

*Pursuant to the provisions of the Governor's Executive Orders N-29-20, which suspended certain requirements of the Brown Act, you may observe a livestream of the meeting at [www.atwater.org](http://www.atwater.org).*

*If you wish to make either a general public comment or to comment on a specific agenda item, please submit your comment (include Agenda Item Number in the subject line) to the City Clerk at [cityinfo@atwater.org](mailto:cityinfo@atwater.org). Email comments will be accepted on or before 5:30 PM of the meeting date.*

*Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons requesting accommodation should contact the City in advance of the meeting, and as soon as possible, at (209) 357-6300.*

# **CITY OF ATWATER**

## **City Council**

### **AGENDA**

Council Chambers  
750 Bellevue Road  
Atwater, California

**April 26, 2021**

CALL TO ORDER:

5:30 PM

ROLL CALL:

**Ambriz \_\_\_\_\_, Button \_\_\_\_\_, Cale \_\_\_\_\_, Raymond \_\_\_\_\_, Creighton \_\_\_\_\_**

CLOSED SESSION:

Adjourn to 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)**

- **Public Employee Appointment (pursuant to Government Code Section 54957): Title: City Attorney**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

PLEDGE OF ALLEGIANCE TO THE FLAG:

INVOCATION:

Invocation by Pastor John Motz

ROLL CALL:

**Ambriz \_\_\_\_\_, Button \_\_\_\_\_, Cale \_\_\_\_\_, Raymond \_\_\_\_\_, Creighton \_\_\_\_\_**

MAYOR OR CITY ATTORNEY REPORT OUT FROM CLOSED SESSION:

SUBSEQUENT NEED ITEMS: (The City Clerk shall announce any requests for items requiring immediate action subsequent to the posting of the agenda. Subsequent need items require a two-thirds vote of the members of the City Council present at the meeting.)

APPROVAL OF AGENDA AS POSTED OR AS AMENDED: (This is the time for the City Council to remove items from the agenda or to change the order of the agenda.)

**Staff's Recommendation:** Motion to approve agenda as posted or as amended.

PRESENTATIONS:

- **Monthly report by Merced County District 3 Supervisor McDaniel**
- **Quarterly update regarding construction of 1,2,3-TCP Remediation Project (Michael Beerends, GHD Engineer)**

\*\*\*CONSENT CALENDAR\*\*\*

**NOTICE TO THE PUBLIC**

Background information has been provided on all matters listed under the Consent Calendar, and these items are considered to be routine. All items under the Consent Calendar are normally approved by one motion. If discussion is requested on any item, that item will be removed from the Consent Calendar for separate action.

**WARRANTS:**

1. a) April 12, 2021  
b) April 26, 2021

**Staff's Recommendation:** Approval of warrants as listed.

**TREASURER'S REPORT:**

2. March 31, 2021

**Staff's Recommendation:** Approval of report as listed.

**MINUTES: (City Council)**

3. March 22, 2021 - Regular meeting

**Staff's Recommendation:** Approval of minutes as listed.

**MINUTES: (Planning Commission)**

4. a) January 20, 2021 - Regular meeting  
b) February 17, 2021 - Regular meeting  
c) March 17, 2021 - Regular meeting

**Staff's Recommendation:** Acceptance of minutes as listed.

**MINUTES: (Audit and Finance Committee)**

5. November 23, 2020 - Regular meeting

**Staff's Recommendation:** Acceptance of minutes as listed.

**RESOLUTIONS:**

6. **Resolution approving a budget amendment amending Fiscal Year 2020-21 Budget regarding appropriation of funds obtained by the sale of unclaimed property (Police Chief Salvador)**

**Staff's Recommendation:** Adopts Resolution No. 3219-21 approving Budget Amendment No.16 amending Fiscal Year 2020-21 Budget regarding appropriation of funds obtained by the sale of unclaimed property.

**AGREEMENTS:**

7. **Approving License Agreement between the City of Atwater and Old Town Atwater regarding use of Real Property Parking Lot located at Fourth Street and Cedar Avenue (City Manager Waterman)**

**Staff's Recommendation:** Approves a License Agreement, in a form approved by the City Attorney, with Old Town Atwater for the use of Real Property Parking Lot located at the corner of Fourth Street and Cedar; and authorizes and directs the City Manager, or her designee, to execute the License Agreement on behalf of the City.

8. **Awarding a Professional Services Agreement to Badawi & Associates, Certified Public Accountants, for Professional Audit Services for the City of Atwater for fiscal years ending June 30, 2021 through 2023 (Finance Director Jacobs-Hunter)**

**Staff's Recommendation:** Awards a Professional Services Agreement, in a form approved by the City Attorney, to Badawi & Associates, Certified Public Accountants, for Professional Auditing Services for fiscal years ending June 30, 2021 through 2023, with the option to extend the contract for two (2) additional one-year periods, in an amount not to exceed \$102,475; and authorizes and directs the City Manager, or her designee, to execute the Agreement on behalf of the City.

9. **Awarding a Professional Services Agreement to Willdan Financial Services of Temecula, California for a Sanitation Service Rate Study (Public Works/Community Development Director Thompson)**

**Staff's Recommendation:** Awards a Professional Services Agreement, in a form approved by the City Attorney, to Willdan Financial Services of Temecula, California for a Sanitation Service Rate Study in an amount not to exceed \$28,390.00; and authorize and direct the City Manager, or her designee, to execute the agreement on behalf of the City.

