



# CITY OF ATWATER

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## CITY COUNCIL ACTION MINUTES

**August 14, 2023**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater and the Governing Board met in Open Session this date at 5:30 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, Deputy City Manager/Community Development Director Thompson, Public Works Director Vinson, Assistant 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 5:32 PM. Closed Session was called to order at 5:35 PM.*

Conference with Labor Negotiators - Government Code Section 54957.6, Agency Negotiators: 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 5:58 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 Mayor Nelson.***

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 Nelson  
Absent: Mayor Pro Tem Raymond  
Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, Battalion Chief Ayuso, Deputy City Manager/Community Development Director Thompson, Human Resources Director Sousa, Public Works Director Vinson, City Clerk Billings, Assistant 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: City Council Member Ambriz moved to approve the agenda as amended. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: None; Absent: Raymond. The motion passed.***

***Recognition for Nevaeh – Nicole Ross Burton is postponed until she arrives to the meeting this evening.***

CEREMONIAL MATTERS:

Oath of Office - Police Officer

**City Clerk Billings administered the oath of office to the newly appointed Police Officer: Roberto Vargas**

**PRESENTATIONS**

Presentation to Mayor Nelson and City Manager Waterman by the Atwater-Winton Lyons Club

**The Atwater-Winton Lions Club made the presentation and donation to Mayor Nelson and City Manager Waterman in the amount of \$10,000 for Veteran's Park Ballfield renovations including scoreboard and lighting.**

Mid Valley Disposal verbal update regarding Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services

**Joe Heisdorf, CFO, Jay Follower, District Manager, and Billy Miller, Recycling Programs Manager of Mid Valley Disposal presented a PowerPoint presentation giving an overview of services provided in the City of Atwater.**

**CEREMONIAL MATTERS:**

Recognition - Nevaeh – Nicole Ross Burton

**City Council Member Button recognized Nevaeh – Nicole Ross Burton for encouraging confidence and character regarding accessibility awareness amongst students and teachers.**

**CONSENT CALENDAR:**

**Agenda item #5 under Agreements, "Approving First Amendment to Use Agreement with Atwater Little League regarding use of City fields for organized baseball, softball and T-ball activities" was removed from the Consent Calendar for separate discussion and possible action.**

**Mayor Nelson opened the public comment.**

**Lesla Rasmussen, Atwater Little League Secretary spoke regarding the Atwater Little League Agreement.**

**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 amended. The motion was seconded by City Council Member Button and the vote**

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

**WARRANTS:**

1. a) July 24, 2023  
b) August 14, 2023

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

**MINUTES: (Planning Commission)**

2. June 21, 2023 – Regular meeting

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

**MINUTES: (City Council)**

3. a) June 26, 2023 – Regular meeting  
b) July 10, 2023 – Regular meeting

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

**AGREEMENTS:**

4. Approving a Purchase Agreement (Purchase Order) with Aqueous Vets for Granulated Activated Carbon Exchange at Well 15 (Public Works Director Vinson)

**ACTION: Approves a Purchase Agreement (Purchase Order) to Aqueous Vets of Danville, California for Granulated Activated Carbon Exchange (GAC) at Well 15, in an amount not to exceed \$128,026; and authorizes and directs the City Manager or her designee to execute the Agreement (Purchase Order) on behalf of the City.**

5. Approving First Amendment to Use Agreement with Atwater Little League regarding use of City fields for organized baseball, softball and T-ball activities (City Manager Waterman)

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

6. Approving Amendment to Current Assistance By Hire (ABH) Agreement (CAL Fire Battalion Chief Ayuso)

**ACTION: Approves amendment to the current Assistance By Hire Agreement (ABH), in a form approved by the City Attorney, with CAL FIRE Madera-Mariposa-**

***Merced Unit; and authorizes and directs the City Manager, or their designee, to execute any and all documents related to the Assistance By Hire Agreement.***

