



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**January 23, 2023**

OPEN SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Open Session this date at 5:40 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, Administrative Assistant Peralta, 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 5:42 PM. Closed Session was called to order at 5:44 PM.***

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: Headliner Development Company

Property Location: APN 0004-010-017

Pursuant to Government Code Section 54957, Public Employee Annual Performance Evaluation; Title: City Manager

**City Council Member Button joined Closed Session in Conference Room A at 5:52 PM.**

**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 6:03 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 Shawn Perez.**

PLEDGE OF ALLEGIANCE TO THE FLAG:

**The Pledge of Allegiance was led by Merced County District 3 Supervisor McDaniel.**

ROLL CALL: (City Council)

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

**Absent:** None

**Staff Present:** City Manager Waterman, City Attorney Splendorio, Battalion Chief Ayuso, Police Chief Salvador, Community Development Director Thompson, Public Works Director Vinson, Administrative Assistant Peralta, Deputy City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

**City Attorney Splendorio reported that the City Council discussed the first item as it relates to real property and that no reportable action was taken. The Closed Session agenda was not completed and will reconvene after the regular session.**

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.***

**PRESENTATIONS:**

Presentation regarding Highway 59 Organic Waste Transfer/Processing Operations by Senior Project Manager Mainolfi and Diversion Program Manager Loreto

***Senior Project Manager Mainolfi and Diversion Program Manager Loreto provided an update regarding Highway 59 Organic Waste Transfer/Processing Operations.***

***City Council Member Cale asked regarding rural areas and the requirements.***

***Mayor Pro Tem asked regarding the possibility of a new trash hauler contract and use of the facility.***

Monthly report by Merced County District 3 Supervisor McDaniel

***Merced County District 3 Supervisor McDaniel reported the following:***

- ***Thanked Battalion Chief Bobby Ayuso and crew, Mayor Nelson, City Council Member Cale, and City Manager Waterman for being present at the Emergency Operations Center (EOC).***
- ***The EOC received from the time the declaration was made 1,400 calls, the current shelter breakdown is 62 and there were as many as 300 in the shelter. At this time there are 10 livestock (large animals) being housed.***
- ***Environmental Health is assisting with the impacted areas.***
- ***Recovery priorities are debris removal, in District 3 alone there are 155 impacted homes from the Bear Creek Levy break.***
- ***There is curbside removal available please contact Disaster Recovery and FEMA is involved as well.***
- ***FEMA and SBA are walking in the affected areas to see the assistance needed.***
- ***Evacuations – Planada 4,000 McSwain 1,400 LeGrand 3,400.***
- ***Mobile district hours have relocated for the new year to the Administrative offices downtown the fourth Thursday of each month, 1:30 to 3:30 PM.***

**CONSENT CALENDAR:**

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

***One person provided a speaker card regarding Agenda items #6, 7, 8, and 9.***

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

***Public Comment regarding the remaining items on the Consent Calendar was closed.***

**Agenda items #6, 7, 8, and 9 under Claims against the City, "Claim No. 2022-16, Claim No. 2022-17, Claim No. 2023-02, Claim No. 2023-01" were 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: Cale, Ambriz, Raymond, Button Nelson; Noes: None; Absent: None. The motion passed.**

**TREASURER'S REPORT:**

1. November 30, 2022

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

**WARRANTS:**

2. January 23, 2023

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

**MINUTES:**

3. November 14, 2022 – Regular meeting

**ACTION: Approval of minutes as listed**

**AGREEMENTS:**

4. Authorizing and approving a Cooperative Purchase Agreement (Purchase Order) to Quadient Inc. for the purchase of postage machines located at various City locations (Human Resources Manager Joyner)

**ACTION: Authorizes and approves a Cooperative Purchase Agreement (Purchase Order) with Quadient Inc., of Millford, CT for Postage machines located at various City locations, and service fees for 3 years with an option for 2 additional years, in an amount not to exceed \$38,000; and authorizes and directs the City Manager, or her designee, to execute the Purchase Agreement (Purchase Order) on behalf of the City.**

**ORDINANCES (WAIVING SECOND READING AND ADOPTION):**

5. An ordinance Amending certain sections of Title 17 "Zoning" of the Atwater Municipal Code relating to Building Height Regulations (Community Development Director Thompson)

***ACTION: Adopts an ordinance Amending certain sections of Title 17 “Zoning” of the Atwater Municipal Code relating to Building Height Regulations.***

**CLAIMS AGAINST THE CITY:** (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council’s ability to make a decision on the claim. The claim, however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk’s office at (209) 357-6241.)

