



CITY OF ATWATER

CITY COUNCIL ACTION MINUTES

April 14, 2025

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 Keaton Lee.

PLEDGE OF ALLEGIANCE TO THE FLAG:

The Pledge of Allegiance was led by Pastor Rich Miller.

ROLL CALL: (City Council)

Present: City Council Members Ambriz, Cale, Raymond, Rochester and Mayor Nelson

Absent: None

Staff Present: City Manager Hoem, City Attorney Splendorio, Police Chief McEachin, Human Resources Director Sousa, Public Works Director Vinson, CAL Fire Battalion Chief Ayuso, City Clerk Billings and Assistant City Clerk Martin

SUBSEQUENT NEED ITEMS: **None**

APPROVAL OF AGENDA AS POSTED OR AS AMENDED:

City Manager Hoem requested to remove item #13 "Adopting the City of Atwater Public Safety Master Plan" from the agenda to bring back to a future agenda.

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

CEREMONIAL MATTERS:

Atwater High School Girls Basketball Team

Mayor Nelson and Mayor Pro Tem Cale, on behalf of the City Council, presented certificates to Coach JR Davis and the Atwater High School Girls Basketball Team for their many accomplishments this 2024-2025 basketball season.

Oath of Office – Reserve Police Officer

City Clerk Billings administered the oath of office to the newly appointed Reserve Police Officer Daniel Ortiz.

Oath of Office – Police Officer

City Clerk Billings administered the ceremonial oath of office to the newly appointed Police Officer Brittney Ruiz.

CONSENT CALENDAR:

City Manager Hoem provided a brief statement regarding Consent Calendar items number 8 and 9 with minor clerical changes related to Budget Amendments, noting that copies are available on the back table. These items will be funded through Measure B, with due diligence taken to identify cost-saving opportunities. Appropriation of funds will occur through Budget Amendments and City Council action.

City Manager Hoem requested item number 6 to be pulled from the Consent Calendar and tabled to the following City Council meeting or 2 weeks, whichever is sooner.

MOTION: *Mayor Pro Team Cale moved to remove item number 6 from the Consent Calendar and to be tabled to the following City Council meeting or 2 weeks, whichever is sooner. The motion was seconded by City Council Member Raymond and the vote was: Ayes: Cale, Ambriz, Raymond, Rochester, Nelson; Noes: None; Absent: None. The motion passed.*

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

Lesa Rasmussen spoke regarding the Atwater Bombers agreement.

No one else came forward to speak.

Mayor Nelson closed the public comment.

MOTION: City Council Member Raymond moved to approve the Consent Calendar as amended. The motion was seconded by Mayor Pro Tem Cale and the vote was: Ayes: Cale, Ambriz, Raymond, Rochester, Nelson; Noes: None; Absent: None. The motion passed.

TREASURER'S REPORT:

1. February 28, 2025

ACTION: Approval of reports as listed.

WARRANTS:

2. a.) March 24, 2025
b.) April 14, 2025

ACTION: Approval of warrants as listed.

MINUTES: (Citizens' Oversight Committee)

3. December 10, 2024 – Regular meeting

ACTION: Acceptance of minutes as listed.

MINUTES: (City Council)

4. a.) March 10, 2025 – Regular meeting
b.) March 17, 2025 – Special meeting
c.) March 24, 2025 – Special meeting

ACTION: Approval of minutes as listed.

RESOLUTIONS:

5. Approving an Amendment to the Atwater Bombers Use Agreement (Public Works Director Vinson)

ACTION: Adoption of Resolution No. 3520-25 approving Amendment No. 1 of Use Agreement approved February 26, 2024, in a form approved by the City Attorney, with Atwater Bombers for the use of Fireman's Memorial Ballpark for organized baseball activities, and authorizes and directs the City Manager, or his designee, to execute the First Amendment to the Use Agreement on behalf of the City.

6. Approving a General Construction Contract with United Pavement Maintenance, Inc. for Camellia Pavement Replacement (Public Works Director Vinson)

Item #6 was removed from the consent calendar.

7. 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 8 (Major Fringe Benefits), Section 8.4 (Holidays) of the Current Memorandum of Understanding (MOU) and Authorizing and Directing the City Manager to Execute the Agreement on Behalf of the City (Human Resources Director Sousa)

ACTION: Adoption of Resolution No. 3522-25 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 8 (Major Fringe Benefits), Section 8.4 (Holidays) of the Current Memorandum of Understanding (MOU) and Authorizing and Directing the City Manager to Execute the Agreement on Behalf of the City.

8. Approving a Budget Amendment and a Memorandum of Understanding between Merced County and the City of Atwater for VIPER analyst (Police Chief McEachin)

ACTION: Adoption of Resolution No. 3523-25 approving Budget Amendment No. 11 amending Fiscal Year 2024-25 Budget to allocate funding for a Memorandum of Understanding between Merced County and the City of Atwater for Atwater's portion as a crime analyst in the Merced County Violence Interruption and Prevention Emergency Response (VIPER) Program; and Adoption of Resolution No. 3524-25 to approve a Memorandum of Understanding, in a form approved by the City Attorney, between Merced County and the City of Atwater for Atwater's portion as a crime analyst in the Merced County Violence Interruption and Prevention Emergency Response (VIPER) Program, in an amount not to exceed \$34,000 annually; and authorizes and directs the City Manager to execute all contract documents on behalf of the City.

9. Approving Budget Amendment for the purchase of the Axon Camera System regarding the Police Department Interview Room (Police Chief McEachin)

ACTION: Adoption of Resolution No. 3525-25 approving Budget Amendment No. 12 amending the Fiscal Year 2024- 25 budget for the purchase of the Axon camera system in the amount of \$38,935.02, to be installed in the interview room at the Atwater Police Department.

