



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**May 8, 2023**

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 Steve Mead.*

PLEDGE OF ALLEGIANCE TO THE FLAG:

*The pledge of allegiance to the flag was led by Council Member Danny Ambriz.*

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, Community Development Director Thompson, Public Works Director Vinson, Finance Director Youmara, City Clerk Billings, Deputy City Clerk Martin*

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

***MOTION:*** City Council Member Ambriz moved to approve the agenda as posted. 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.

CEREMONIAL MATTERS:

Certificate of Recognition - Youth from Atwater High School Recognized by Directing Change Program

***City Council Member Ambriz presented certificates of recognition to the Atwater High School students for their artistic achievements in mental health and suicide prevention in the Directing Change Program.***

Certificate of Recognition - Buhach Colony High School CCC Student Athletes

***City Council Member Cale presented certificates of recognition to the Buhach Colony High School CCC Student Athletes for their achievements.***

Oath of Office - Police Officer and Public Safety Dispatcher Trainee

***City Clerk Billings administered the ceremonial oath of office to the newly appointed Police Officer Levi Crain and Public Safety Dispatcher Trainee Ana Reyes.***

Proclamations

National Peace Officers Memorial Day, May 15, 2023 and National Police Week, May 15 - May 21, 2023

***Mayor Nelson presented the proclamation to Police Chief Salvador, on behalf of the Police Department, recognizing the day of May 15, 2023 as National Peace Officers Memorial Day and the week of May 15 - May 21, 2023 as National Police Week.***

CONSENT CALENDAR:

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

***Amanda Nicole spoke regarding mental health and the Police Department.***

***Keith Pelowski asked for discussion regarding item #7.***

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

**Mayor Nelson closed the public comment.**

**Agenda item #7 under “Ordinances (Waiving Second Reading and Adoption), Adoption of an Ordinance amending Section 3.45.140 of the Atwater Municipal Code related to the Citizens’ Oversight Committee” was removed from the Consent Calendar for separate discussion and possible action.**

**MOTION: City Council Member Button 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.**

**WARRANTS:**

- 1. May 8, 2023

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

**MINUTES: (City Council)**

- 2. April 24, 2023 – Regular meeting

**ACTION: Accept minutes as listed.**

**MINUTES: (General Plan Technical Advisory Committee)**

- 3.
  - a) February 1, 2023 – Regular meeting
  - b) March 1, 2023 – Regular meeting
  - c) April 5, 2023 – Regular meeting

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

**RESOLUTIONS:**

- 4. Approving and authorizing Purchase and Sale Agreements for Fruitland Avenue Reconstruction - Phase 3 Right of Way Acquisition and approving expenditure of any additional and related closing expenses (Community Development Director Thompson)

**ACTION: Adoption of Resolution No. 3391-23 approving and authorizing the Purchase and Sale Agreements for various properties in the amount of \$18,123.00, \$148,078.00, and \$53,610.00, respectively, for Fruitland Avenue Reconstruction - Phase 3 Right of Way Acquisition, CIP Project No. 16-2-3, in forms approved by the City Attorney and approves the expenditure of any additional and related closing expenses; and authorizes and directs the City Manager, or her designee, to execute all Agreements and utility related documents to CIP Project No. 16-2-3 on behalf of the City.**

AGREEMENTS:

5. Authorizing and approving a Purchase Agreement (Purchase Order) with Sun Ridge Systems for the purchase of software modules for the Police Department's Records Management System (Police Chief Salvador)

***ACTION: Authorizes and approves a Purchase Agreement (Purchase Order) with Sun Ridge Systems of El Dorado Hills, California for the purchase of District Attorney and Citizen reporting supplemental modules for the Police Department's Records Management System in an amount not to exceed \$14,270; and authorizes and directs the City Manager, or her designee, to execute the Purchase Agreement (Purchase Order) on behalf of the City.***

6. Approving Restated Joint Powers Agreement of Merced County Association of Governments (City Attorney Splendorio)

***ACTION: Adoption of Resolution No. 3396-23 approving a Restated Joint Powers Agreement of the Merced County Association of Governments (MCAG) and authorizing the City Manager to execute on behalf of the City.***

