



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

June 26, 2023

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 4:31 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 Button, Cale, Mayor Nelson
Absent: City Council Member Ambriz, Mayor Pro Tem Raymond
Staff Present: City Manager Waterman, City Attorney Splendorio, 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 4:32 PM. Closed Session was called to order at 4:36 PM.

City Council Member Ambriz and Mayor Pro Tem Raymond joined Closed Session in Conference Room A.

Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: Samuel Joseph v. City of Atwater; Case No. 1:20-cv-00811-DAD-EPG

Conference with Labor Negotiators - Government Code Section 54957.6, Agency Negotiators: City Manager Waterman and Human Resources Director Sousa Bargaining Units: AFSCME Local 2703 - Clerical Employees Unit, Mid-Managers Group, and Miscellaneous Employees Unit

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

Closed Session adjourned at 5:55 PM.

REGULAR SESSION: (Council Chambers)

The City Council of the City of Atwater met in Regular Session this date at 6:02 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 Rich Miller.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Ava Dai're.

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, Battalion Chief Ayuso, Battalion Chief/Fire Marshal Lopes, Police Chief Salvador, Deputy City Manager/Community Development Director Thompson, Public Works Director Vinson, 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 regarding the first two matters listed on the agenda.

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 Mayor Pro Tem Raymond and the vote was: Ayes:

Cale, Ambriz, Raymond, Button, Nelson; Noes: None; Absent: None. The motion passed.

CEREMONIAL MATTERS:

Presentation of the 2022 Atwater City Firefighter of the Year award to Fire Apparatus Engineer Erik Long

Battalion Chief Ayuso presented Fire Apparatus Engineer Erik Long the 2022 Firefighter of the Year Award.

Arturo Martinez presented the Firefighter of the Year award on behalf of Senator Caballero's office.

Mayor Nelson presented the Firefighter of the Year award to Engineer Erik Long on behalf of the City Council.

PRESENTATIONS:

Merced County Association of Governments (MCAG) Measure V 2023 Annual Report

Stacie Guzman, Executive Director of MCAG provided a 2023 Annual Report via PowerPoint.

Monthly report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***County Economic Development Staff is working with City Staff on the Comprehensive Economic Development Strategy (CEDs).***
- ***Friday, June 30th Movie in the Parade Grounds showing Maverick.***
- ***Department of Workforce Investment Job Fair at Blaker Brewery on September 26, 2023.***

CONSENT CALENDAR:

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

No one came forward to speak.

Mayor Nelson closed the public comment.

MOTION: Mayor Pro Tem Raymond moved to approve the Consent Calendar 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.

TREASURER'S REPORT:

1. May 31, 2023

ACTION: Approval of report as listed.

WARRANTS:

2. June 26, 2023

ACTION: Approval of warrants as listed.

MINUTES: (City Council)

3. May 30, 2023 – Special meeting

ACTION: Approval of minutes as listed.

AGREEMENTS:

4. Approving a Purchase Agreement (Purchase Order) with Calgon Carbon for Granulated Activated Carbon Exchange at Central Site (Public Works Director Vinson)

ACTION: Approves a Purchase Agreement (Purchase Order) to Calgon Carbon of Moon Township, Pennsylvania for Granulated Activated Carbon Exchange (GAC) at Central Site, in an amount not to exceed \$133,802; and authorizes and directs the City Manager or her designee to execute the Agreement (Purchase Order) on behalf of the City.

5. Approving a Purchase Agreement (Purchase Order) with Shannon Pump Co. of Merced, California, for the purchase of a new pump and motor for Well 13 (Public Works Director Vinson)

ACTION: Approves a Purchase Agreement (Purchase Order) with Shannon Pump Co. of Merced, California, for the purchase of a new pump and motor for Well 13, in an amount not to exceed \$109,597.28; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

6. Approving the Third Amendment to the General Services Agreement with JaniTek Cleaning Solutions of Stockton, California for the cleaning and disinfecting of City-Owned buildings (Public Works Director Vinson)

ACTION: Approves the Third Amendment to the General Service Agreement with JaniTek Cleaning Solutions, of Stockton, CA, in a form approved by the City Attorney, for the cleaning and disinfecting of city-owned buildings, in an amount not to exceed \$140,316.00 per year, plus up to an additional \$25,000 for any

additional City facilities; and authorizes and directs the City Manager, or her designee, to execute the Third Amendment on behalf of the City.

