



# CITY OF ATWATER

## CITY COUNCIL

### ACTION MINUTES

**January 22, 2024**

OPEN SESSION: (Council Chambers)

*The City Council of the City of Atwater 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, Button, Cale, Mayor Pro Tem Raymond, Mayor Nelson*

**Absent:** *None*

**Staff Present:** *City Manager Waterman, City Attorney Splendorio, Assistant City Clerk Martin*

CLOSED SESSION: (Conference Room A)

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiations regarding property price and terms of payment. Agency Negotiators: Deputy City Manager/Community Development Director Thompson and City Manager Waterman. Negotiating Parties: Dr. Carlos Say

Property Location: APN 156-060-010

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

***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 5:31 PM. Closed Session was called to order at 5:33 PM.***

***Closed Session adjourned at 5:54 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 Council Member Tyler 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, 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 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:**

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

Monthly report by Merced County District 3 Supervisor McDaniel

***Merced County District 3 Supervisor McDaniel represented by Merced County Director of Community and Economic Development Steve Maxey reported the following:***

- ***Atwater Merced Expressway – Contract Award for design and construction and Environmental process.***
- ***Transportation Research Center – Quantifying the economic impact on the county.***
- ***Castle Fire Training Program***
- ***Rail District Project***

CONSENT CALENDAR:

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

***Les Nickerson spoke regarding surplus land.***

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

TREASURER'S REPORT:

1. a.) November 31, 2023  
b.) December 31, 2023

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

WARRANTS:

2. January 22, 2024

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

MINUTES: (General Plan Technical Advisor Committee)

3. November 1, 2023 – Regular meeting

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

MINUTES: (City Council)

4. January 8, 2024 – Regular meeting

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

RESOLUTIONS:

5. Declaring Property on Castle St (APN 003-101-100) as Non-Exempt Surplus Land (Public Works Director Vinson)

**ACTION: Adoption of Resolution No. 3444-24 Declaring property on Castle St (APN 003-101-100) as non-exempt surplus land.**

6. Dissolving the General Plan Technical Advisory Committee (Deputy City Manager/Community Development Director Thompson)

**ACTION: Adoption of Resolution No. 3443-24 dissolving the General Plan Technical Advisory Committee.**

OTHER ACTIONABLE ITEMS:

7. Receiving the Development Impact Fee Five-Year Report (FY 2017-18 through FY 2021-22) and Annual Reports from FY 2017-18 through FY 2020-21 (Deputy City Manager/Community Development Director Thompson)

**ACTION: Receive and file the Five-Year Development Impact Fee (“DIF”) Report for Fiscal Years (“FY”) 2017- 18 through 2021-22 and four Annual Reports from FY 2017-18 through FY 2020-21.**

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

8. Waiving the Second Reading and Adopting an Ordinance of the City Council Approving Zone Change No. 23-14-0100 for a Parcel Located at 1789 Elm Street (APN: 002-181-041) (Deputy City Manager/Community Development Director Thompson)

**ACTION: Waiving the reading and adopting Ordinance No. CS 1066 approving Zone Change No. 23-14-0100 for a Parcel Located at 1789 Elm Street (APN: 002-181-041).**

REPORTS AND PRESENTATIONS FROM STAFF:

Awarding a Professional Services Agreement for Design Services to Minagar & Associates of Laguna Hills, California for the City Wide Synchronization Project (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.***

***MOTION: City Council Member Button moved to award a Professional Services Agreement for Design Services, in a form approved by the City Attorney, to Minagar & Associates of Laguna Hills, California, for the City Wide Synchronization Project, in an amount not to exceed \$230,469.22; and authorizes and directs the City Manager, or her designee, to execute the contract on behalf of the City. 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.***

Approval of Plans and Specifications for Fruitland Ave Reconstruction Phase 3 (Deputy City Manager/Community Development Director Thompson)

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

***City Engineer Seymour and Contract City Engineer Hayes provided background information on this item.***

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

***Roger Wood spoke regarding the Fruitland Avenue Reconstruction project.***

***Dean Way spoke regarding the Fruitland Avenue Reconstruction project.***

***Steven Vann spoke regarding the Fruitland Avenue Reconstruction project.***

***Robert Williamson spoke regarding the Fruitland Avenue Reconstruction project.***

***Terry Gunter spoke regarding the Fruitland Avenue Reconstruction project.***

***Mr. Perez spoke regarding the Fruitland Avenue Reconstruction project.***

***Garret Pedretti spoke regarding the Fruitland Avenue Reconstruction project.***

***Maryann Contreas spoke regarding the Fruitland Avenue Reconstruction project.***

***Adam Reed spoke regarding the Fruitland Avenue Reconstruction project.***

***Kory Billings spoke regarding the Fruitland Avenue Reconstruction project.***

***Fernando Aguayo spoke regarding the Fruitland Avenue Reconstruction project.***

**Mayor Nelson closed the public comment.**

**Deputy City Manager/Community Development Director provided clarification regarding comments and questions from City Council Members and members of the public.**

**MOTION: City Council Member Cale moved to approve the Plans and Specifications and authorizes advertising and calling for bids for the Fruitland Ave Phase 3 Reconstruction Project, City Project 16-2-3. The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Button, Nelson; Noes: Ambriz, Raymond; Absent: None. The motion passed.**

**Mayor Nelson called a recess at 7:16 PM.**

**City Council Members returned to the dais at 7:17 PM.**

**CITY MANAGER REPORTS/UPDATES:**

City Manager Updates

**City Manager Waterman reported the following:**

- **City Manager Waterman spoke regarding City finances and FY 23/24 budget.**
- **Finance Director Nicholas gave a brief presentation regarding the FY 23/24 budget.**

**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.**

**Lana Jones spoke regarding cats in her neighborhood.**

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

**Pastor Rich Miller thanked staff.**

**Mayor Nelson closed the public comment.**

CITY COUNCIL REPORTS/UPDATES:

City Council comments

***City Council Member Cale had nothing to report.***

***City Council Member Ambriz thanked all residents for their comments and requested an update regarding the weather.***

***Mayor Nelson spoke regarding the General Plan Update Workshops and locations. He also spoke regarding the 2023 Measure V implementation plan, specifically Bellevue project and Buhach project.***

***Mayor Pro Tem Raymond thanked staff for their work on the Fruitland Avenue Reconstruction project.***

***City Council Member Button spoke regarding the fields at Osborn Park, he stated they look great. He appreciates the work staff is doing during the inclement weather.***

ADJOURNMENT:

***Mayor Nelson adjourned the meeting at 7:37 PM.***



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JANELL MARTIN  
ASSISTANT CITY CLERK