



# CITY OF ATWATER

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## CITY COUNCIL, FIRE PROTECTION DISTRICT AND SUCCESSOR AGENCY TO THE ATWATER REDEVELOPMENT AGENCY

### ACTION MINUTES

**June 12, 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 Mayor Pro Tem Raymond.*

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, Public Works Director Vinson, Human Resources Director Sousa,*

**Finance Director Youmara, City Clerk Billings, Deputy City Clerk Martin**

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

CEREMONIAL MATTERS:

Oath of Office - Police Chaplain

***City Clerk Billings administered the oath of office to the newly appointed Police Chaplain Allen Thomas.***

CONSENT CALENDAR:

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

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

***Mayor Nelson closed the public comment.***

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

WARRANTS:

1. June 12, 2023

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

MINUTES: (City Council)

2. May 22, 2023 – Regular meeting

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

MINUTES: (Citizens' Oversight Committee)

3. March 7, 2023 – Regular meeting

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

**MINUTES:** (Audit and Finance Committee)

4. March 27, 2023 – Regular meeting

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

**RESOLUTIONS:**

5. Approving the Statement of Investment Policy for Fiscal Year 2023-24 and delegating authority to the City Treasurer to invest funds accordingly (Finance Director Youmara)

**ACTION: Adoption of Resolution No. 3399-23 approving the Statement of Investment Policy for Fiscal Year 2023-24 and delegating authority to the City Treasurer to invest funds in accordance with the Statement of Investment Policy.**

**AGREEMENTS:**

6. Awarding a General Construction Contract for the Atwater Boulevard and First Street Traffic Signal Project (Public Works Director Vinson)

**ACTION: Awards a General Construction Contract, in a form approved by the City Attorney, to St. Francis Electric, LLC of San Leandro, California, for the Atwater Boulevard and First Street Traffic Signal, City Project No. 18-2, in an amount not to exceed \$824,670, and authorize and direct the City Manager, or her designee, to sign and affirm construction contract change orders up to an aggregate of \$82,467.00 (10%); and authorizes and directs the City Manager, or her designee, to execute the contract on behalf of the City.**

7. Approving On-Call Professional Services for Roadway Design, Traffic Engineering, Land Surveying, and Roadway Construction Inspection and Administration with various consultants for State and Federally Funded Projects (Deputy City Manager/Community Development Director Thompson)

**ACTION: Approves multiple On-Call Master Professional Service Agreements, in a form approved by the City Attorney, with Advanced Mobility Group of Walnut Creek, California, CCME, Inc. of Merced, California, GHD, Inc. of Fresno, California, JLB Traffic Engineering of Fresno, California, Minagar and Associates, Inc. of Laguna Hills, California, Provost & Pritchard Consulting Group of Clovis, California, SNG & Associates, Inc. of Pleasanton, California, TJKM Transportation Consultant of Pleasanton, California, and VVH Consulting Engineers of Modesto, California, with a set not to exceed limit of \$1,000,000 per contract for the 3 year term of the contracts (for flexibility amongst contracts) but with a collective maximum aggregate budgeted amount for all of the on-call contracts not to exceed**

***\$7,500,000; and authorizes and directs the City Manager to execute the agreements on behalf of the City.***

8. Approving and Ratifying a Memorandum of Understanding (MOU) with the Atwater Police Officers' Association (APOA) Regarding Terms and Conditions of Employment (Human Resources Director Sousa)

***ACTION: Adopt Resolution No. 3402-23 Approving a Memorandum of Understanding (MOU) between the City of Atwater and the Atwater Police Officers' Association (APOA) Pertaining to Certain Terms and Conditions of Employment; and Authorizing and Directing the City Manager to Execute the MOU on behalf of the City.***

9. Authorizing and Approving a Purchase Agreement with NeoGov for the Purchase of an Employee Performance Evaluation Software Module (Perform) (Human Resources Director Sousa)

***ACTION: Authorizes and Approves a Purchase Agreement (Purchase Order) with NeoGov for the Purchase of an Employee Performance Evaluation Software Module (Perform), in an amount not to exceed \$14,561.60; and authorizes and directs the City Manager, or her designee, to execute the Purchase Agreement on behalf of the City.***

10. Approving Use Agreement with Atwater 4th of July Committee regarding use of Ralston Park and Certain City Streets (City Manager Waterman)

***ACTION: Approves a Use Agreement, in a form approved by the City Attorney, with the Atwater 4th of July Committee for the use of Ralston Park and Certain City Streets; and authorizes and directs the City Manager, or her designee, to execute the Use Agreement, on behalf of the City.***

11. Approving Use Agreement with Merced Running Club regarding use of Certain City Streets (City Manager Waterman)

***ACTION: Approves a Use Agreement, in a form approved by the City Attorney, with the Merced Running Club for the use of Certain City Streets; and authorizes and directs the City Manager, or her designee, to execute the Use Agreement, on behalf of the City.***