**CLAIMS AGAINST THE CITY:** (Note to the Public: Portions of this claim have been redacted because they do not affect the City Council's ability to make a decision on the claim. The claim, however, is a public document and can be made available upon request by members of the public. If you have any questions or would like to request this document, please contact the City Clerk's office at (209) 357-6205.)

**10. Claim No. 2021-6**

**Staff's Recommendation:** After consideration and investigation, it is staff's recommendation that Claim No. 2021-6 be rejected.

**11. Claim No. 2021-9**

**Staff's Recommendation:** After consideration and investigation, it is staff's recommendation that Claim No. 2021-9 be rejected.

**OTHER ACTIONABLE ITEMS:**

**12. Approving Housing Element Annual Progress Report for calendar year 2019** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Approves and files the Housing Element Annual Progress Report ("APR") for calendar year 2019; and authorizes and directs the City Manager or his/her designee to submit the APR to the California Department of Housing and Community Development ("HCD") and the Governor's Office of Planning and Research ("OPR").

**13. Approving Housing Element Annual Progress Report for calendar year 2020** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Approves and files the Housing Element Annual Progress Report ("APR") for calendar year 2020; and authorizes and directs the City Manager or his/her designee to submit the APR to the California Department of Housing and Community Development ("HCD") and the Governor's Office of Planning and Research ("OPR").

**\*\*\*END OF CONSENT CALENDAR\*\*\***

PUBLIC HEARINGS

14. **Waiving the first reading and introducing an ordinance amending Chapter 13.08, "Sewer Service", of Title 13, "Public Services," of the Atwater Municipal Code** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Open the public hearing and receive any testimony given;

Close the public hearing;

Motion to waive the first reading and introduce Ordinance No. CS 1038 amending Chapter 13.08, "Sewer Services," of Title 13, "Public Services," of the Atwater Municipal Code; or

Motion to approve staff's recommendation as presented.

15. **Resolution adopting the Initial Study/Mitigated Negative Declaration and approving the Site Plan and General Plan Amendment for the David Arakelian Project; and waiving the first reading and introducing an ordinance approving a Zone Change for property located at 1901 Avenue One, Atwater (APN 005-410-003)** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Open the Public Hearing and receive any testimony given;

Close the Public Hearing;

Motion to adopt Resolution No. 3220-21 adopting an Initial Study and Mitigated Negative Declaration for the David Arakelian Project and making the required environmental findings pursuant to the California Environmental Quality Act (CEQA), and approving Site Plan No. 21-06-0200, and approving a General Plan Amendment to the General Plan Land Use Map; and

Motion to waive the first reading and introduce Ordinance No. CS 1037 approving General Plan Amendment No. 21-05-0100 and Zone Change No. 21-06-0100 for property located at 1901 Avenue One, Atwater (APN 005-410-003); or

Motion to approve staff's recommendation as presented.

16. **Resolution approving a street name change request to change Peace Court to Victory Court; located south of Bell Drive and East of Patriotic Drive** (Public Works/Community Development Director Thompson)

**Staff's Recommendation:** Open the public hearing and receive any testimony given;

Close the public hearing;

Motion to adopt Resolution No. 3218-21 approving a street name change request changing Peace Court to Victory Court, located south of Bell Drive and east of Patriotic Drive in Atwater, APN 056-520-006, 005, 004, 003; or

Motion to adopt staff's recommendation as presented.

**COMMENTS FROM THE PUBLIC:**

**NOTICE TO THE PUBLIC**

At this time any person may comment on any item which is not on the agenda. You may state your name and address for the record; however, it is not required. Action will not be taken on an item that is not on the agenda. If it requires action, it will be referred to staff and/or placed on a future agenda. Please limit comments to a maximum of three (3) minutes.

**CITY COUNCIL MATTERS:**

City Council comments

**CLOSED SESSION:**

Continuation of Closed Session if necessary

**ADJOURNMENT:**

CERTIFICATION:

I, Lucy Armstrong, City Clerk of the City of Atwater, do hereby certify that a copy of the foregoing agenda was posted at City Hall a minimum of 72 hours prior to the meeting.



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LUCY ARMSTRONG  
CITY CLERK

SB 343 NOTICE

*In accordance with California Government Code Section 54957.5, any writing or document that is a public record, relates to an open session agenda item and is distributed less than 72 hours prior to a regular meeting will be made available for public inspection in the office of the City Clerk at City Hall during normal business hours at 750 Bellevue Road.*

*If, however, the document or writing is not distributed until the regular meeting to which it relates, then the document or writing will be made available to the public at the location of the meeting, as listed on this agenda at 750 Bellevue Road.*



*In compliance with the federal Americans with Disabilities Act of 1990, upon request, the agenda can be provided in an alternative format to accommodate special needs. If you require special accommodations to participate in a City Council, Commission or Committee meeting due to a disability, please contact the City Clerk's Office a minimum of three (3) business days in advance of the meeting at (209) 357-6317. You may also send the request by email to [larmstrong@atwater.org](mailto:larmstrong@atwater.org).*