

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 (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 cityinfo@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 and Successor Agency to the Atwater Redevelopment Agency

AGENDA

Council Chambers
750 Bellevue Road
Atwater, California

January 9, 2023

CALL TO ORDER:

5:30 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: Global International**

Property Locations:

APN 156-060-013

APN 156-060-014

- **Conference with Legal Counsel - Anticipated Litigation - Significant exposure to litigation pursuant to Government Code Section 54956.9(d)(2): Number of cases (2)**
- **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 Pastor Rich Miller

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL: (City Council/Board of Directors/Governing Board)

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.

CEREMONIAL MATTERS:

- **Presentation of trophy to City Department for winning the City Christmas tree decorating contest**

Recommendation: That Pastor Rich Miller make the presentation to the winning City department.

- **Presentation of certificate of appreciation to Peggy Heller Elementary School for "Pennies for Presents"**

Recommendation: That City Council Member Button make the presentation to Peggy Heller Elementary School.

- **National Law Enforcement Appreciation Day January 9, 2023**

Staff's Recommendation: That Mayor Nelson present the proclamation to Police Chief Salvador, on behalf of the Police Department, recognizing Monday, January 9, 2023 as National Law Enforcement Appreciation Day.

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) **December 27, 2022**
b) **January 9, 2023**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Citizens' Oversight Committee)

2. **June 14, 2022**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (City Council): ()

3. a) **November 1, 2022 - Special Meeting**
b) **November 14, 2022 - Special Meeting**

Staff's Recommendation: Approval of minutes as listed.

AGREEMENTS:

4. **Approving a Purchase Order with Calgon Carbon Corporation for GAC Exchange at Well 19** (Public Works Director Vinson)

Staff's Recommendation: Approves a Purchase Agreement (Purchase Order), in a form approved by the City Attorney, to Calgon Carbon Corporation of Moon Township, Pennsylvania for GAC Exchange in Well 19, in an amount not to exceed \$90,599; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City (Class 1 and Class 3 Categorical Exemptions -- Sections 15301 and 15303 of the State CEQA Guidelines).

RESOLUTIONS

5. **Declaring the property located at 998 Atwater Boulevard (APN 003-170-**

034) as Exempt Surplus Land pursuant to the Surplus Land Act (Community Development Director Thompson)

Staff's Recommendation: Adopts Resolution No. SA 2023-1 declaring the property located at 998 Atwater Boulevard (APN 003-170-034), as Exempt Surplus Land pursuant to the Surplus Lands Act; authorizing the City Manager to take action(s) necessary to effectuate the purposes of the Resolution; and adopts Resolution No. 3362-23 approving Budget Amendment No. 7 Amending Fiscal Year Budget 2022-23 Regarding Aquisition of Property of 998 Atwater Boulevard.

6. Declaring the property located at 980 Cedar Avenue (APN 003-071-001) as Exempt Surplus Land pursuant to the Surplus Land Act (Community Development Director Thompson)

Staff's Recommendation: Adopts Resolution No. HSA 2023-1 declaring the property located at 980 Cedar Avenue (APN 003-071-001), as Exempt Surplus Land pursuant to the Surplus Lands Act; authorizes the City Manager to take action(s) necessary to effectuate the purposes of the Resolution, including conveyance of the property to the City to be used for public infrastructure purposes; and adopts Resolution No. 3363-23 approving Budget Amendment No. 8 Amending Fiscal Year 2022-23 Budget Regarding Aquisition of Property of 980 Cedar Avenue.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Adoption of an ordinance Amending Chapter 5.60, Cannabis Business Pilot Program, of Title 5, Business taxes, Licenses and Regulation of the Atwater Municipal Code and adding Chapter 5.70, Cannabis Regulatory Program (Community Development Director Thompson and Finance Director Youmara)

Staff's Recommendation: Adopts an ordinance Amending Chapter 5.60, Cannabis Business Pilot Program, of Title 5, Business taxes, Licenses and Regulation of the Atwater Municipal Code and adding Chapter 5.70, Cannabis Regulatory Program.

8. Adoption of an ordinance Approving Zoning Text Amendment No. 22-18-0100 Repealing and Replacing Chapter 17.28 of the Atwater Municipal Code regarding Accessory and Junior Accessory Dwelling Units, and Determining the Ordinance to be Exempt from CEQA (Community Development Director Thompson)

Staff's Recommendation: Adopts an ordinance Approving Zoning Text Amendment No. 22-18-0100 Repealing and Replacing Chapter 17.28 of the Atwater Municipal Code regarding Accessory and Junior Accessory Dwelling Units, and Determining the Ordinance to be Exempt from CEQA.

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.)

9. Claim No. 2022-13

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2022-13 be rejected.

10. Claim No. 2022-14

Staff's Recommendation: After consideration and investigation, it is staff's recommendation that Claim No. 2022-14 be rejected.

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

PUBLIC HEARINGS

11. Adopting resolution amending Fiscal Year 2022-23 Miscellaneous Fee Schedule (Finance Director Youmara)

Staff's Recommendation: Open the Public Hearing and receive any testimony given regarding the proposed amendments to the Fiscal Year 2022-2023 Miscellaneous Fee Schedule;

Close the Public Hearing;

Motion to adopt Resolution No. 3347-22 amending the City of Atwater's Miscellaneous Fee Schedule for Fiscal Year 2022-2023; or

Motion to approve staff's recommendation as presented.

12. Waiving the first reading, by title only, and introducing 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: Open the public hearing and take any testimony;

Close the public hearing;

Motion to waive the first reading and introduce Ordinance No. CS 1056 Amending certain sections of Title 17 "Zoning" of the Atwater Municipal Code relating to Building Height Regulations; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

13. Awarding a General Construction Contract for Downtown Pedestrian Improvement Project-Phase 1 (Categorically Exempt under CEQA - Existing Facilities) (Community Development Director Thompson)

Staff's Recommendation: Motion to award a General Construction Contract, in a form approved by the City Attorney, to Seal Rite Paving of Fresno, California, for the Downtown Pedestrian Improvements Project-Phase 1, City Project No. 20-7, Federal Project No. CML-5254(030), in an amount not to exceed 811,821.35, and authorize construction contract change orders up to an aggregate of

\$81,182.13 (10%); and authorize and direct the City Manager, to execute all contract documents on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 14. **Presentation regarding re-tasking of Broadway Avenue including discussion and possible direction regarding re-tasking** (Community Development Director Thompson)

CITY MANAGER REPORTS/UPDATES:

- 15. **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**

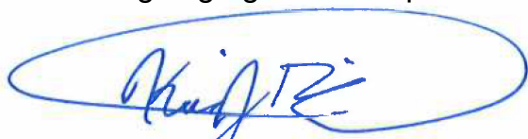
CLOSED SESSION

Continuation of Closed Session if necessary

ADJOURNMENT

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.



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.