



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

August 28, 2023

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:01 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 5:02 PM. Closed Session was called to order at 5:05 PM.

City Council Member Ambriz 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: 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 6:01 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 Michael Giordano.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Nelson

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, Finance Director Nicholas, Deputy City Manager/Community Development Director Thompson, 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 regarding the two matters listed on the agenda and will reconvene and the regular session.

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

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- ***Spoke regarding the agreement with the County of Merced and the City of Atwater Wastewater treatment.***
- ***Atwater Merced Expressway, EPA and the timeline.***

CONSENT CALENDAR:

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

Jim Price came forward to request item #9 be pulled from the consent calendar for further discussion.

No one else came forward to speak.

Mayor Nelson closed the public comment.

Agenda item #9 under Resolutions, "Adopting City Council Goal Setting Priorities 2023-2025" was removed from the Consent Calendar for separate discussion and possible action.

MOTION: City Council Member Cale moved to approve the Consent Calendar as amended. 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.

TREASURER'S REPORT:

1. a) June 30, 2023
b) July 31, 2023

ACTION: Approval of report as listed.

WARRANTS:

2. August 28, 2023

ACTION: Approval of warrants as listed.

MINUTES: (Planning Commission)

3. July 19, 2023 – Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (City Council)

4. August 14, 2023 – Regular meeting

ACTION: Approval of minutes as listed.

AGREEMENTS:

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

ACTION: Approves a Purchase Agreement (Purchase Order) to Aqueous Vets of Redding, California for Granulated Activated Carbon (GAC) Exchange at Central Site, in an amount not to exceed \$127,026; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

6. Approving On-Call Building Services to support staff with Residential and Commercial Structural plan checking, and Residential and Commercial Fire Plan Checking, Permit Technician support, CAsp (ADA) inspections, and Building Inspections for Commercial, Residential, and Industrial construction 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 CSG Consultants of Newman, California, BPR Consulting Group of Roseville, California, Interwest of Fresno, California and True North Compliance Services of Long Beach, California, with an amount not to exceed of \$200,000 per task order (per agreement), for a 3-year term for each of the agreements, and authorizes and directs the City Manager to execute the agreements on the behalf of the City.

7. Approving a General Services Agreement with Merced Area Sports Officials (MASO) (City Manager Waterman)

ACTION: Awarding a General Services Agreement, in a form approved by the City Attorney, with Merced Area Sports Officials of Merced, California, in the amount not to exceed \$4,410.00, for managing the scheduling of the sports officials, plus a separate cost per sports official per athletic activity, as outlined in the fee structure; and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.

RESOLUTIONS:

8. Approving Budget Amendment appropriating funds from the 2023 Edward Byrne

Memorial Justice Assistance Grant (JAG) Program (Police Chief Salvador)

ACTION: Adoption of Resolution No. 3423-23 approving Budget Amendment No. 4 amending the Fiscal Year 2023-24 Budget regarding appropriating funds in the amount of \$14,784.00 to the Fiscal Year 2023-24 Police Grants Budget derived from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

9. Adopting City Council Goal Setting Priorities 2023-2025 (City Manager Waterman)

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

RESOLUTIONS:

Adopting City Council Goal Setting Priorities 2023-2025 (City Manager Waterman)

City Manager Waterman provided background information on this item.

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

Jim Price spoke regarding the City Council Goal Setting Priorities.

No one else came forward to speak.

MOTION: City Council Member Cale moved to Adopt Resolution No. 3419-23 Adopting City Council Goal Setting Priorities 2023-2025. 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:

Verbal General Plan Update - Planning Area (Deputy City Manager/Community Development Director 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.

Awarding Professional Services Agreement to Cole Pro Media, LLC for Transparency Engagement Services, and awarding Professional Services Agreement to Critical Incident Videos, LLC (Police Chief Salvador and City Manager Waterman)

Police Chief Salvador provided background information on this item.

City Manager Waterman provided clarification regarding which Professional Service Agreement would cover which service.

Mayor Pro Tem Raymond asked regrading regarding the Request for Proposal process.

City Council Member Button asked for clarification regarding the use of the Professional Service.

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

Jim Price spoke regarding Professional Services Agreements for Transparency and social media.

Linda Dash spoke regarding Critical Incident Videos, LLC and the cost associated.

Keith Pelowski spoke regarding the cost associated with Professional Services Agreements.

No one else came forward to speak.

Mayor Nelson spoke regarding the agreement and the uses for such agreement in the City.

MOTION: City Council Member Cale moved to award a Professional Services Agreement, in a form approved by the City Attorney, to Cole Pro Media, LLC of Vacaville, California, for Transparency Engagement Services in an amount not to exceed \$32,500; and authorize the City Manager to execute the agreement on behalf of the City; and award a Professional Services Agreement, in a form approved by the City Attorney, to Critical Incident Videos, LLC of Vacaville, California, for Transparency Engagement for Critical Incident Videos on an as-needed basis in an amount not to exceed \$6,000 per video; and authorize 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: Raymond; Absent: None. The motion passed.

CITY MANAGER REPORTS/UPDATES:

City Manager Updates

City Manager Waterman reported the following:

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

- **Notices have sent in the Newsletter regarding 60 days past due amounts for Utility bills.**
- **Customers that have past due amounts need to reach out to the Finance Department to set up payment arrangements.**

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.

Jim Price spoke regarding Closed Session.

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

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

City Council comments

City Council Member Cale had no comments.

City Council Member Button had no comments.

City Council Member Ambriz had no comments.

Mayor Pro Tem Raymond spoke regarding the City of Atwater Miss Atwater pageant is to be held Saturday, September 9, 2023 at 7:00 PM at Juniper Elementary School.

Mayor Nelson welcomed Finance Director Anna Nicholas on her first day.

Mayor Pro Tem Raymond stated that he was an active party to the litigation as stated in Closed Session Agenda. He will not be participating in the Closed Session for the remainder of the Closed Session Agenda.

ADJOURNMENT:

Mayor Nelson adjourned the Regular Session to Conference Room A for the continuation of Closed Session at 6:37 PM. Closed Session was called to order at 6:40 PM.

CLOSED SESSION:

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: Atwater Police Officers Association, AFSCME Local 2703 - Clerical Employees Unit, Mid-Managers Group, Miscellaneous Employees Unit and Unrepresented Management and Confidential Employees.

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported the City Council convened in Closed Session regarding both matters listed on the Closed Session. As it relates to Labor negotiations the City Council received information and provided direction, there was no reportable action. As it relates to existing litigation, by a vote of 4-0, Mayor Pro Tem Raymond recused himself. The City Council approved a Settlement Agreement pursuant to State Law and the Brown Act, City Attorney Splendorio read the key points and the Agreement will be available the following day by Public Records Request.

The Closed Session items were completed.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 7:07 PM.



JANELL MARTIN
ASSISTANT CITY CLERK