



CITY OF ATWATER

CITY COUNCIL

ACTION MINUTES

February 26, 2024

OPEN SESSION: (Council Chambers)

The City Council of the City of Atwater met in Open Session this date at 5:15 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 Pro Tem Raymond, Mayor Nelson

Absent: City Council Member Button

Staff Present: Interim City Manager Thompson, 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 (2)

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 5:17 PM. Closed Session was called to order at 5:20 PM.

Council Member Button joined Closed Session in Conference Room A.

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 Michael Giordano.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Council Member Danny Ambriz.

ROLL CALL: (City Council)

Present: City Council Members Ambriz, Button, Cale, Mayor Pro Tem Raymond, Mayor Nelson

Absent: None

Staff Present: Interim City Manager Thompson, City Attorney Splendorio, Police Chief Salvador, Finance Director Nicholas, 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 convened in Closed Session discussed one case, there are two cases listed but only was case was discussed received information, provided direction, and there was no reportable action.

SUBSEQUENT NEED ITEMS: ***None***

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: Council Member Button moved to approve the agenda as posted. 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.

CEREMONIAL MATTERS:

Presentation of certificate of appreciation to Peggy Heller Elementary School for "Pennies for Presents"

City Council Member Button and Police Chief Salvador made a presentation to Peggy Heller Elementary School for their contribution with "Pennies for Presents" to the City of Atwater Fire and Police Christmas Toy Drive.

PRESENTATIONS:

Presentation by Merced Sunrise Rotary regarding The Wall that Heals

Aggie Freeman and Glenn Galman provided background information on this item.

Monthly report by Merced County District 3 Supervisor McDaniel

Merced County District 3 Supervisor McDaniel reported the following:

- **Merced County met with Air Attack CAL Fire Chief regarding potential location of aviation firefighting base at Castle.**
- **Had negotiations with Deputy Sheriff details provided.**
- **Was in Washington D.C. highlighting issues that are pertinent to Merced County, specific to National Parks.**
- **Spoke regarding Department of Finance and possible loss of awarded grant funding (claw backs).**

CONSENT CALENDAR:

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

Lesa Rasmussen spoke regarding the Atwater Bombers fall baseball club Use Agreement.

Jim Price spoke regarding warrants and funding matters.

Mayor Nelson closed the public comment.

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

TREASURER'S REPORT:

1. January 31, 2024

ACTION: Acceptance of report as listed.

WARRANTS:

2. February 26, 2024

ACTION: Approval of warrants as listed.

MINUTES: (Planning Commission)

3. December 20, 2023 – Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (City Council)

4. February 12, 2024 – Regular meeting

ACTION: Approval of minutes as listed.

AGREEMENTS:

5. Approving Use Agreement with Atwater Bombers Baseball regarding the Use of City Fields for Organized Baseball (Public Works Director Vinson)

ACTION: Approval of a Use Agreement, in a form approved by the City Attorney, with Atwater Bombers Baseball for the use of Raymond Field, Darren Hershcler Field, Frank Reonte Field, and Miyake Field at Osborn Park for organized baseball; and authorizes and directs the City Manager, or his designer, to execute the Use Agreement on behalf of the City

6. Approving Use Agreement with Atwater Youth Soccer regarding the Use of City fields for Organized Soccer Activities (Public Works Director Vinson)

ACTION: Approval of a Use Agreement, in a form approved by the City Attorney, with Atwater Youth Soccer for the use of Veterans Park Football/Soccer Field and Joan Faul Soccer Fields for organized soccer; and authorizes and directs the Interim City Manager, or designee to execute the Use Agreement on behalf of the City.

PUBLIC HEARINGS:

Public Hearing to receive the 2023 Military Equipment Use Report for the Police Department (Police Chief Salvador)

Mayor Nelson opened the public hearing.

Police Chief Salvador provided background information on this item.

No one came forward to speak.

Mayor Nelson closed the public hearing.

MOTION: Mayor Pro Tem Raymond moved to Accept the Military Equipment Use Report from the Atwater Police Department pursuant to AB481. 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.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Resolution No. 3445-24 which Adopts the Mid-Year Budget Revenue and Expenditure Adjustments for Fiscal Year 2023-24 (Finance Director Nicholas)

Finance Director Nicholas provided a PowerPoint presentation and background information on this item.

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

Jim Price spoke regarding funding matters and electric vehicles.

Linda Dash spoke regarding budget and public works.

No one else came forward to speak.

MOTION: City Council Member Button moved to adopt Resolution No. 3445-24 approving Budget Amendment No. 9 amending the Fiscal Year 2023- 2024 Budget regarding revenue and expenditure adjustments based upon mid-year analysis. 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.

Approving Amendment to Employment Agreement and Amending City of Atwater Classification Plan relating to City Manager (City Attorney Splendorio)

City Attorney Splendorio Thompson provided background information on this item.

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

Mary McWaters spoke regarding the job classification.

Jim Price spoke regarding job classification and Municipal Code.

Gabe Santos spoke regarding job classifications.

City Attorney Splendorio and Human Resources Director Sousa spoke regarding various public comments and questions.

MOTION: City Council Member Button moved to approve Employment Agreement Amendment with Greg Thompson and authorize and direct the Mayor to execute the Agreement on behalf of the City; and adopt Resolution No. 3446-24 amending

the City of Atwater Classification Plan relating to City Manager. 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:

Interim City Manager Updates

Interim City Manager Thompson reported the following:

- ***Interim City Manager Thompson spoke regarding HCD funds.***
- ***Reported regarding an encampment resolution funding opportunity with the County of Merced.***
- ***Police Chief Salvador spoke regarding a program to help prevent vehicle theft.***

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.

Linda Dash spoke regarding staff working together.

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

Ron Daugherty spoke regarding traffic lights.

Jim Price spoke regarding the Citizens Oversight Committee.

Gloria Avalos spoke regarding traffic on Olive Avenue.

Gabe Santos spoke regarding a recent vehicle accident.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

City Council comments

City Council Member Button welcomed Atwater Bombers and spoke regarding traffic at 5 corners.

Mayor Pro Tem Raymond had nothing to report.

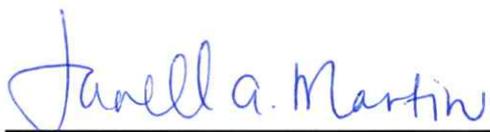
City Council Member Ambriz had nothing to report.

City Council Member Cale congratulated Peggy Heller for raising funds for the Toy Drive and thanked the Finance department for a great update.

Mayor Nelson spoke regarding the General Plan Update Workshops and locations.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 7:46 PM.



JANELL MARTIN
ASSISTANT CITY CLERK