7. Awarding a Sole Source Purchase of UV Disinfection System, Lamps, Sleeves, and Electrical parts for the Wastewater Treatment Plant Trojan 3000PLUS UV Disinfection System (Public Works Director Vinson)

ACTION: Awards a sole source purchase to Trojan Technologies of London, Ontario for the purchase of new UV Disinfection System Lamps, Sleeves, and associated parts for the Wastewater Treatment Plant, in an amount not to exceed \$131,199.71; and authorizes and directs the City Manager or her designee to execute the purchase order on behalf of the City.

RESOLUTIONS

8. Resolution approving Fiscal Year 2023-24 Annual SB1 Project List (Deputy City Manager/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3408-23 approving Fiscal Year 2023-24 annual Project List funded by SB 1, The Road Repair and Accountability Act of 2017; and authorizes and directs the City Manager to transmit a certified copy of the resolution to the California Transportation Commission.

9. Resolution initiating proceedings for the Annual Assessments Levy with respect to the various assessment maintenance districts for Fiscal Year 2023/24 (Deputy City Manager/ Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3409-23, initiating proceedings for the Annual Assessments Levy with respect to the various Assessment Maintenance Districts for Fiscal Year 2023/24 pursuant to the provisions of Part 2 of Division 15 of the Streets and Highways Code of the State of California.

10. Resolutions ordering the engineer to prepare and file reports, declaring the City's intent to collect, preliminarily approving engineer's reports, and setting a public hearing for the collection of annual levy for various assessment maintenance districts for Fiscal Year 2023/24 (Deputy City Manager/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3410-23 ordering the City's Assessment Engineer to prepare and file the Engineer's Reports for the collection of the proposed annual assessments for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2023/24; Adopt Resolution No. 3411-23 declaring the City's intention to levy and collect the annual assessments for various assessment maintenance districts for Fiscal Year 2023/24, granting preliminary approval of the Engineer's Reports, and setting a public hearing date for said assessments for July 10, 2023.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

11. Adoption of 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)

ACTION: Waiving the second reading and adopting Ordinance No. CS 1063 amending Chapter 8.16.260 "Solid Waste, Recyclables, and Organic Waste Collection," of the Atwater Municipal Code.

PUBLIC HEARINGS:

Resolution adopting the updated City of Atwater Americans with Disabilities Act (ADA) Self-Evaluation and Transition Plan (SETP) (Deputy City Manager/Community Development Director Thompson)

Mayor Nelson opened the public hearing.

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

City Council Member Button spoke regarding the visually impaired.

Mayor Nelson spoke regarding public outreach.

Val Dai're, High School, teacher spoke regarding students with disabilities and independence.

No one else came forward to speak.

Mayor Nelson closed the public hearing.

MOTION: City Council Member Button moved to adopt Resolution No. 3405-23 Updating the City of Atwater American with Disabilities Act (ADA Self Evaluation and Transition Plan (SETP)). 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.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Budget Amendment amending the 5-Year Capital Improvement Program allocating funding for City Wide Traffic Signals Synchronization Project; and authorizing and directing City Manager to execute all agreements or documents required for Project (Deputy City Manager/Community Development Director Greg Thompson)

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

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

No one came forward to speak.

