



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

October 23, 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 Ambriz, Cale, Mayor Nelson
Absent: City Council Member Button, Mayor Pro Tem Raymond
Staff Present: City Manager Waterman, City Attorney Splendorio, Assistant City Clerk Martin

CLOSED SESSION: (Conference Room A)

Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases (1)

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.

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

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

Closed Session adjourned at 5:47 PM.

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 Pastor Rich Miller.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by City Council Member Button.

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, Human Resources Director Sousa, Battalion Chief Ayuso, Public Works Director Vinson, City Clerk Billings, Assistant City Clerk Martin

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported pursuant to Government Code Section 54956.9(d)(2) that the City Council received information, provided direction, and there was no reportable action.

SUBSEQUENT NEED ITEMS: *None*

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

Mayor Pro Tem Raymond reported Merced County District 3 Supervisor McDaniel would not be able to attend the City Council meeting this evening and he would like to remove the monthly report from the agenda.

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

PRESENTATIONS:

Photovoice Project by the Youth Health Advocates, a Community Counteracting Tobacco

Youth Health Advocates, a Community Counteracting Tobacco presented a PowerPoint presentation presenting their various concerns regarding Tobacco use and licensing in the city.

CONSENT CALENDAR:

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

Jim Price spoke regarding items #1 and 2 on the consent calendar.

No one else came forward to speak.

Mayor Nelson closed the public comment.

Agenda item #1 under Treasurer's Report, "August 31, 2023" was removed from the Consent Calendar for separate discussion and possible action.

Agenda item #2 under Warrants, "October 23, 2023" was removed from the Consent Calendar for separate discussion and possible action.

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

TREASURER'S REPORT:

1. September 30, 2023

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

WARRANTS:

2. October 23, 2023

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

MINUTES: (General Plan Technical Advisory Committee)

3. September 6, 2023 – Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (Planning Commission)

4. September 20, 2023 - Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (City Council)

5. a.) September 25, 2023 – Regular meeting
b.) October 9, 2023 – Regular meeting

ACTION: Approval of minutes as listed.

AGREEMENTS:

6. Approving Amendment No. 3 to the Professional Services Agreement with RSG, Inc. for the preparation of Development Impact Fee annual reports pursuant to the requirements of Assembly Bill 1600 (AB 1600) and the Mitigation Fee Act (Finance Director Nicholas)

ACTION: Approves Amendment No. 3 to the Professional Services Agreement in a form approved by the City Attorney, with RSG, Inc of Vista, California for the preparation of the Development Impact Fee reporting requirements, in a total contract amount not to exceed \$50,710, after the approved contract amendment of \$13,500; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

7. Awarding a Cooperative Purchase, Purchase Agreement (Purchase Order) to National Auto Fleet Group for the purchase of seven (7) new 2024 Ford Super Duty F-250 Crew Cab Pickup trucks (Public Works Director Vinson)

ACTION: Awards a Cooperative Purchase, Purchase Agreement (Purchase Order), to National Auto Fleet Group, of Watsonville, California, for the purchase of seven (7) new Ford F-250 Crew Cab Pickup Trucks, in the combined amount not to exceed \$370,48.66; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

8. Approving On-Call Professional Services Agreements with various consultants for As-Needed Planning Services (Deputy City Manager/Community Development Director Thompson)

ACTION: Approves Professional Services On-Call Master Agreements, in a form approved by the City Attorney, with 4LEAF, Inc. of Pleasanton, California, Interwest of Fresno, California, and Precision Civil Engineering, Inc. of Fresno, California, for As- Needed planning services, in an amount not to exceed \$200,000 per Task Order; and authorizes and directs the City Manager, or her designee, to execute the Agreements on behalf of the City.

RESOLUTIONS:

9. Acknowledging Receipt of 2023 Annual City of Atwater Fire Inspection SB1205 Compliance Report (CAL FIRE Battalion Chief Lopes)

ACTION: Adoption of Resolution No. 3432-23 acknowledging receipt of 2023 annual City of Atwater Fire Inspection Compliance Report as mandated by California Senate Bill 1205.