**PUBLIC IMPROVEMENTS:**

11. Accepting Accepting Pedestrian and Roadway Improvements on Laurel Avenue and Sixth Street Project as complete (Public Works Director Vinson and Deputy City Manager/Community Development Director Thompson)

***ACTION: Accepts work done under the contract for Pedestrian and Roadway Improvements on Laurel Avenue and Sixth Street, City Project 19-5; authorize and***

**direct the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorize a final payment in the amount of \$8,717.98.**

**PUBLIC HEARINGS**

Adopting a resolution Setting the Fiscal Year 2023-24 Miscellaneous Fee Schedule (Finance Director Youmara)

**Finance Director Youmara provided background information on this item.**

**Mayor Nelson opened the public hearing.**

**No one came forward to speak.**

**Mayor Nelson closed the public hearing.**

**Mayor Pro Tem Raymond asked for clarification regarding cost recovery.**

**MOTION: City Council Member Ambriz moved to adopt Resolution No. 3400-23 Setting the City of Atwater's Miscellaneous Fee Schedule for Fiscal Year 2023-24. The motion was seconded by City Council Member Cale and the vote was: Ayes: Button, Cale, Ambriz, Raymond, Nelson; Noes: None; Absent: None. The motion passed.**

Resolutions adopting Fiscal Year 2023-24 Budget including Five-Year Capital Improvement Plan and approving Fund Expenditures and Fund Transfers; establishing appropriations limitations; and amending Classification Plan and adopting Salary Schedule A-24, effective June 22, 2023 (City Manager/Executive Director Waterman, Human Resources Director Sousa, and Finance Director/Treasurer Youmara)

**City Manager Waterman provided an opening statement regarding the Fiscal Year 2023-24 Budget.**

**Mayor Nelson provided clarification regarding the Public Comment process for the budget public hearing. He clarified he will provide public comment during General Fund, Public Safety, Enterprise Funds, and Capital Improvement**

**Finance Director Youmara provided background information regarding the General Fund.**

**Mayor Nelson opened the public hearing.**

**Linda Dash spoke regarding City Council, Recreation, and Public Works budget funding.**

**Greg Olzack spoke regarding Bloss Mansion funding.**

***Mary McWatters, ASFCME, spoke regarding ARPA funding.***

***Debbie Macias, ASFCME, spoke regarding ARPA funding and the budget process.***

***Jim Price spoke regarding ARPA funding and various items regarding General fund.***

***Finance Director Youmara provided background information regarding the Public Safety Transactions and Use Tax Fund and Community Facilities District Fund.***

***Mayor Nelson opened public comment regarding Public Safety Transactions and Use Tax Fund and Community Facilities District Fund.***

***Gabe Santos spoke regarding the Public Safety fund.***

***Keith Pelowski spoke regarding the Community Facilities District fund.***

***Jim Price spoke regarding the Community Facilities District fund.***

***Mayor Pro Tem Raymond asked regarding expenditures for the Public Safety Transactions and Use Tax Fund.***

***Finance Director Youmara provided background information regarding the Enterprise Funds (Water, Wastewater, Sanitation).***

***Mayor Nelson opened public comment regarding the Enterprise Funds (Water, Wastewater, Sanitation).***

***Linda Dash spoke regarding the needs of Public Works employees.***

***Finance Director Youmara provided more information regarding fund balances and 5-Year Capital Improvement Programs.***

***Mayor Nelson opened public comment regarding the fund balances and 5-Year Capital Improvement Programs.***

***Mayor Pro Tem Raymond spoke regarding Juniper Elementary traffic light.***

***Deputy City Manager Thompson provided background information on this item.***

***City Council Member Ambriz spoke regarding ARPA funding and the Ralston Park restrooms.***

***Debbie Macias spoke regarding ARPA funding.***

***Jim Price spoke regarding City Council budget funding and Economic Development.***

***Mayor Nelson closed the public hearing.***

***Mayor Nelson thanked the public for their participation.***

***Mayor Pro Tem asked for clarification regarding the budget and ARPA funding separation.***

***City Attorney Splendorio provided direction regarding ARPA funding.***

***City Council Member Button asked for clarification regarding the Ralston Park restrooms project.***

***City Council Member Cale spoke regarding the budget process and staff needs.***

***MOTION: City Council Member Cale moved to adopt Joint Authority Resolution No. 3397-23, Resolution No. AFD 1-2023, and Resolution No. SA 2023-3 adopting the Fiscal Year 2023-24 budget, approving Fund Expenditures and Fund Transfers, and Five-Year Capital Improvement Program with any modifications from the budget review and public hearing; to adopt Resolution No. 3398-23 establishing the Fiscal Year 2023-24 Appropriations Limitation; to adopt Resolution No. 3401-23 amending the City of Atwater Classification Plan and adopting Salary Schedule A-24, effective June 22, 2023. The motion died for lack of a second.***

