



CITY OF ATWATER

CITY COUNCIL
ACTION MINUTES

August 26, 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*
Staff Present: *City Manager Hoem, City Attorney Splendorio, Deputy City Manager/Community Development Director Thompson, Assistant City Clerk Martin*

CLOSED SESSION: (Conference Room A)

Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiations. Agency Negotiators: Deputy City Manager/Community Development Director Thompson and City Manager Hoem. Negotiating Parties: Abbruzz Etti, Dole Packaged Foods, LLC and Pai Bulldog Ranches LLC

Property Locations:	APN	143-260-015
		143-260-016
		150-030-022
		150-030-034
		150-030-035
		150-030-036
		056-250-016
		056-250-035

056-250-035
056-010-030
056-010-031

Public Employee Performance Evaluation (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 5:31 PM. Closed Session was called to order at 5:35 PM. Closed Session adjourned at 5:55 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 Jonathan Miller.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Mayor Mike Nelson.

ROLL CALL: (City Council)

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

Staff Present: City Manager Hoem, City Attorney Splendorio, Deputy City Manager Thompson, Police Chief Salvador, CAL Fire Battalion Chief Ayuso, Finance Director Nicholas, Public Works Director Vinson, City Clerk Billings, Assistant City Clerk Martin

SUBSEQUENT NEED ITEMS: **None**

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council received information regarding one item listed on the Closed Session calendar, provided direction, and there was no reportable action. The second item listed on the Closed Session calendar will be continued after the Regular Session.

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

MOTION: City 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.

PRESENTATIONS:

Monthly report by Merced County District 3 Supervisor McDaniel

- Gave a brief update regarding the Atwater Merced Expressway and Bellevue Road Realignment Project.
- Gave a brief update regarding the TRC.
- Provided an update regarding the unemployment rates in Merced County.
- Spoke regarding his mobile office hours in Atwater.

CONSENT CALENDAR:

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

No one came forward.

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. June 30, 2024

ACTION: Acceptance of report as listed.

WARRANTS:

2. August 26, 2024

ACTION: Approval of warrants as listed.

MINUTES: (City Council) :

3. July 8, 2024 – Regular meeting

ACTION: Approval of minutes as listed.

AGREEMENTS:

4. Approving and Authorizing a Purchase and Sale Agreement for APN 003-101-001 and Approving Expenditure of any Additional and Related Closing Expenses (Public Works Director Vinson)

ACTION: Adoption of Resolution No. 3480-24 approving and authorizing a Purchase and Sale Agreement for sale of APN 003-101-001 for \$5,000, in a form approved by the City Attorney, and approves the expenditure of any additional and related closing expenses; and authorizes and directs the City Manager, or his designee, to execute the Agreement on behalf of the City.

RESOLUTIONS:

5. Authorizing Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2023/24 (Deputy City Manager/Community Development Director Thompson)

ACTION: Adoption of Resolution No. 3481-24, authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2023/2024; and adopt Resolution No. 3482-24, approving Budget Amendment No. 2 amending the Regional Surface Transportation Program (RSTP) Exchange Funds Claim.

REPORTS AND PRESENTATIONS FROM STAFF:

Receiving and Accepting the City of Atwater's Annual Financial Report and Single Audit for Fiscal Year-End of June 30, 2023 (Finance Director Nicholas)

Finance Director Nicholas provided background information on this item.

Ahmed M. Badawi, CPA, President of Badawi & Associates presented a PowerPoint presentation regarding the City of Atwater's Annual Financial Report and Single Audit for Fiscal Year-End of June 30, 2023.

Mayor Nelson opened public comment on this item.

No one came forward to speak.

Mayor Nelson closed the public comment regarding this item.

MOTION: City Council Member Ambriz moved to receive and accept the City of Atwater's Annual Financial Report and Single Audit for the Fiscal Year-End of June 30, 2023. 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.

