



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

September 23, 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)

Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: City of Camden, et al. v. Tyco Fire Products LP, Civil Action No.: 2:24-cv-02321-RMG

Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: City of Camden, et al. v. BASF Corporation, Civil Action No.: 2:24-cv-03174-RMG

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 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, 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 the items listed on the Closed Session calendar, provided direction, and there was no reportable action.

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

- Gave a brief update regarding the Beachwood Franklin Park groundbreaking

- Gave a brief update regarding CAL FIRE training facility.
- Gave a brief update regarding Pacomatic (Skill based games for 24-hour markets.)
- Spoke regarding the County of Merced budget process and progress.

CONSENT CALENDAR:

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

No one came forward.

Mayor Nelson closed the public comment.

MOTION: City Council Member Button 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. July 31, 2024

ACTION: Acceptance of report as listed.

WARRANTS:

2. September 23, 2024

ACTION: Approval of warrants as listed.

MINUTES: (Audit and Finance Committee)

3. June 24, 2024 - Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (Citizens' Oversight Committee)

4. June 11, 2024 - Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (Planning Commission)

5. July 17, 2024 - Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (City Council)

6. September 9, 2024- Regular meeting

ACTION: Approval of minutes as listed.

AGREEMENTS:

7. 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. 3486-24, approving Amendment No. 1 to the General Services Agreement, in a form approved by the City Attorney, to Joe's Landscape of Newman, California for Landscaping in the Maintenance Districts; and authorizes and directs the City Manager to execute Amendment No. 1 on behalf of the City.

RESOLUTIONS:

8. Adopting Updated Conflict of Interest Code (Assistant City Clerk Martin)

ACTION: Adoption of Resolution No. 3487-24 amending the City of Atwater's Conflict of Interest Code.

9. Approving and Ratifying a Side Letter Agreement Between the City of Atwater and the Atwater Miscellaneous Employees Unit American Federation of State, County, and Municipal Employees (AFSCME), Local 2703, Council 57, and Authorizing the City Manager to Execute the Agreement on Behalf of the City (Human Resources Director Sousa)

ACTION: Adoption of Resolution No. 3488-24 Approving and Ratifying a Side Letter Agreement Between the City of Atwater and Atwater Miscellaneous Employees Unit American Federation of State, County, and Municipal Employees (AFSCME), Local 2703, Council 57, Regarding Terms and Conditions of Employment Relating to Article 7 (Work Week), Section 7.3 (Public Works Schedule), and Article 9 (Other Compensation), Section 9.2 (Standby Pay) of the Current Memorandum of Understanding (MOU) and Authorizing and Directing the City Manager to Execute the Agreement on Behalf of the City.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Budget Amendment No. 4 Amending Fiscal Year 2024-25 Budget Regarding Appropriation of Funds for Professional Services Agreement between the City of Atwater and Mark Thomas & Company for the Preparation of the Project Study Report/ Project

Development Support for the Buhach Road Widening Project (Deputy City Manager/Community Development Director Thompson)

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

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 Cale moved to Adopt Resolution No. 3489-24 approving Budget Amendment No. 4 Amending Fiscal Year 2024-25 budget to include the preparation of Project study report- project development support for the Buhach Road Widening Project; and Adopt Resolution No. 3490-24 approving a Professional Services Agreement, in a form approved by the City Attorney, with Mark Thomas & Company of Fresno, CA for preparation of the PSR-PDS in an amount not to exceed \$173,352 and; and authorizes and directs the City Manager, or his designee, to execute the Agreement 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.

Verbal Presentation Regarding City of Atwater Projects (Deputy City Manager/Community Development Director Thompson)

Deputy City Manager/ Community Development Director Thompson provided a brief update regarding the following:

The Redwood Project, The Holiday Inn Express Project and The Chelsea Investment – Multifamily Unit Project

Mayor Nelson opened public comment on this item.

No one came forward to speak.

Mayor Nelson closed the public comment regarding this item.

Verbal Presentation Regarding City of Atwater Code Enforcement Activities (Code Enforcement Manager Garcia and Police Chief Salvador)

Code Enforcement Manager Garcia provided a PowerPoint Presentation regarding Code Enforcement activities in the City of Atwater.

Mayor Nelson opened public comment on this item.

No one came forward to speak.

Mayor Nelson closed the public comment regarding this item.

PUBLIC HEARINGS:

Public Hearing for 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Program (Police Chief Salvador)

City Manager Hoem provided background information on this item.

Mayor Nelson opened the public hearing regarding this item.

No one else came forward to speak.

Mayor Nelson closed the public hearing.

MOTION: Mayor Pro Tem Raymond moved to adopt Resolution No. 3491-24, authorizing the grant application in the amount of \$14,078.00 to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Program; and authorizing and directing the City Manager to execute Grant Application, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded. 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.

CITY MANAGER REPORTS/UPDATES:

Update from the Office of the City Manager

City Manager Hoem reported the following:

- **Provided an update regarding the Historical Society and an event that was attended.**
- **Request for Proposal was released for On-Call Cleanup Services.**
- **Spoke regarding the water and sewer increase this calendar year.**

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 Economic Development Summit and thanked the staff.

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

Kory Billings spoke regarding the successful Senior Day at Community Center.

Resident spoke regarding Olive Road issue.

Jim Price spoke regarding the Economic Development Summit.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

City Council comments

City Council Member Button spoke regarding the Fall Clean Up.

Mayor Pro Tem thanked Pastor Rich Miller.

City Council Member Cale thanked Code Enforcement.

City Council Member Ambriz thanked staff for the updates.

Mayor Nelson echoed all that the City Council spoke about in their closing comments.

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 7:05 PM.

APPROVED:



MIKE NELSON
MAYOR

ATTEST:



JANELL MARTIN
ASSISTANT CITY CLERK