7. Approving Amendment No. 2 to the Professional Service Agreement to Data Path Inc of Modesto, California for Augmented Managed Information Technology (IT) Support Services (Public Works Director Vinson)

***ACTION: Approves Amendment No. 2 to Professional Service Agreement, in a form approved by the City Attorney, to Data Path Inc of Modesto, California for Augmented Managed Information Technology Support Services; and authorizes and directs the City Manager to execute Amendment No. 2 on behalf of the City.***

#### RESOLUTIONS

8. Approving Budget Amendment appropriating funds derived from the Bureau of Community Corrections, Officer Wellness and Mental Health Grant Program (Police Chief Salvador)

***ACTION: Adoption of Resolution No. 3420-23 approving Budget Amendment No. 3 amending the Fiscal Year 2023-24 Budget regarding appropriating funds in the amount of \$20,000.00 to the Fiscal Year 2023-24 Police Grants Budget derived from the Bureau of Community Corrections Officer Wellness and Mental Health Grant Program.***

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

9. Waiving the second reading and adopting an ordinance of the City Council 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)

***ACTION: Waiving the second reading and adopting Ordinance No. CS 1065 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.***

#### PUBLIC IMPROVEMENTS:

10. Accepting Applegate Pump Station Rehab Project as complete (Public Works Director Vinson)

***ACTION: Accepts work as done under the contract for Applegate Pump Station Rehab Project, City Project 20-16; 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 \$47,632.43.***

11. Accepting Osborn Park Restroom Project as complete (Public Works Director Vinson)

***ACTION:*** *Accepts work as done under the contract for Osborn Park Restroom Project, City Project 22-05; authorize and direct the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$3,716.35.*

AGREEMENTS

Approving First Amendment to Use Agreement with Atwater Little League regarding use of City fields for organized baseball, softball and T-ball activities (City Manager Waterman)

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

***City Council Member Ambriz stated that he requested this item to be pulled off the Consent Calendar to inform residents regarding the agreement.***

***Public Works Director Vinson provided background information regarding all repairs that have been made by Atwater Little League per the Agreement.***

***Lesa Rasmussen, Atwater Little League Secretary provided clarification regarding concerns and repairs.***

***City Council Member Button spoke regarding plans for equipment and uniforms.***

***City Council Member Cale asked regarding the plans for the additional fields.***

***Mayor Nelson opened the public comment.***

***Linda Dash spoke regarding youth sports and recreational facilities.***

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

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

***MOTION:*** *City Council Member Ambriz moved to postpone this item to the City Council Meeting of September 11, 2023. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Ambriz, Button; Noes: Nelson; Absent: Raymond. The motion passed.*

PUBLIC HEARINGS:

Resolution Approving Rate Study and Adopting New Rates for Solid Waste Services (Public Works Director Vinson)

**City Attorney Splendorio explained the requirements of Proposition 218 governing the public hearing.**

**Mayor Nelson provided directions to the public on how the public hearing will be conducted.**

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

**Mayor Nelson opened the public hearing.**

**Sherry Uyer spoke regarding the notification received and the need for the bins.**

**Linda Jefferson spoke regarding the size of the bins received associated with the cost.**

**Linda Dash spoke regarding the rates.**

**Mayor Nelson asked if there was anyone else that would like to submit a written protest.**

**No one else came forward to submit a written protest.**

**Mayor Nelson closed the public hearing.**

**Mayor Nelson asked if there was a need to take a recess to tabulate the written protests.**

**Assistant City Clerk Martin stated there wasn't a need for a recess.**

**Assistant City Clerk Martin reported there were 25 written protests received prior to the close of the public hearing. A majority protest did not exist.**

**Mayor Nelson stated that based on the number of valid written protests submitted prior to the close of the public hearing, a majority protest does not exist.**

**City Council Member Ambriz asked regarding information provided pertaining to "majority."**

**City Attorney Splendorio provided information.**

**Public Works Direction Vinson provided information regarding questions asked by residents during the public hearing.**

**MOTION: City Council Member Cale moved to adopt Resolution 3424-23 approving Willdan Financial Services Comprehensive Cost of Service Sanitation Rate Study dated June 12, 2023 and adopting new rates for solid waste services effective September 1, 2023. The motion was seconded by City Council Member Button and**

