



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**September 11, 2023**

OPEN SESSION: (Council Chambers)

***The City Council of the City of Atwater and the Governing Board met in Open Session this date at 5:03 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 Cale, Button, Mayor Pro Tem Raymond, Mayor Nelson***

***Absent: City Council Member Ambriz***

***Staff Present: City Manager Waterman, City Attorney Splendorio, Deputy City Clerk Peralta***

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 5:04 PM. Closed Session was called to order at 5:07 PM.***

Conference with Labor Negotiators - Government Code Section 54957.6, Agency Negotiators: City Manager Waterman, Police Chief Salvador and Human Resources Director Sousa Bargaining Units: Atwater Police Officers Association, AFSCME Local 2703 - Mid-Managers Group.

*Closed Session adjourned at 6:00 PM.*

REGULAR SESSION: (Council Chambers)

***The City Council of the City of Atwater met in Regular Session this date at 6:04 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 Chaplain Steve Mead.***

PLEDGE OF ALLEGIANCE TO THE FLAG:

***The pledge of allegiance to the flag was led by City Council Member Cale.***

ROLL CALL: (City Council)

***Present: City Council Members Button, Cale, Mayor Pro Tem Raymond, Mayor Nelson***  
***Absent: City Council Member Ambriz***  
***Staff Present: City Manager Waterman, City Attorney Splendorio, Police Chief Salvador, Battalion Chief Ayuso, Finance Director Nicholas, Public Works Director Vinson, City Clerk Billings, Deputy City Clerk Peralta***

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: Mayor Pro Tem Raymond moved to approve the agenda as posted. 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.***

CEREMONIAL MATTERS:

Recognition - Outgoing Miss Atwater 2022, Hallie Billings

***Mayor Nelson recognized outgoing Miss Atwater 2022, Hallie Billings and her year of accomplishments while representing the City of Atwater.***

Recognition - Miss Atwater 2023

**Mayor Nelson recognized and welcomed the newly crowned Miss Atwater 2023, Sophia Lomeli.**

CONSENT CALENDAR:

**Mayor Nelson opened the public comment.**

**No one 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, Raymond, Button, Nelson; Noes: None; Absent: Ambriz. The motion passed.**

WARRANTS:

1. a) September 11, 2023

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

MINUTES: (Citizens' Oversight Committee)

2. June 6, 2023 – Regular meeting

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

AGREEMENTS:

3. Approving a Purchase Agreement (Purchase Order) with Calgon Carbon for Granulated Activated Carbon Exchange at Wells 16, 18 and 19 (Public Works Director Vinson)

**ACTION: Approves a Purchase Agreement (Purchase Order) with Calgon Carbon of Moon Township, Pennsylvania for Granulated Activated Carbon (GAC) Exchange at Well 16, 18 and 19 for an amount not to exceed \$375,957 and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.**

4. Approving Amendment No. 2 to the Professional Services Agreement with VVH Consulting regarding Fruitland Avenue Reconstruction Project (Public Works Director Vinson)

***ACTION: Approves Amendment No. 2 to the Professional Service Agreement (“Amendment No.2”), in a form approved by the City Attorney, with VVH Consulting Engineer (VVHCE), Inc. for the Fruitland Avenue Reconstruction Phase 3 Project in an increased amount of \$212,590.00; and authorizes the City Manager to execute Amendment No.2 on behalf of the City.***

CALL FOR BIDS:

5. Approving Specifications and Authorizing Advertising and Calling for Bids for First Street Overlay Project (Public Works Director Vinson)

***ACTION: Approves the specifications and authorizing advertising and calling for bids for the First St Overlay Project, Project No. 23-06, Bid Call Number 722-23.***

RESOLUTIONS:

6. Authorizing submittal of a grant application to San Joaquin Air Pollution Control District (SJVAPCD) for Public Benefit Grant in an amount up to \$100,000, New Alternative Fuel Vehicle Program and Approving Specifications, Authorizing Advertising and Calling for Bids of Four (4) Ford F-150 Lighting Electric Trucks (Police Chief Michael Salvador)

***ACTION: Adoption of Resolution No. 3421-23 authorizing submittal of a grant application to the San Joaquin Air Pollution Control District Alternative Public Benefit Grant, Alternative Fuel Vehicle Program; and Approves specifications and authorizes advertising and calling for bids for Bid Call No. 721-23; “Purchase of Four (4) Ford F-150 Lighting Electric Trucks; and authorizes and directs the City Manager or her designee to execute all documents on behalf of the City.***