***MOTION: Mayor Pro Tem Raymond moved to adopt Joint Authority Resolution No. 3397-23, Resolution No. AFD 1-2023, and Resolution No. SA 2023-3 adopting the Fiscal Year 2023-24 budget, approving Fund Expenditures and Fund Transfers, and Five-Year Capital Improvement Program with any modifications from the budget review and public hearing; to adopt Resolution No. 3398-23 establishing the Fiscal Year 2023-24 Appropriations Limitation; to adopt Resolution No. 3401-23 amending the City of Atwater Classification Plan and adopting Salary Schedule A-24, effective June 22, 2023, with the stipulation and direction that staff at the beginning of Fiscal Year 2023-24 return to City Council for further direction regarding American Rescue Plan Act ("ARPA") funds. 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.***

***City Council Member Ambriz left the meeting at 7:20 PM.***

**REPORTS AND PRESENTATIONS FROM STAFF:**

Approving New Schedule "A" Agreement with the California Department of Forestry and Fire Protection (CAL FIRE) from July 1, 2023, to June 30, 2026, for Fire Service Operations (CAL Fire Battalion Chief Ayuso)

***CAL Fire Battalion Chief Ayuso provided background information on this item.***

***Mayor Pro Tem thanked Chief Ayuso and Chief Lopes for their leadership.***

***City Council Member Cale asked regarding the change in staffing levels.***

***Mayor Nelson spoke regarding the CAL Fire Contract and thanked the residents for voting for Measure B.***

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

***Gabe Santos spoke regarding staffing levels of the Fire Department.***

***Jim Price spoke regarding staffing levels of the Fire Department.***

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

***MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3403-23 approving a new Schedule "A" agreement with the California Department of Forestry and Fire Protection (CAL FIRE) for fire service operations from July 1, 2023, through June 30, 2026 in an amount not to exceed \$17,335,220 over three years; and authorizing the Mayor to sign the agreement on behalf of the City of Atwater. 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.***

Waiving the first reading, by title only, and introducing an ordinance Amending section 8.16.260 "Solid Waste, Recyclables, and Organic Waste Collection," of chapter 8 "Health and Safety" of the Atwater Municipal Code (Public Works Director Vinson)

***Public Works Director Vinson provided background information on 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: City Council Member Cale moved to waive the first reading and introduce Ordinance No. CS 1063 amending Chapter 8.16.260 "Solid Waste, Recyclables, and Organic Waste Collection," of the Atwater Municipal Code. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Raymond, Button, Nelson; Noes: None; Absent: Ambriz. The motion passed.***

Set Public Hearing Date for New Solid Waste Rates and Rate Adjustment (Public Works Director Vinson)

***Public Works Director Vinson provided background information on this item.***

***Jeff McGarvey and Chris Fisher of Willdan Financial Services provided a PowerPoint presentation 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: City Council Member Button moved to approve setting the public hearing date of August 14, 2023, for the proposed new solid waste rates and rate adjustments. The motion was seconded by Mayor Pro Tem Raymond and the vote was: Ayes: Cale, Raymond, Button, Nelson; Noes: None; Absent: Ambriz. The motion passed.***

**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 opened the public comment.***

***Mary McWatters, ASFCME, spoke regarding the budget process and notices.***

***Debbie Macias, ASFCME, spoke regarding the budget process, notices and ARPA funding.***

***Jim Price spoke regarding the Atwater 4<sup>th</sup> of July celebration and thanked all those that are involved.***

***Linda Dash spoke regarding the public comment process.***

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

***Gabe Santos thanked staff for the budget process and wished everyone a happy Father's Day.***

***Kory Billings spoke regarding the Atwater Feed fire and fundraising efforts.***

***Tina Thurman spoke regarding staff representation.***

***Rich Miller spoke regarding fiscal responsibility and state legislation.***

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

***Mayor Nelson closed the public comment.***

CITY COUNCIL REPORTS/UPDATES:

City Council comments

***City Council Member Cale spoke regarding the Atwater Feed spaghetti dinner on July 1, 2023. He spoke regarding comments that were made during the meeting. He asked for prayers for the loss of the matriarch of their family.***

***City Council Member Button spoke regarding the definition of a "Pet Project" and ARPA funding. He thanked those that spoke regarding Atwater Feed. He wished everyone a Happy Father's Day.***

***Mayor Pro Tem Raymond spoke of the importance of the children in the community and God's promise.***

***Mayor Nelson spoke regarding neighbors helping neighbors and the Citizens' Oversight Committee for Public Safety and Transactions and Use Tax applications due by June 30, 2023. He stated this was Finance Director Youmara last meeting with the City of Atwater. He spoke regarding illegal fireworks and the Nail em' application.***

ADJOURNMENT:

***Mayor Nelson adjourned the meeting at 8:15 PM.***



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JANELL MARTIN  
DEPUTY CITY CLERK