

ACTION: Approval of minutes as listed.

RESOLUTIONS:

5. Approving and authorizing a Purchase and Sale Agreement for Lower Shaffer Storm Drain Project, Project No. 22-07, for a perpetual easement and right-of-way for public utilities from Golden State Realty Association, Inc. and approving expenditure of any additional and related closing expenses (Deputy City Manager/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3413-23 authorizing the Sewer Enterprise Fund to purchase real property located at 273 East Bellevue Road, Atwater, CA 95301, more particularly described as Assessor's Parcel No. 156-060-023, from Golden State Realty Association, Inc, Mohammad Jawad, President, for the Lower Shaffer Storm Drain Project 22-07 in the amount of Twenty-Five Thousand Dollars (\$25,000), and approve the expenditure of any additional and related closing costs expenses; and authorizes and directs the City Manager to execute a Purchase and Sale Agreement, in a form approved by the City Attorney, and all documents related to the purchase of the property on behalf of the City.

6. Authorizing Cost Share Agreement For The SB 244 Technical Analysis Portion Of The Multijurisdictional Housing Element. (Deputy City Manager/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3414-23 authorizing the cost share agreement for the SB 244 Technical Analysis portion of the Multijurisdictional Housing Element (MJHE); and authorizes the City Manager, or designee, to execute any all documents related to the SB 244 Technical Analysis.

7. Authorizing Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2022/23 (Deputy City Manager/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3415-23, authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2022/2023; and adopt Resolution No. 3416-23, approving Budget Amendment No. 2 amending the Regional Surface Transportation Program (RSTP) Exchange Funds Claim.

AGREEMENTS:

8. Authorizing and approving a Purchase Order with Cooks Communications for the purchase of equipment to upfit two new Command Vehicles (CAL FIRE Battalion Chief Ayuso)

ACTION: Authorizes and approves the purchase of all necessary equipment to upfit both new command vehicles in an amount not to exceed \$120,000 with Cook's Communications of Fresno, CA; and authorizes the City Manager, or her designee, to execute the purchases on behalf of the City.

9. Approving fee waiver requested by Merced County Registrar of Voters to use Atwater Community Center as a Voting Assistance Center for 2024 Elections (City Clerk Billings & Merced County Registrar of Voters)

ACTION: Approval of a fee waiver requested by the Merced County Registrar of Voters to use the Atwater Community Center from February 22, 2024 to March 7, 2024 and October 24, 2024 to November 7, 2024 for the March 5, 2024 Presidential Primary Election and November 5, 2024 Presidential General Election; and authorizes and directs the City Manager, or designee, to execute any and all documents necessary to waive the facility rental fees associated with Merced County Registrar of Voters using the Atwater Community Center as a Voting Assistance Center.

PUBLIC HEARINGS:

Waive the first reading by title only, and introduce an ordinance approving Zoning Ordinance Text Amendment No. 23-11-0100 Amending Chapter 17.43 "D-BD, Downtown Business District" and Chapter 17.63 "Parking Requirements" of the Atwater Municipal Code for parking requirements (Deputy City Manager/Community Development Director Thompson)

Senior Planner Rashe and Deputy City Manager/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 waive the first reading by title only and introduce Ordinance No. CS 1065 amending Chapter 17.43 “D-BD,” Downtown Business District” and Chapter 17.63 “Parking Requirements” of the Atwater Municipal Code for parking requirements. 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.

Resolution approving General Plan Amendment No. 23-06-0100 adopting the Merced County Association of Governments Thresholds and Implementation Guidelines (Deputy City Manager/Community Development Director Thompson)

Senior Planner Rashe and Deputy City Manager/Community Development Director Thompson provided background information on this item.

Mayor Nelson opened the public hearing on this item.

No one came forward.

Mayor Nelson closed the public hearing.

MOTION: City Council Member Button moved to adopt Resolution No. 3418-23 approving General Plan Amendment No. 23-06-0100 adopting the Merced County Association of Governments Thresholds and Implementation Guidelines. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: Raymond; Absent: None. The motion passed.

Confirming the Engineer's Reports and Ordering the Annual Levy for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2023/24 (Deputy City Manager/Community Development Director Thompson)

Mayor Nelson opened the public hearing on this item.

Deputy City Manager/Community Development Director Thompson provided background information on this item.

No one came forward.

Mayor Nelson closed the public hearing.

MOTION: City Council Member Button moved to adopt Resolution No. 3417-23 Confirming the Engineer's Reports and Ordering the Continued Maintenance of the City of Atwater Lighting and Drainage and Landscape Assessment Maintenance Districts and Levy of Assessments for Fiscal Year 2023/24. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: Raymond; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Authorizing the release of American Rescue Plan Act ("ARPA") funds for use of one time City Capital Improvement Projects (City Manager Waterman)

City Manager Waterman provided background information on this item.

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

Mary McWatters, ASFCME, spoke regarding ARPA funds and employee compensation.

City Manager Waterman provided clarification regarding the ARPA funds and employee compensation.

No one else came forward regarding this item.

MOTION: City Council Member Cale moved to authorize and direct the City Manager or her designee to release the American Rescue Plan Act ("ARPA") funds for use of one time City Capital Improvement Projects as specified in the Fiscal Year 2023-24 Budget. 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.

Verbal presentation regarding City of Atwater Public Safety activities for July 4, 2023 (Chief Salvador, CAL FIRE Battalion Chief Ayuso and CAL FIRE Battalion Chief/Fire Marshal Lopes)

Chief Salvador and CAL FIRE Battalion Chief Ayuso provided background information on this item.

Mayor Nelson spoke regarding public outreach and the 4th of July.

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

Jim Price thanked Public Safety and spoke regarding the Fireworks Ordinance.

No one else came forward regarding this item.

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

Mayor Nelson opened the public comment.

Steve Mead spoke regarding Truck Parking permits and process.

Jim Price spoke regarding a Public Records Request and the costs of litigation.

Linda Dash spoke regarding Youth Programs and facilities, Recreation programs and personnel within the department.

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 Sergeant Smothers on his Retirement and Dispatcher Kathy Mathis for Recognition - 2022 Dispatcher of the Year. He thanked the 4th of July committee members for the great 4th of July and reminded all about the Old Town Atwater Broadway Beach Car Show on July 22, 2023 located on Broadway and Cedar Avenue.

City Council Member Button thanked the 4th of July committee for the great job and for the great 4th of July and Public Safety for the great job. He congratulated Sergeant Smothers on his Retirement. He spoke regarding the Caltrans update and stated maybe there could be a quarterly update provided.

City Council Member Ambriz congratulated the 4th of July committee for a great 4th of July celebration. He thanked the City of Atwater Fire department for accommodating the Council Members as riders in the 4th of July parade.

Mayor Pro Tem Raymond encouraged all to go and watch the movie Sound of Freedom.

Mayor Nelson announced the next meeting is in August. Mayor Nelson spoke regarding the Garbage rate hearings and the process.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 7:16 PM.

Janella Martin

JANELL MARTIN
DEPUTY CITY CLERK