MOTION: City Council Member Cale moved to adopt Resolution No. 3406-23 approving Budget Amendment No. 1, amending Fiscal year 2023-24 Budget to allocate funding for City Wide Traffic Signals Synchronization and amending the 5-Year Capital Improvement Program, in the amount not to exceed \$1,350,793.00; and adopt Resolution No. 3407-23 authorizing and directing the City Manager or her designee to execute any agreements or documents, on behalf of the City, relating to Federal Aid (CMAQ) Project No. CML-5254(034), City Wide Traffic Signals Synchronization. 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.

Resolution Awarding a Services Agreement and Franchise for Temporary Roll-Off Collection Service to Central Valley Disposal of Atwater, California (Public Works Department Vinson)

Public Works Director Vinson provided background information on this item.

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

No one came forward to speak.

MOTION: City Council Member Cale moved to adopt Resolution No. 3404-23 awarding a Services Agreement and Franchise for Temporary Roll-Off Collection Services, in a form approved by the City Attorney, with Central Valley Disposal of Atwater, California for the provision of Temporary Roll-Off services to the Atwater residents and/or commercial businesses; and authorizes the Mayor of City of Atwater to execute said agreement. 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.

Mayor Pro Tem Raymond left the meeting at 6:37 PM.

Presentation regarding illegal fireworks reporting smartphone application "Nail 'em" created by TNT Fireworks (Battalion Chief/Fire Marshal Lopes)

Battalion Chief/Fire Marshal Lopes presented a PowerPoint presentation on this item.

CITY MANAGER REPORTS/UPDATES:

City Manager Updates

City Manager Waterman reported the following:

City Manager Waterman spoke regarding Utility (Water, Sewer, Storm, and Sanitation) Services in the City of Atwater.

- **Completion of 1,2,3 – TCP project and start and construction of a new production well.**
- **Continuous system evaluation of the City's Sewer system and reconstruction of New Lift stations for Sewer to provide reliability and ensure safe working conditions for our employees.**
- **Evaluation of expanding the capacity at the Wastewater Treatment Plant.**
- **Continuously taking opportunities to install upgrades where necessary (saving time and money) regarding road surfaces. Installing new facilities in flood active areas.**
- **New Sanitation/waste handling contract will begin July 1, 2023 with Mid Valley Disposal.**
- **Notices have started to be sent in the Newsletter regarding 60 days past due amounts for Utility bills.**

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 public comment.

Lesa Rasmussen spoke regarding Atwater Little League and an amendment to the contract.

Arturo Martinez, District Representative for Senator Anna Caballero provided an update regarding the Senator's office.

Mary McWatters, ASFCME, spoke regarding ARPA funds.

Linda Dash spoke regarding Public Works employees.

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

Jim Price spoke regarding the aircraft seen at Castle and the warrants.

Pastor Rich Miller spoke regarding bills going before the State Assembly.

Gabe Santos spoke regarding the city employees, City Manager. He spoke regarding fireworks. He thanked the Mayor, City Council Members, City Manager,

and all city staff.

Jeannie Knight thanked the City Council for approving the Central Valley Disposal agreement and spoke regarding the City Christmas tree. No one else came forward to speak.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

City Council comments

City Council Member Cale wished everyone a wonderful 4th of July, he thanked Public Works and the Police Department for preparing the road closures for the Portuguese festa over the weekend. He reminded everyone there was a fundraiser Saturday, July 1st, for the Atwater Feed Store at CVO.

City Council Member Button spoke regarding his 12-year anniversary with his wife, asked regarding an update with Caltrans for the City of Atwater. He spoke regarding various Assembly Bills.

City Council Member Ambriz wished everyone a happy and safe 4th of July.

Mayor Nelson had no comments.

ADJOURNMENT:

Mayor Nelson adjourned the Regular Session to Conference Room A for the continuation of Closed Session at 7:18 PM. Closed Session was called to order at 7:28 PM.

CLOSED SESSION

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

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION

City Attorney Splendorio reported that the City Council received information and provided direction regarding the remaining Closed Session item on the agenda. There was no reportable action. The Closed Session item was completed.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 8:45 PM.

Janella Martin

JANELL MARTIN
DEPUTY CITY CLERK