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Adoption of an Ordinance amending Section 3.45.140 of the Atwater Municipal Code related to the Citizens' Oversight Committee (City Manager Waterman)

***This item was removed from the Consent Calendar for separate discussion and possible action.***

***City Manager Waterman provided background information on this item.***

***Keith Pelowski asked regarding the amendments for the ordinance.***

***Jim Price spoke regarding the Oversight Committee structure.***

***MOTION: Mayor Pro Tem Raymond moved to adopt 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 City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.***

REPORTS AND PRESENTATIONS FROM STAFF:

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, Badawi & Associates (CPA) spoke regarding the audited Financial Statements.**

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

Awarding Professional Services Agreement to De Novo Planning Group for the preparation of the Comprehensive General Plan Update and Master Environmental Impact Report (Community Development Director Thompson)

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

**Ben Ritchie, De Novo Planning Group spoke regarding this item.**

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

**No one came forward regarding this item.**

**MOTION: Mayor Pro Tem Raymond moved to award a Professional Services Agreement, in a form approved by the City Attorney, to De Novo Planning of El Dorado Hills, California, in an amount not to exceed \$1,601,088.00; and authorize the City Manager, or her designee, 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.**

**CITY MANAGER REPORTS/UPDATES:**

Amending City of Atwater Classification Plan relating to Deputy City Manager/Community Development Director, adopting Salary Schedule E-23 and approving Deputy City Manager/Community Development Director and Police Chief Employment Agreements (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.**

**Linda Dash spoke regarding salary and benefits for the police department.**

***Jim Price spoke regarding contracts, salary, and benefits.***

***Keith Pelowski spoke regarding salary and benefits.***

***Adam Reed spoke regarding positive experiences with the Police Department and the Community Development Department.***

***Harold Kadach spoke in support of the Employment Agreements for Deputy City Manager/Community Development Director and Police Chief.***

***Rich Miller spoke regarding the fiscal impact and in support of the Employment Agreements for Deputy City Manager/Community Development Director and Police Chief.***

***Gabe Santos spoke in support of the Employment Agreements for Deputy City Manager/Community Development Director and Police Chief and spoke regarding fiscal responsibility.***

***MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3392-23 amending the City of Atwater Plan relating to Deputy City Manager/Community Development Director and adopting Salary Schedule E-23; approve Deputy City Manager/Community Development Director Agreement with Greg Thompson in the annual amount of \$182,097.59 plus benefits; and approve Police Chief Agreement with Michael J. Salvador in the annual amount of \$185,000.00 plus benefits; and authorize and direct the City Manager to execute the agreements 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.***

**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.***

***Field Representative for Congressman John Duarte, Christan Santos provided an update regarding Congressman Duarte's office.***

***Jim Price spoke regarding various issues including contracts, travel, and litigation.***

***Keith Pelowski spoke regarding funded officers.***

***Gabe Santos spoke regarding Peace Officer's statistics and Mother's Day.***

**Pastor Rich Miller spoke regarding Hometown Hero at Victory Baptist, May 21, 2023 at 10:00 AM.**

**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 Police Chief Salvador and Community Development Director Thompson on their Employment agreements. He thanked the City Manager for her work on putting together a staff that works well together. He spoke regarding the Merced Elks and winning the Central District for the first time in 37 years. He wished everyone a Happy Mother's Day.**

**City Council Member Button thanked those that participated in Public Comment. He congratulated Police Chief Salvador and Community Development Director Thompson on their Employment agreements. May 24<sup>th</sup> Atwater Elementary School District will be having an Art and photography showcase at Veterans Park from 5:30PM – 7:00 PM.**

**City Council Member Ambriz spoke regarding suicide prevention. He spoke regarding the Directing Change Program and the CCC athletes. He congratulated Police Chief Salvador and Community Development Director Thompson on their Employment agreements. He wished all the mothers a Happy Mother's Day.**

**Mayor Pro Tem Raymond spoke of a dear friend that passed away and also wished all the mothers a Happy Mother's Day.**

**Mayor Nelson spoke regarding the professionalism of the Atwater Police Department and spoke regarding the radio system.**

**ADJOURNMENT:**

**Mayor Nelson adjourned the meeting at 7:37 PM.**



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JANELL MARTIN  
DEPUTY CITY CLERK