



# CITY OF ATWATER

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## CITY COUNCIL AND HOUSING SUCCESSOR TO THE ATWATER REDEVELOPMENT AGENCY

### ACTION MINUTES

**December 11, 2023**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater met in Open Session this date at 4:44 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, Raymond, Mayor Nelson  
**Absent:** City Council Members Button  
**Staff Present:** City Attorney Splendorio, City Manager Waterman, Assistant City Clerk Martin

*City Council Member Button came to the dais at 4:45 PM*

CLOSED SESSION: (Conference Room A)

Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: Martinez De Flores v. City of Atwater; Case No. 19CV-05029

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

**Public Employee Appointment (pursuant to Government Code Section 54957): Title: City Manager**

***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 4:45 PM.***

***Closed Session was called to order at 4:47 PM.***

***Closed Session adjourned at 5:32 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, Cale, Button, Mayor Nelson***

***Absent: Mayor Pro Tem Raymond***

***Staff Present: City Attorney Splendorio, Police Chief Salvador, Finance Director Nicholas, 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 three items, provided direction, and there was no reportable action.***

**SUBSEQUENT NEED ITEMS: *None***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

***MOTION:*** City Council Member Cale moved to approve the agenda as posted. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: None; Absent: Raymond. The motion passed.

CEREMONIAL MATTERS:

Certificate of Recognition - Buhach Colony High School Girls Water Polo Team

***City Council Member John Cale recognized the Buhach Colony High School Girls Water Polo Team for their achievements.***

Presentation of trophies for the "Miracle on Broadway" Christmas Parade

***City Council Member Ambriz and Jason Hoogenhous, President of Old Town Atwater made the presentation of trophies to the First, Second, and Third place winners of the "Miracle on Broadway" Christmas Parade.***

***First Place – Tri County Flooring***

***Second Place – Castle Health Care Centers***

***Third Place – Merced College***

***Honorable Mention – Advanced Heating and Air Contractors***

Presentation of trophy to City Department for winning the City Christmas tree decorating contest

***Pastor Rich Miller made the presentation to the Fire department for winning the City Christmas tree decorating contest.***

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

TREASURER'S REPORT:

1. October 31, 2023

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

**WARRANTS:**

2. a.) November 27, 2023  
b.) December 11, 2023

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

**MINUTES: (City Council)**

3. November 13, 2023 - Regular meeting

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

**MINUTES: (Planning Commission)**

4. October 18, 2023

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

**RESOLUTIONS:**

5. Adopting a Revised Records Retention Schedule of City Records (Assistant City Clerk Martin)

***ACTION:*** Adoption of Resolution No. 3430-23 Approving a Revised Records Retention Schedule.

6. Adopting the Recognized Obligation Payment Schedule 24-25 for the July 1, 2024 through June 30, 2025 period and adopting the Administrative Budget for Fiscal Year 2024-25 (Treasurer of the Successor Agency Nicholas)

***ACTION:*** Adoption of Resolution No. SA 2023-4 adopting the Recognized Obligation Payment Schedule 24-25 for the July 1, 2024 through June 30, 2025 period and adopting the Administrative Budget for Fiscal Year 2024-25.

**AGREEMENTS:**

7. Awarding a Purchase Order with Aqua Metric for Water Meter Software (Public Works Director Vinson)

***ACTION:*** Waives the Formal Procurement Process and awards a sole source purchase to Aqua Metric of Sacramento, California for water meter software, in amount not to exceed \$38,400.00; and authorizes and directs the City Manager, or her designer, to execute the Purchase Order on behalf of the City.

OTHER ACTIONABLE ITEMS:

8. Accepting the First Street Overlay Project as Complete (Public Works Director Vinson)

**ACTION:** Accepts work done under the contract for First Street Overlay Project, City Project No. 23-06; authorizes a final payment in the amount of \$28,372.49 for a project total of \$567,449.76; and authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City.

9. 2024 City Council Reorganization/Mayor's Committee Assignments

**ACTION:** Ratifies the Mayor's Committee Assignments.

REPORTS AND PRESENTATIONS FROM STAFF:

Awarding a General Construction Contract with DGN Build for the Tenant Improvements at Civic 2 - 1350 Broadway Avenue (Public Works Director 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.*

*Jim Price spoke regarding the funding and needs of the project.*

*No one else came forward.*

*Mayor Nelson closed public comment.*

**MOTION:** City Council Member Cale moved to award a General Construction Agreement, in a form approved by the City Attorney, to DGN Build of Stockton, California, for the Tenant Improvements at Civic 2, City Project 21-03, in an amount not to exceed \$1,285,000 and authorize construction contract change order up to an aggregate amount of \$128,500 (10%); 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 Ambriz and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: None; Absent: Raymond. The motion passed.

Accepting 2024 Regular Meeting Schedule which cancels the second City Council meeting of the month in July, November, and December 2024 (City Manager Waterman)

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

*Mayor Nelson spoke regarding this item.*

*City Council Member Ambriz spoke regarding this item.*

**City Council Member Cale spoke regarding this item.**

**City Council Member Button spoke regarding this item.**

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

**No one came forward.**

**Mayor Nelson closed public comment.**

**MOTION: City Council Member Cale moved to accept the 2024 Regular Meeting Schedule which cancels the second meeting of the month in July, November, and December 2024; and authorizes and directs the Mayor and/or City Manager to sign any documents required to maintain essential City services. Said documents shall be reviewed by the City Attorney and be scheduled for ratification of the entire City Council at the next regularly scheduled City Council meeting. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Button, Nelson; Noes: None; Absent: Raymond. The motion passed.**

**CITY MANAGER REPORTS/UPDATES:**

City Manager Updates

**City Manager Waterman reported the following:**

- **City Manager Waterman spoke regarding a potential application for a Holiday Inn Express & Suites (4 Stories)**

**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 city finances.**

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

**Pastor Rich Miller thanked various staff and City Council.**

**Mayor Nelson closed the public comment.**

CITY COUNCIL REPORTS/UPDATES:

City Council comments

***City Council Member Cale congratulated Buhach Colony High School Girls Water Polo Team, Old Town Atwater for a wonderful Christmas Parade and the Fire Department for the win. He wished everyone a Merry Christmas and a Happy New Year and to remember the reason for the season.***

***City Council Member Ambriz thanked everyone who had a part in the planning of the Christmas Parade. He congratulated Buhach Colony High School Girls Water Polo Team. He asked that everyone enjoy their Christmas and be safe over the holiday.***

***City Council Member Button spoke of the atmosphere downtown and the Christmas in Atwater event. He wished everyone a Merry Christmas and to remember the reason for the season.***

***Mayor Nelson spoke of the Fire Department fundraiser BBQ success. He provided clarification on a public comment.***

ADJOURNMENT:

***Mayor Nelson adjourned the meeting at 6:51 PM.***



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JANELL MARTIN  
ASSISTANT CITY CLERK