

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 27, 2023

CALL TO ORDER:

5:30 PM

ROLL CALL: (City Council)

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

CLOSED SESSION

Adjourn to Conference Room A

- Conference with Legal Counsel - WORKERS' COMPENSATION LIABILITY CLAIM (Gov. Code 59465.95): Claimant: John Smothers; Agency claimed against: City of Atwater**

CALL TO ORDER:

6:00 PM

REGULAR SESSION: (Council Chambers)

INVOCATION

Invocation by Bill Lawrence

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.

PRESENTATIONS

- **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. **February 28, 2023**

Staff's Recommendation: Approval of report as listed.

WARRANTS

2. **March 27, 2023**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)

3. **March 13, 2023**

Staff's Recommendation: Approval 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 CRRSAA Swap Fiscal Year 2022/23** (Community Development Director Thompson)

Staff's Recommendation: Adopts Resolution No. 3384-23, approving and authorizing the annual Local Transportation Fund (LTF) Claim in the amount of \$147,135 to be filed with the Merced County Association of Governments (MCAG) for CRRSAA Swap Fiscal Year 2022-23; Authorizes and directs the City Manager to execute the Claim form on behalf of the City; and Adopts Resolution No. 3385-23, approving Budget Amendment No. 16 regarding FY 2022-23 Local Transportation Fund.

AGREEMENTS:

5. **Awarding a Purchase Agreement (Purchase Order) to Data Path, Inc. for the purchase of new switches throughout the city** (Public Works Director Vinson)

Staff's Recommendation: Awards a Cooperative Purchase, Purchase Agreement (Purchase Order), to Data Path, Inc. of Modesto, California, for the purchase of new switches throughout the city, in the combined amount not to exceed \$110,916.32; and authorizes and directs the City Manager to execute the Agreement (Purchase Order) on behalf of the City.

6. **Authorizing Fee Credit Agreement with Sukhdeep Khatra for 1960 Green Sands Avenue Project** (Community Development Director Thompson)

Staff's Recommendation: Approves a Fee Credit Agreement, in a form approved by City Attorney, with Sukhdeep Khatra for 1960 Green Sands Avenue Project; and authorizes and directs the City Manager, or her designee, to execute the agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. **Adoption of an Ordinance approving Zoning 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: Adopts an Ordinance approving Zoning Text Amendment of the City Council amending Title 17, "Zoning," of the Atwater Municipal Code for Site Plan and Architectural Review.

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

PUBLIC HEARINGS

8. **Waiving the first reading, by title only and introducing a Zoning Ordinance Text Amendment of the City Council amending certain sections of Chapter 17.69 “Sign Regulations,” of the Atwater Municipal Code** (Community Development Director Thompson)

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

Close the public hearing; and,

Motion to waive the first reading, by title only, and introduce Ordinance No. CS 1057 amending certain sections of Chapter 17.69 “Sign Regulations,” of the Atwater Municipal Code.

Motion to approve staff's recommendation as presented.

9. **Waiving the first reading, by title only and introducing an Ordinance Approving a Site Plan, Architectural Review and Zone Change No. 22-24-0400 to develop four vacant parcels located along the south side of Commerce Avenue and adopt an Initial Study and Mitigated Negative Declaration** (Senior Planner Rashe)

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

Close the public hearing; and,

Motion to waive the first reading, by title only, and introduce Ordinance No. CS 1060 approving a Site Plan No. 22-24-0100, Architectural Review No. 22-24-0300 and Zone Change No. 22-24-0400 to develop four vacant parcels located along the south side of Commerce Avenue and adopt an Initial Study and Mitigated Negative Declaration; (APNs: 056-241-012, 056-241-013, 056-241-014).

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

10. **Adopting a Resolution Awarding a Collection Services Agreement and Franchise to Mid Valley Disposal of Kerman, California for Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services** (Public Works Director Vinson)

Staff's Recommendation: Motion to adopt Resolution No.3382-23 to award a Collection Services Agreement and Franchise to Mid Valley Disposal of Kerman, California for the provision of Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services; and authorizes the Mayor of City of Atwater to execute said agreement; 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

12. Letter supporting Assembly Bill 1708 increasing accountability for repeat theft offenders and offering pathways for pre-plea diversion programming.

Recommendation: Motion to authorize and direct Mayor Nelson to execute the letter of support, on behalf of the City of Atwater, regarding Assembly Bill 1708 increasing accountability for repeat theft offenders and offering pathways for pre-plea diversion programming.

- **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

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.