6. Claim No. 2022-16

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

7. Claim No. 2022-17

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

8. Claim No. 2023-02

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

9. Claim No. 2023-01

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

***Rich Miller asked for clarification regarding the claims.***

***City Attorney Splendorio spoke regarding the claims stating claims are managed by third-party administrators.***

***MOTION: Mayor Pro Tem Raymond moved to approve Agenda items #6, 7, 8, and 9; After consideration and investigation, it is staff’s recommendation that Claims No. 2022-16, 2022-17, 2023-02, and 2023-01 be rejected. The motion was seconded by City Council Member Cale and the vote was: Ayes: Ambriz, Button, Raymond, Cale, Nelson; Noes: None; Absent: None. The motion passed.***

**REPORTS AND PRESENTATIONS FROM STAFF:**

Accepting Fruitland Avenue Reconstruction – Phase 2 Project as complete (Community Development Director Thompson)

***Community Development Director Thompson provided background information on this item.***

***Mayor Pro Tem Raymond asked questions regarding the completion of the project.***

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

**No one came forward to speak, and Mayor Nelson closed the public hearing.**

**MOTION: City Council Member Cale moved to accept Fruitland Avenue Reconstruction - Phase 2 Project as complete; and authorize and direct the City Manager to execute all documents on behalf of the City. 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 MANAGER REPORTS/UPDATES:**

City Manager Updates

**City Manager Waterman reported the following:**

- **The Mayor, City Manager and City Staff have been working with residents regarding the impacts of the flooding.**
- **The City will be posting information on the City website and social media platforms regarding \$250 cash card available to those that have been affected by the floods.**
- **Spoke regarding possible CDBG Grant funding for the residents for repairs that may be needed because of recent events.**

**COMMENTS FROM THE PUBLIC:**

**Notice to the public was read.**

**Linda Dash spoke regarding the warrant list, the budget, and what the funds are spent on.**

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

**CITY COUNCIL MATTERS:**

City Council comments

**City Council Member Cale thanked Public Works for the hard work and effort that they always give. He spoke regarding the training that was attended at the League of California Cities and the opportunity to network with other cities.**

**City Council Member Button had nothing to report.**

**City Council Member Ambriz had nothing to report.**

**City Council Member Raymond had nothing to report.**

**Mayor Nelson spoke regarding the training attended at the League of California Cities. He spoke regarding the Homeless Encampment under the freeway and how we are able address that issue. He thanked the community for the outpour of assistance to other communities as well as changing the focus as the weather progressed in different ways.**

**Chief Salvador spoke stating that he would address the issue regarding the freeway and reach out to Cal Trans.**

**ADJOURNMENT:**

***In Memory of Barbara Heller and Sue Rizzonelli.***

**Mayor Nelson adjourned the Regular Session to Conference Room A for Closed Session at 6:42 PM.**

**CLOSED SESSION:**

***Closed Session resumed at 6:52 PM.***

Pursuant to Government Code Section 54957, Public Employee Annual Performance Evaluation; Title: City Manager

***City Council Member Button left the Closed Session at 7:36 PM.***

***Closed Session Adjourned at 7:45 PM.***

**MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION**

***City Attorney Splendorio reported City Council considered one item, City Manager Annual Performance Evaluation. No reportable action was taken. The Closed Session item was completed.***

**ADJOURNMENT:**

***Mayor Nelson adjourned the meeting at 7:49 PM.***



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JANELL MARTIN  
DEPUTY CITY CLERK