

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

April 10, 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 - LIABILITY CLAIM (Gov. Code 54956.95): Claimant: Manuel Duran; Agency claimed against: City of Atwater**

CALL TO ORDER:

6:00 PM

REGULAR SESSION: (Council Chambers)

INVOCATION

Invocation by Josh Davis

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. April 10, 2023

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Audit and Finance Committee)

**2. a) January 23, 2023 - Regular meeting
b) February 27, 2023 - Regular meeting**

Staff's Recommendation: Accept minutes as listed.

MINUTES: (City Council)

3. March 27, 2023 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS

4. **Amending City of Atwater Classification Plan and adopting Salary Schedule D-23 relating to City Engineer** (Interim Human Resources Director Sousa)
Staff's Recommendation: Adoption of Resolution No. 3387-23 amending City of Atwater Classification Plan and adopting Salary Schedule D-23 regarding City Engineer job classification.
5. **Approving Budget Amendment No. 17 regarding Osborn Park Project 22-06** (Public Works Director Vinson)
Staff's Recommendation: Adopts Resolution No. 3386-23 approving Budget Amendment No. 17 amending Fiscal Year 2022-23 Budget regarding the Osborn Park Improvement Project 22-06 for Five Hundred Thousand Dollars (\$500,000).

AGREEMENTS:

6. **Approving an Amended and Restated Lease Agreement with Merced County Radio Control Club** (Public Works Director Vinson)
Staff's Recommendation: Approve Amended and Restated Lease Agreement between Merced County Radio Control Club and City of Atwater, in a form approved by the City Attorney, for real property located at 6205 Bert Crane Road; and Authorize City Manager to execute Amended and Restated Lease Agreement on behalf of the City.
7. **Ratifying a Purchase Agreement (Purchase Order) for two (2) new fire department command vehicles to Hedrick's Chevrolet of Fresno, California** (CAL FIRE Battalion Chief Ayuso)
Staff's Recommendation: Ratifies a Purchase Agreement (Purchase Order), in a form approved by the City Attorney, with Hedrick's Chevrolet of Fresno, CA for the purchase of two (2) new Fire Command vehicles, in the amount not to exceed \$138,538.92.

CALL FOR BIDS:

8. **Approving plans and specification and authorizing advertising and calling for bids for Atwater Boulevard and First Street Traffic Signal Project** (Public Works Director Vinson)
Staff's Recommendation: Approves the plans and specifications and authorizes advertising and calling for bids for the Atwater Boulevard and First Street Traffic Signal, Project Number 18-2, Bid Call Number 716-22.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

9. **Adoption of an Ordinance amending certain sections of Chapter 17.69 "Sign Regulations," of the Atwater Municipal Code** (Community Development Director Thompson)
Staff's Recommendation: Adopts an ordinance amending certain sections of Chapter 17.69 "Sign Regulations," of the Atwater Municipal Code.

10. **Adoption of an Ordinance Approving Zone Change No. 22-24-0400 located along the south side of Commerce Avenue, adopting an Initial Study and Mitigated Negative Declaration and adopting a resolution approving a site plan and architectural review to develop four vacant parcels** (Senior Planner Rashe)

Staff's Recommendation: Adopts Ordinance No. CS 1060 Approving Zone Change No. 22-24-0400 located along the south side of Commerce Avenue, adopts an Initial Study and Mitigated Negative Declaration; and adopts Resolution No. 3388-23 Approving a site plan and architectural review to develop four vacant parcels located along the south side of Commerce Avenue.

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

PUBLIC HEARINGS

11. **Adopting Resolution Amending Resolution No. 2145-06 Declaring Certain Roads to be Subject to Public Traffic Regulations** (Police Chief Salvador)

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

Close the public hearing;

Motion to adopt Resolution No. 3381-23, amending Resolution No. 2145-06 declaring certain roads to be subject to public traffic regulations.

Motion to approve staff's recommendation as presented.

12. **Waiving the first reading, by title only and introducing an Ordinance amending Sections 5.54.120 and 5.54.130 and Adding Sections 5.54.150, 5.54.160, 5.54.170, 5.54.180, 5.54.190, and 5.54.200 to the Atwater Municipal Code Regarding Fireworks, and Determining the Ordinance to be Exempt from CEQA**(CAL FIRE Battalion Chief Ayuso and Police Chief Salvador)

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 1062 amending Sections 5.54.120 and 5.54.130 and Adding Sections 5.54.150, 5.54.160, 5.54.170, 5.54.180, 5.54.190, and 5.54.200 to the Atwater Municipal Code Regarding Fireworks, and Determining the Ordinance to be Exempt from CEQA; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

- 13. Awarding a General Construction Agreement with Phase One Construction for the Installation of the Bathrooms at Osborn Park** (Public Works Director Vinson)

Staff's Recommendation: Motion to award a General Construction Agreement, in a form approved by the City Attorney, to Phase One Construction of Atwater, California, for the Installation of the Osborn Park Bathrooms, City Project 22-05, in an amount not to exceed \$74,327.00 and authorize construction contract change orders up to an aggregate amount of \$7,432.70 (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. Accepting City of Atwater's audited Financial Statements and Single Audit for Fiscal Year ended June 30, 2022** (City Manager Waterman and Finance Director Youmara)

Staff's Recommendation: Motion to accept the City of Atwater's audited Financial Statements and Single Audit for Fiscal Year ended June 30, 2022; or

Motion to approve staff's recommendation as presented.

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

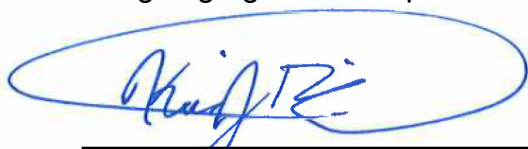
Continuation of Closed Session if necessary

ADJOURNMENT

In Memory of George Sziraki

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.