10. Approving and Ratifying a Side Letter Agreement Between the City of Atwater and the American Federation of State, County, and Municipal Employees (AFSCME), Local 2703, Council 57, Pertaining to Certain Terms and Conditions of Employment of the Mid-Managers Group, Relating to Safety Members and Adopting Salary Schedule B-24, Effective October 26, 2023, Relating to the Police Lieutenant Classification (Human Resources Director Sousa)

ACTION: Adoption of Resolution No. 3437-23 Approving and Ratifying a Side Letter Agreement Between the City of Atwater and the American Federation of State, County, and Municipal Employees (AFSCME), Local 2703, Council 57, Pertaining to Certain Terms and Conditions of Employment of the Mid-Managers Group, Relating to Safety Members, and Authorizing and Directing the City Manager to Execute the Agreement on Behalf of the City, and Adoption of Resolution No. 3438-23 Adopting Salary Schedule B-24, Effective October 26, 2023, Relating to the Police Lieutenant Classification.

CALL FOR BIDS:

11. Approving Plans and Specifications and Authorizing Advertising and Calling for Bids for the EV Charging Stations at 750 Bellevue Road (Public Works Director Vinson)

ACTION: Approves the plans and specifications and authorizing and calling for bids for the EV Charging Stations at 750 Bellevue Rd Project, Project No. 19-8, Bid Call Number 723-23.

TREASURER'S REPORT:

September 30, 2023

WARRANTS:

October 23, 2023

Finance Director Nicholas and City Manager Waterman provided background information on these items.

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

Jim Price spoke regarding the fund reporting and travel expenses.

Amanda Sandoval spoke regarding Solar.

No one else came forward to speak.

MOTION: City Council Member Button moved to accept the Treasurer's Report as listed and approved the Warrants as listed. 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.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Plans and Specifications and Authorizing Advertising and Calling for Bids for General Construction Services for Tenant Improvements at 1350 Broadway Avenue (Civic 2 Project) (Public Works Director Vinson)

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

City Council Member Ambriz spoke regarding future growth and technology.

Mayor Pro Tem Raymond spoke regarding funding.

Mayor Nelson spoke regarding parking accommodations.

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

Jim Price spoke regarding funding for the project.

No one else came forward to speak.

MOTION: City Council Member Ambriz moved to approve the plans and specifications and authorizing advertising and calling for bids for the General Construction Services for Tenant Improvements at 1350 Broadway Avenue (Civic Center 2) Project, Project No. 21-03, Bid Call Number 724-23. 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.

Awarding a Professional Services Agreement to Raftelis Financial Consultants, Inc. of Los Angeles, California for a Water and Sewer Rate Study (Public Works Director Vinson)

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

Finance Director Nicholas provided background information on this item.

City Council Member Button spoke regarding the Rate Study and inclusivity.

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

Rich Miller spoke regarding all properties being metered.

Keith Pelowski spoke regarding funding for the Rate Study.

No one else came forward to speak.

MOTION: *Mayor Pro Tem Raymond moved to award a Professional Services Agreement, in a form approved by the City Attorney, to Raftelis Financial Consultants, Inc. of Los Angeles, California for a Water and Sewer Rate Study, in an amount not to exceed \$124,273; and authorizes and directs the City Manager or her designee to execute all contract documents on behalf of the City. 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.*

CITY MANAGER REPORTS/UPDATES:

City Manager Updates

City Manager Waterman reported the following:

- *City Manager Waterman spoke regarding the First Street project.*
- *City Manager Waterman spoke regarding Halloween and to be safe on the streets while driving.*

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.

Eric Chueng spoke regarding tobacco retail license in Atwater.

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

Linda Dash spoke regarding personnel, emails, and police staffing.

Amanda Sandavol spoke regarding Mental Health awareness.

Pastor Rich Miller spoke regarding celebrating 35 years at Victory Baptist Church.

Jim Price spoke regarding the city financials.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

City Council comments

City Council Member Cale spoke regarding Israel and asked to keep them and the Military in your prayers. Happy Thanksgiving to all.

City Council Member Button stated rely on God and pray.

City Council Member Ambriz spoke regarding Halloween and to be careful.

Mayor Pro Tem Raymond congratulated Hallie Billings regarding winning Miss Merced County Teen 2024.

Mayor Nelson spoke regarding the Annual Atwater Police Department Trick or Treat at 3:30 PM to 5:30 PM until bags run out. He spoke regarding the First Street project and the speed of it being completed.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 6:54 PM.



JANELL MARTIN
ASSISTANT CITY CLERK