***the vote was: Ayes: Cale, Button, Nelson; Noes: Ambriz; Absent: Raymond. The motion passed.***

Public Hearing for 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Police Chief Salvador)

***Police Chief Salvador 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 Ambriz moved to adopt Resolution No. 3422-23, authorizing the grant application in the amount of \$14,784 to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and authorizing and directing the City Manager to execute Grant Application, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: None; Absent: Raymond. The motion passed.***

**REPORTS AND PRESENTATIONS FROM STAFF:**

Finance Director Employment Agreement (City Manager Waterman)

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

***Anna Nicholas briefly introduced herself.***

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

***Keith Pelowski spoke regarding the compensation of the Finance Director.***

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

***MOTION: City Council Member Ambriz moved to ratify Finance Director Employment Agreement in the annual amount of \$149,957.44 plus benefits with Anna B. Nicholas, in a form approved by the City Attorney; and authorize and direct the City Manager to execute the Agreement on behalf of the City. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: None; Absent: Raymond. The motion passed.***

Approving Second Amendment to City Manager Employment Agreement (Human Resources Director Sousa)



**City Attorney Splendorio provided background information on this item.**

**Mayor Nelson spoke regarding the Second Amendment to City Manager Employment Agreement and his no vote.**

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

**Jim Price spoke regarding the City Manager position.**

**Gabriel Santos spoke regarding the City Manager position.**

**Linda Dash spoke regarding the City Manager, Police Chief and Finance Director and Police Chief positions.**

**Keith Pelowski spoke regarding litigation.**

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

**City Council Member Cale spoke regarding the Second Amendment to the City Manager Employment Agreement and his experience working with the City Manager.**

**City Council Member Button spoke regarding the Second Amendment to the City Manager Employment Agreement and his experience working with the City Manager.**

**MOTION: City Council Member Button moved to approve the Second Amendment to City Manager Employment Agreement, in a form approved by the City Attorney, with Lori Waterman and authorizes and directs the Mayor to execute the Amendment on behalf of the City. The motion was seconded by City Council Member Cale and the vote was: Ayes: Cale, Ambriz, Button; Noes: Nelson; Absent: Raymond. The motion passed.**

**CITY MANAGER REPORTS/UPDATES:**

**City Manager thanked the Mayor and City Council.**

**City Manager Watermen made a statement regarding her Employment Agreement.**

**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.**

**Linda Dash spoke regarding County of Merced sewer contract.**

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

**Jim Price spoke regarding County of Merced sewer contract Castle Sewer Rates.**

**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 Officer Vargas and newly appointed Finance Director Nicholas. He thanked the Lions Club for their generous donation and congratulated Nevaeh – Nicole Ross Burton on her accomplishments. He thanked the City Manager and stated that he was thankful to work with her for another year. He spoke regarding the County of Merced agreement and asked the County of Merced representation come to the next City Council to speak on this item.**

**City Council Member Button welcomed Finance Director Nicholas. He spoke regarding the start of school and to be safe on the roads. He spoke regarding decisions made by the City Council.**

**City Council Member Ambriz congratulated Nevaeh – Nicole Ross Burton on her accomplishments. He welcomed Officer Vargas and Finance Director Nicholas and thanked the Lions Club for the generous donation for the City of Atwater. He spoke regarding the Atwater Little League Agreement and the plan regarding the fields. He spoke regarding the Juniper Elementary School, the beautiful campus and congratulated Superintendent Lobao. He congratulated City Manager Waterman for her agreement renewal.**

**Mayor Nelson welcomed Finance Director Nicholas.**

**ADJOURNMENT:**

**Mayor Nelson adjourned the meeting at 8:14 PM.**



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JANELL MARTIN  
ASSISTANT CITY CLERK