7. Approving and Ratifying a Side Letter Agreement Between the City of Atwater and the Atwater Police Officers’ Association (APOA) (Human Resources Director Sousa)

***ACTION: Adoption of Resolution No. 3429-23 approving and ratifying a side letter agreement between the City of Atwater and the Atwater Police Officers’ Association (APOA) regarding terms and conditions of employment relating to Public Safety Dispatchers, specifically Article 7 (Work Week and Schedule), Section 7.2.2 (Public Safety Dispatchers) of the current Memorandum of Understanding (MOU) and authorizing and directing the City Manager to execute the agreement on behalf of the City.***

PUBLIC HEARINGS:

Adopting resolution amending the Fiscal Year 2023-2024 Miscellaneous Fee Schedule (Finance Director Nicholas and Public Works Director Vinson)

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

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

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

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

***MOTION: City Council Member Button moved to adopt Resolution No. 3425-23 amending the City of Atwater's Miscellaneous Fee Schedule for Fiscal Year 2023-2024. 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.***

**REPORTS AND PRESENTATIONS FROM STAFF:**

Resolution amending the Water Discontinuation Policy complying with the Water Shutoff Protection Act Senate Bill 998 (Finance Director Nicholas)

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

***Mayor Nelson asked if this item was regarding commercial rates.***

***Finance Director Nicholas provided clarification.***

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

***No one came forward.***

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

***MOTION: City Council Member Button moved to adopt Resolution No. 3426-23 amending Water Discontinuation Policy section 4. "Payment Arrangements," complying with the Water Shutoff Protection Act Senate Bill 998. The motion was seconded by Mayor Pro Tem Button and the vote was: Ayes: Cale, Raymond, Button, Nelson; Noes: None; Absent: Ambriz. The motion passed.***

Approving Budget Amendment regarding American Rescue Plan Act Fund and Premium Pay (City Manager Waterman)

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

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

***No one came forward.***

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

***MOTION: City Council Member Button moved to adopt of Resolution No. 3427-23 approving Budget Amendment No. 5 amending Fiscal Year 2023-24 Budget regarding American Rescue Plan Act. The motion was seconded by Mayor Nelson and the vote was: Ayes: Cale, Button, Nelson; Noes: Raymond; Absent: Ambriz. The motion passed.***

Approving Acceptance of Assistance to Firefighters Grant (AFG) and Approving Budget Amendment Appropriating Funds (CAL FIRE Battalion Chief Ayuso)

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

***City of Merced Fire Chief Parker applauded the City Council for the speed and efficiency of the meeting and commended the City of Atwater for the easy process of putting an MOU together.***

***City of Merced Battalion Chief Wilson thanked the City for the partnership.***

***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 adopt Resolution No. 3428-23 approving Budget Amendment No. 6 amending the Fiscal Year 2023-24 Budget regarding appropriating funds in the amount of \$25,269 the 10% local match of \$252,685 for the Department of Homeland Security, Federal Emergency Management Agency (FEMA) Fiscal Year 2022 Assistance to Firefighters Grant (AFG), as identified in the grant application. 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.***

**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 Nelson opened the public comment.***

***City of Merced Fire Chief Parker spoke about the City of Merced Fire Department taking steps to improve their Emergency Medical Service Response.***

***Jose Peña spoke regarding a water bill he received and asked for clarification.***

***Pastor Miller encouraged people to be kind to each other and work together.***

***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 Remembrance Day event and applauded the staff who were involved in the ceremony. He encouraged the City Council to join him at the Bloss Bowl. He also spoke about electric cars and wished his wife a happy birthday.***

***City Council Member Button spoke about the Bloss Bowl and the importance of 9/11 and the impact it had on people to step forward.***

***Mayor Pro Tem Raymond spoke about 9/11 and remembering the events that occurred in 2012 as well. He wished his grandmother a happy birthday.***

***Mayor Nelson applauded staff in charge of the Remembrance Day event and staff in charge of the Miss Atwater pageant.***

**ADJOURNMENT:**

***Mayor Nelson adjourned the meeting at 6:50 PM.***



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GISELA PERALTA  
DEPUTY CITY CLERK