

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 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

February 27, 2023

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

INVOCATION

Invocation by Police Chaplain Steve Mead

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

Ambriz _____, Button _____, Cale _____, Raymond _____, Nelson _____

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 to the Atwater Historical Society**

Staff's Recommendation: That Mayor Nelson present on behalf of the City Council the certificate to the Atwater Historical Society.

- **Presentation regarding Small Business Administration - Disaster Assistance in Merced County (US Small Business Administration Public Affairs Specialist Caltenco)**
- **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. a) **December 31, 2022**
b) **January 31, 2023**

Staff's Recommendation: Approval of report as listed.

WARRANTS

2. **February 27, 2023**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

3. **January 23, 2023 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Planning Commission)

4. a) **September 21, 2022 – Regular meeting**
b) **November 30, 2022 – Special meeting**

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS

5. **Authorizing submittal of grant application submittal to the California Energy Commission for Automated Permit Processing; and approving Budget Amendment establishing revenue and expense account; and authorizes the City Manager or designee, to execute any and all agreements and accept funds awarded through the California Automated Permit Processing Program (Community Development Director Thompson)**

Staff's Recommendation: Adopts Resolution No. 3373-23 approving the submittal of a grant application to the California Energy Commission for Automated Permit Processing (CalAPP); and

Adopts Resolution No. 3372-23 approving Budget Amendment No. 12 amending Fiscal Year 2022-23 Budget to establish a revenue and expense account for CalAPP; and

Authorizes the City Manager or designee, to serve as the City's authorized representative to execute all documents and accept all funds on behalf of the City.

AGREEMENTS:

6. **Approving First Amendment to the Professional Service Agreement to Willdan Financial Services of Temecula, California for a Sanitation Service Rate Study (Public Works Director Vinson)**

Staff's Recommendation: Approves First Amendment to Professional Service Agreement, in a form approved by the City Attorney, to Willdan Financial Services of Temecula, California to extend the term for a Sanitation Service Rate Study; and authorizes the City Manager to execute the First Amendment on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. **Adoption of an ordinance amending Chapter 17.49.020, "Definition of mini-warehouse," of the Atwater Municipal Code (Community Development Director Thompson)**

Staff's Recommendation: Adopts an ordinance amending Chapter 17.49.020, "Definition of mini-warehouse," of the Atwater Municipal Code.

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

REPORTS AND PRESENTATIONS FROM STAFF:

- 8. **Adopting a Resolution directing staff to begin negotiations with Mid Valley Disposal for Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services** (Public Works Director Vinson)

Staff's Recommendation: Motion to adopt Resolution No. 3374-23 directing city staff to begin negotiations with Mid Valley Disposal to finalize the new franchise agreement for the Residential and Commercial Garbage, Recyclable Material, and Organics Waste Collection Services Contractor; or

Motion to approve staff's recommendation as presented.

- 9. **Approving Budget Amendment No. 13 regarding Sewer Enterprise Fund to purchase APN 0156-060-013 and 0156-060-014 from Global International Equities, Inc** (Public Works Director Vinson)

Staff's Recommendation: Motion to adopt Resolution No. 3375-23 authorizing the Sewer Enterprise Fund to purchase real property located at 255 E Bellevue Rd, Atwater, CA 95301, more particularly described as Assessor's Parcel No's. 156-060-013 and 156-060-014, from Global International Equities, Inc, Michael Tims, President, for the Lower Shaffer Storm Drain Project 22-07 in the amount of Six Hundred Thousand Dollars (\$600,000), and approve the expenditure of any additional and related closing costs expenses; and authorize and direct the City Manager to execute a Purchase and Sale Agreement, in a form approved by the City Attorney, and all documents related to the purchase of the property on behalf of the City; or

Motion to approve staff's recommendation.

- 10. **Accepting Traffic Signal Interconnect Project as complete** (Community Development Director Thompson)

Staff's Recommendation: Motion to accept work done under the contract for Traffic Signal Interconnect, City Project 14-2, Federal Project No. CML-5254(021); authorize and direct the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorize a final payment in the amount of \$30,046.40; or

Motion to approve staff's recommendation.

- 11. **Approving Budget Amendment regarding Revenue and Expenditure Adjustments based on Mid-Year Analysis** (City Manager Waterman and Finance Director Youmara)

Staff's Recommendation: Motion to adopt Resolution No. 3376-23 approving Budget Amendment No. 14 amending the Fiscal Year 2022-2023 Budget regarding revenue and expenditure adjustments based upon mid-year analysis;or

Motion to approve staff's recommendation as presented.

12. Fire Department 2022 Annual Report (CAL FIRE Battalion Chief Ayuso)

CITY MANAGER REPORTS/UPDATES:

13. 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

14. Adopting Resolution No. 3377-23 opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act

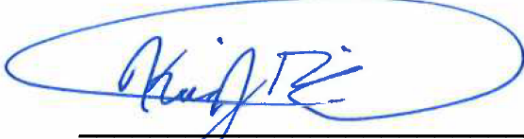
Staff's Recommendation: Motion to adopt Resolution No. 3377-22 opposing Initiative No. 21-0042A1, the Taxpayer Protection and Government Accountability Act.

- **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**

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.



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send the request by email to cityclerk@atwater.org.