

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

March 13, 2023

CALL TO ORDER:

5:30PM

ROLL CALL:

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

CLOSED SESSION

Adjourn to Conference Room A

- Conference with Legal Counsel - Existing Litigation - Government Code Section 54956.9(d)(1): Name of case: McWashington v. City of Atwater; Case No. FR99388**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

INVOCATION

Invocation by Daniel Perez

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

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.

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. March 13, 2023

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

2. a) February 13, 2023 - Regular meeting

b) February 27, 2023 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (Citizens' Oversight Committee)

3. December 6, 2022 - Regular meeting

Staff's Recommendation: Acceptance of minutes as listed.

RESOLUTIONS

4. **Approving and authorizing the annual Local Transportation Fund (LTF) Claim to be filed with Merced County Association of Governments (MCAG) for Fiscal Year 2022-23 and approving Budget Amendment No. 15 regarding Fiscal Year 2022-23 Local Transportation Fund** (Community Development Director Thompson)

Staff's Recommendation: Adopts Resolution No. 3379-23, approving the annual Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2022-23; and authorizes and directs the City Manager to execute the Claim form on behalf of the City; and Adopts Resolution No. 3380-23, approving Budget Amendment No. 15 regarding FY 2022-23 Local Transportation Fund.

AGREEMENTS:

5. **Approving a Purchase Order (Purchase Agreement) with Aqueous Vets 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 Aqueous Vets of Danville, California for GAC Exchange at Well 19, in an amount not to exceed \$44,825; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

6. **Approving Assistance By Hire (ABH) Agreement** (CAL Fire Battalion Chief Ayuso)

Staff's Recommendation: Approves the Assistance By Hire Agreement (ABH), in a form approved by the City Attorney, with CAL FIRE Madera-Mariposa-Merced Unit; and authorizes and directs the City Manager, or their designee, to execute any and all documents related to the Assistance By Hire Agreement.

7. **Approving Third Amendment to the Professional Services Agreement to MuniServices, LLC of Centreville, Virginia for Consultant Services for Sales and Use Tax Audit & Report Services.** (Finance Director Youmara)

Staff's Recommendation: Approves Third Amendment to Professional Services Agreement, in a form approved by the City Attorney, to MuniServices, LLC of Centreville, Virginia to comply with state of California Department of Tax and Fee Administration requirements authorizing MuniServices, LLC to examine transactions tax, sales tax and use tax records of the City of Atwater, including but not limited to the transactions and use tax that becomes effective on or about April 1, 2023 known as the Measure B Transactions and Use Tax; and directs the City Manager, or her designee, to execute the Third Amendment on behalf of the City.

8. **Approving First Amendment to the Professional Services Agreement to HdL Companies of Brea, California for Consultant Services for**

Cannabis Monitoring and Compliance Services (Finance Director Youmara)

Staff's Recommendation: Approves the First Amendment to the Professional Services Agreement, in a form approved by the City Attorney, to HdL Companies of Brea, California for Consultant Services to extend the term and increase the compensation for Cannabis Monitoring and Compliance Services; and authorize and direct the City Manager, or her designee, to execute the First Amendment on behalf of the City.

CALL FOR BIDS:

9. **Approving plans and specifications and authorizing advertising and calling for bids for Palm Avenue Improvements Project** (Public Works Director Vinson)

Staff's Recommendation: Approves the plans and specifications and authorizes advertising and calling for bids for the Palm Avenue Improvements on Palm Avenue and Bellevue Road Project, Project Number 22-06, Bid Call Number 719-22.

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

PUBLIC HEARINGS

10. **Waiving the first reading, by title only, and introducing a Zoning Ordinance Text Amendment of the City Council amending Title 17, "Zoning," of the Atwater Municipal Code for Site Plan and Architectural Review** (Community Development Director Thompson)

Staff's Recommendation: Open the Public Hearing and take any testimony from the public;

Close the Public Hearing; and,

Motion to waive the first reading, by title only, and introduce Ordinance No. CS 1059 amending Title 17 "Zoning," of the Atwater Municipal Code relating to Site Plan and Architectural Review; or,

Motion to approve staff's recommendation as presented.

11. **Adopting resolution amending the Fiscal Year 2022-2023 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. 3378-23 amending the City of

Atwater's Miscellaneous Fee Schedule for Fiscal Year 2022-2023; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 12. Approving plans and specifications and authorizing advertising and calling for bids for installation of Osborn Park Bathroom Project** (Public Works Director Vinson)

Staff's Recommendation: Motion to approve the plans and specifications and authorize advertising and calling for bids for the installation of Osborn Park Renovation Project, Project Number 22-05, Bid Call Number 717-22; or

Motion to approve staff's recommendation as presented.

- 13. Code Enforcement Update 2022** (Code Enforcement Manager Garcia)

CITY MANAGER REPORTS/UPDATES:

- 14. 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

- 15. Letters supporting Assembly Bill 293 allowing immediate family members of a Gold Star Family to obtain lifetime fishing and hunting licenses and Assembly Bill 308 allowing immediate family members of a Gold Star Family to obtain free entry into California State Parks**

Staff's Recommendation: Motion to authorize and direct Mayor Nelson to execute the letters of support, on behalf of the City of Atwater, regarding Assembly Bill 293 allowing immediate family members of a Gold Star Family to obtain lifetime fishing and hunting licenses and Assembly Bill 308 allowing immediate family members of a Gold Star Family to obtain free entry into California State Parks.

- 16. Letter supporting Senate Bill 37 - The Older Adults and Adults with Disabilities Housing Stability Act of 2023**

Staff's Recommendation: Motion to authorize and direct Mayor Nelson to execute the letter of support, on behalf of the City of Atwater, regarding Senate Bill 37. Older Adults and Adults with Disabilities Housing Stability Act of 2023; which provides housing subsidies to older adults and adults with disabilities who are

experiencing or at risk of experiencing homelessness.

- **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.

Unless otherwise noted, City Council actions include a determination that they are not a "Project" within the meaning of the California Environmental Quality Act (CEQA), and therefore, that CEQA does not apply to such actions.