10. Approving an Amendment to the Design Services Agreement with Mark Thomas for the Bellevue Road Realignment/Reconstruction Project (Chris Hoem)

ACTION: Adoption of Resolution No. 3526-25 approving Amendment No. 1 to the Design Services Agreement with Mark Thomas, in a form approved by the City Attorney, in an amount not to exceed \$108,534.00 for a total amount of \$1,989,352.00 for Engineering Design Services on the Bellevue Road Realignment/Reconstruction Project; and authorizes additional contingency funds at the discretion of the City Manager in an amount not to exceed \$160,648.00 for a total amount of \$2,150,000.00; and authorizes and directs the City Manager or his designee to execute all contract documents on behalf of the City.

OTHER ACTIONABLE ITEMS:

11. Approving Specifications and Authorizing Advertising and Calling for Bids for Olive Avenue Overlay Project (Public Works Director Vinson)

ACTION: Approves the specifications and authorizes advertising and calling for bids for the Olive Avenue Overlay Project, Project No. 24-07, Bid Call Number 733-25.

12. Letter Supporting an Application for Federal Funding to Develop and Construct a Hydrogen Fueling Station for MCAG-The BUS (City Manager Hoem)

ACTION: Authorize and direct Mayor Nelson to execute a letter of support, on behalf of the City of Atwater, regarding the Merced County Association of Governments (MCAG) The Bus submitting an application for federal funding to develop and construct a hydrogen fueling station at its operation and maintenance facility.

PUBLIC HEARINGS:

Confirmation of Itemized Cost Reports, Pursuant to the Atwater Municipal Code 8.32.130, regarding Abatement of Property located at 1265 High Street (003-043-013) (Code Enforcement Manager Garcia)

Code Enforcement Manager Garcia 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: City Council Member Rochester moved to Confirm the Itemized Cost Reports pursuant to Atwater Municipal Code 8.32.130, regarding the blight and structure fire abatement of the property located at 1265 High Street. APN: 003-043-013 Property Owners: Celestino L. and Celia V. Lopez; and authorize and direct the City Manager or his designee to execute any and all documents on behalf of the City. The motion was seconded by City Council Member Raymond and the vote

was: Ayes: Cale, Ambriz, Raymond, Rochester, Nelson; Noes: None; Absent: None. The motion passed.

REPORTS AND PRESENTATIONS FROM STAFF:

Approving Budget Amendment and Awarding a General Construction Contract for Downtown Pedestrian Improvements Project- Phase 2 (Public Works Director Vinson)

Public Works Director Vinson provided background information on this item.

Mayor Nelson opened public comment regarding this item.

Dorella Heller spoke regarding the project and the city meeting with the Atwater Historical Society.

No one else came forward to speak.

Mayor Nelson closed public comment.

MOTION: City Council Member Rochester moved to Adopt Resolution No. 3528-25 approving Budget Amendment No. 13 amending the Fiscal Year 2024- 25; and to Adopt Resolution No. 3529-25 awarding a General Construction Contract, in a form approved in a form approved by the City Attorney, to Agee Construction Corporation of Clovis, California, for the Downtown Pedestrian Improvements Project-Phase 2, City Project No. 20-8, Federal Project No. CML-5254(031) and CRP-5254(031), in an amount not to exceed \$2,148,211.00, and authorizes construction contract change order up to an aggregate amount of \$214,821.09 (10%); and authorizes and direct the City Manager, or his designee, to execute the contract on behalf of the City. The motion was seconded by City Council Member Ambriz and the vote was: Ayes: Cale, Ambriz, Raymond, Rochester, Nelson; Noes: None; Absent: None. The motion passed.

Police Department 2024 Annual Report (Police Chief McEachin)

Police Chief McEachin provided the annual report.

Mayor Nelson opened public comment regarding this item.

No one came forward to speak.

Mayor Nelson closed public comment.

Fire Department 2024 Annual Report (CAL Fire Battalion Chief Ayuso)

CAL Fire Battalion Chief Ayuso provided the annual report.

Mayor Nelson opened public comment regarding this item.

No one came forward to speak.

Mayor Nelson closed public comment.

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.

Shirley Davis spoke regarding Exhortation to Unity.

Ron Daughterty spoke regarding the Opticom system on Fire vehicles.

Jim Price and spoke regarding the Fruitland Avenue project.

Merced County District Attorney, Nicole Silveira spoke regarding the VIPER contract.

No one else came forward to speak.

Mayor Nelson closed the public comment.

CITY COUNCIL REPORTS/UPDATES:

Mayor Pro Tem Cale congratulated the Atwater High School girls basketball team and coaches. He congratulated the new officers and spoke regarding Easter.

City Council Member Ambriz congratulated the Atwater High School girls basketball team and coaches and congratulated the new officers.

City Council Raymond congratulated the Atwater High School girls basketball team and coaches. He congratulated the new officers and spoke regarding Easter.

City Council Member Rochester congratulated the Atwater High School girls basketball team and coaches and the new officers. She spoke regarding a subdivision structure/signage that a resident inquired about and spoke regarding grant money received regarding the unhoused population in the City of Atwater. Mayor Nelson spoke regarding grant money received regarding the unhoused population in the City of Atwater.

CITY MANAGER REPORTS/UPDATES:

Updates from the Office of the City Manager

City Manager Hoem reported the following:

- ***Thanked Police and Fire for their 2024 Annual updates.***
- ***Spoke regarding Fireworks in the City of Atwater and that City Staff will be providing presentations on June 23, 2025.***

ADJOURNMENT:

Mayor Nelson adjourned the meeting at 7:22 PM.

APPROVED:



MIKE NELSON
MAYOR

ATTEST:



JANELL MARTIN
ASSISTANT CITY CLERK