PUBLIC HEARINGS:

Resolution Adopting an Initial Study and Mitigated Negative Declaration in Accordance with the California Environmental Quality Act (CEQA) for the Project; and Approve a Tentative Parcel Map, General Plan Amendment, Variance and Site Plan; and Adoption of an Ordinance Approving Zone Change No. 23-19-0100 to Change the Zoning Designation from Residential Estate (R-E) to High Density Residential (R-3) for the Property Located on the Northwest Corner of Sunset Drive and Everett Street, Atwater (APN 056-540-004) (Deputy City Manager/Community Development Director Thompson)

Deputy City Manager Thompson provided background information on this item.

Mayor Nelson opened the public hearing regarding this item.

Laura Andrews, Crystal Souza, Elaine Post, Jason Tucker, Linda Dash, Aaron Schmidt, Adam Reed and Robert Delina spoke regarding the project.

No one else came forward to speak.

Mayor Nelson closed the public hearing.

MOTION: Mayor Pro Tem Raymond moved to Adopt Resolution No. 3477-24 adopting an Initial Study and Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA) for a residential, multi-family project; and approve a Tentative Parcel Map, General Plan Amendment, Variance and Site Plan, located on the Northwest corner of Sunset Drive and Everett Street, Atwater (APN 056-540-004) and Adopt Ordinance No. CS 1068 approving Zone Change No. 23-19-0100 to change the zoning designation from Residential Estate (R-E) to High Density Residential (R-3) for the property located at the Northwest Corner of Sunset Drive and Everett Street, Atwater (APN 056-540-004). The motion was seconded by City Council Member Button and the vote was: Ayes: Cale, Raymond, Button Nelson; Noes: Ambriz; Absent: None. The motion passed.

Resolution Adopting an Initial Study and Mitigated Negative Declaration in Accordance with the California Environmental Quality Act (CEQA) and Selecting Alignment Alternative 3 as the Preferred Alignment for the Bellevue Road Reconstruction/Realignment Project (Deputy City Manager/Community Development Director Thompson)

Deputy City Manager Thompson provided background information on this item.

Mayor Nelson opened the public hearing regarding this item.

Supervisor McDaniel spoke regarding the project.

No one else came forward to speak.

Mayor Nelson closed the public hearing.

MOTION: City Council Member Cale moved to Adopt Resolution No. 3483-24 adopting an Initial Study and Mitigated Negative Declaration for the Project in accordance with California Environmental Quality Act (CEQA) Guideline Section 15073 and selecting Alignment Alternative 3 as the preferred alignment for development of the Project and adopt Resolution 3484-24 approving Budget Amendment No. 3 amending the Fiscal Year 2024-25 Budget regarding the Bellevue Reconstruction/Realignment Project. 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.

CITY MANAGER REPORTS/UPDATES:

Update from the Office of the City Manager

City Manager Hoem reported the following:

- ***Code Enforcement is continuing efforts throughout the city with various projects.***
- ***Request for Proposal was released for On-Call Cleanup Services.***

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 the Fruitland Avenue project.

Jim Price spoke regarding Capital Improvement projects and the Fruitland Avenue project.

Pastor Rich Miller spoke regarding the firefighter of year “hometown hero” event at Victory Baptist and Christmas in the Park.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

City Council comments

City Council Member Cale spoke regarding the Fall Festival and Car show. He asked for a Chelsea Investment update.

City Council Member Ambriz thanked the residents and spoke regarding a tree that needs attention.

Mayor Pro Tem Raymond spoke regarding service members.

City Council Member Button spoke regarding Castle Air Museum and thanked residents for their input.

Mayor Nelson spoke regarding the Fruitland Avenue project and the placement of traffic circles.

ADJOURNMENT:

Mayor Nelson adjourned the meeting to Conference Room A for Closed Session at 7:26 PM. Closed Session was called to order at 7:55 PM.

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

City Attorney Splendorio reported that the City Council received information regarding the remaining item on the Closed Session calendar, provided direction, and there was no reportable action.

Closed Session adjourned at 9:12 PM.

APPROVED:



MIKE NELSON
MAYOR

ATTEST:



JANELL MARTIN
ASSISTANT CITY CLERK