

*In-person participation by the public will be permitted. In addition, remote public participation is available in the following ways:*

- 1. Livestream online at [www.atwater.org](http://www.atwater.org) (Please be advised that there is a broadcasting delay. If you would like to participate in public comment, please use the option below).*
- 2. Submit a written public comment prior to the meeting: Public comments submitted to [cityclerk@atwater.org](mailto:cityclerk@atwater.org) by 4:00 p.m. on the day of the meeting will be distributed to the City Council, and made part of the official minutes but will not be read out loud during the meeting.*

*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) 357-6241.*

# **CITY OF ATWATER**

## **City Council**

### **AGENDA**

Council Chambers  
750 Bellevue Road  
Atwater, California

**January 23, 2023**

CALL TO ORDER:

5:40 PM

ROLL CALL: (City Council)

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

CLOSED SESSION

Adjourn to Conference Room A

- Pursuant to Government Code Section 54956.8, Conference with Real Property Negotiator regarding property acquisition. Agency Negotiator: City Manager Waterman. Property Owner Negotiator: Headliner Development Company**

**Property Locations:**

**APN 004-010-017**

- **Pursuant to Government Code Section 54957, Public Employee Annual Performance Evaluation; Title: City Manager**

CALL TO ORDER:

**6:00 PM**

REGULAR SESSION: (Council Chambers)

INVOCATION

Invocation by Daniel Perez

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL: (City Council)

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

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

- **Presentation regarding Highway 59 Organic Waste Transfer/Processing Operations by Senior Project Manager Mainolfi and Diversion Program Manager Loreto**
- **Monthly report by Merced County District 3 Supervisor McDaniel**

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.

#### TREASURER'S REPORT

**1. November 30, 2022**

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

#### WARRANTS

**2. January 23, 2023**

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

#### MINUTES:

**3. November 14, 2022 - Regular meeting**

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

#### AGREEMENTS:

**4. Authorizing and approving a Cooperative Purchase Agreement (Purchase Order) to Quadient Inc. for the purchase of postage machines located at various City locations (Human Resources Manager Joyner)**

**Staff's Recommendation: Authorizes and approves a Cooperative Purchase Agreement (Purchase Order) with Quadient Inc., of Millford, CT for Postage machines located at various City locations, and service fees for 3 years with an option for 2 additional years, in an amount not to exceed \$38,000; and authorizes and directs the City Manager, or her designee, to execute the Purchase Agreement (Purchase Order) on behalf of the City.**

#### ORDINANCES (WAIVING SECOND READING AND ADOPTION):

**5. An ordinance Amending certain sections of Title 17 "Zoning" of the Atwater Municipal Code relating to Building Height Regulations (Community Development Director Thompson)**

**Staff's Recommendation: Adopts an ordinance Amending certain sections of Title 17 "Zoning" of the Atwater Municipal Code relating to Building Height Regulations.**

**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) 357-6241.)

**6. Claim No. 2022-16**

**Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2022-16 be rejected.**

**7. Claim No. 2022-17**

**Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2022-17 be rejected.**

**8. Claim No. 2023-02**

**Staff's Recommendation:** After consideration and investigation, it is staff's recommendation that Claim No. 2023-02 be rejected.

**9. Claim No. 2023-01**

**Staff's Recommendation:** After consideration and investigation, it is staff's recommendation that Claim No. 2023-01 be rejected.

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

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REPORTS AND PRESENTATIONS FROM STAFF:

**10. Accepting Fruitland Avenue Reconstruction – Phase 2 Project as complete** (Community Development Director Thompson)

**Staff's Recommendation:** Motion to accept Fruitland Avenue Reconstruction - Phase 2 Project as complete; and authorize and direct the City Manager, to execute all documents on behalf of the City; or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

**11. City Manager Updates**

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 REPORTS/UPDATES

- **City Council Member Cale, District 1**
- **City Council Member Button, District 2**
- **City Council Member Ambriz, District 3**
- **Mayor Pro Tem Raymond, District 4**
- **Mayor Nelson**

CLOSED SESSION

Continuation of Closed Session if necessary

ADJOURNMENT

In Memory of Barbara Heller

CERTIFICATION:

I, Kory J. Billings, 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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KORY J. BILLINGS  
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) 357-6241. You may also send the request by email to [cityclerk@atwater.org](mailto:cityclerk@atwater.org).*