

*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](http://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](mailto: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 24, 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 Labor Negotiators - Government Code Section 54957.6, Agency Negotiators: City Manager Waterman, Interim Human Resources Director Sousa, Bargaining Units: Atwater Police Officers Association**

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.

CEREMONIAL MATTERS:

• **Certificate of Recognition - Atwater High School CCC Student Athletes**

**Staff's Recommendation:** That City Council Member Cale present certificates of recognition to the Atwater High School CCC Student Athletes and Athletic Director for their achievements.

Proclamations

• **National Crime Victims' Rights Week, April 23-29, 2023**

**Staff's Recommendation:** That Mayor Nelson present the proclamation on behalf of the City Council to District Attorney Silveira, recognizing the Week of April 23 - 29, as Crime Victims' Rights Week.

• **National Public Safety Telecommunicators Week, April 9-15, 2023**

**Staff's Recommendation:** That Mayor Nelson present the proclamation to Police Chief Salvador, on behalf of the Atwater Police Department, recognizing the Week of April 9 - 15, as National Public Safety Telecommunicators Week.

- **Professional Municipal Clerks Week, April 30 - May 6, 2023**

**Staff's Recommendation:** That Mayor Nelson present the proclamation to City Clerk Billings, on behalf of the City Clerk's Office, recognizing the Week of April 30-May 6, as Professional Municipal Clerks Week.

PRESENTATIONS

- **Monthly report by Merced County District 3 Supervisor McDaniel, County Executive Officer Mendez and Assistant County Executive Officer Hendrickson**

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. **March 31, 2023**

**Staff's Recommendation:** Approval of report as listed.

WARRANTS

2. **April 24, 2023**

**Staff's Recommendation:** Approval of warrants as listed.

MINUTES: (City Council)

3. a) **April 7, 2023 - Special meeting**  
b) **April 10, 2023 - Regular meeting**

**Staff's Recommendation:** Approval of minutes as listed.

MINUTES: (Planning Commission)

4. a) **October 19, 2022 – Regular meeting**  
b) **January 18, 2023 – Regular meeting**  
c) **February 15, 2023 – Regular meeting**  
d) **March 15, 2023 – Regular meeting**

**Staff's Recommendation:** Acceptance of minutes as listed.

RESOLUTIONS

5. **Authorizing the City Manager to make specified modifications for time extensions and/or tax rates for existing Cannabis businesses during their transition to the Cannabis Regulatory Program under Chapter 5.70 (Community Development Director Thompson)**

**Staff's Recommendation:** Adoption of Resolution No. 3389-23 authorizing the City Manager to make specified modifications for time extension and/or tax rates for existing Cannabis businesses during their transition to the Cannabis regulatory program under Chapter 5.70.

6. **Approving Budget Amendment No. 18 regarding American Rescue Plan Act Fund for the Police Department Remodel/Rehab Project** (Public Works Director Vinson and Police Chief Salvador)

**Staff's Recommendation:** Adoption of Resolution No. 3390-23 approving Budget Amendment No. 18 amending the Fiscal Year 2022-23 Budget to allocate funding from Capital Project Fund in the amount of \$220,000 to the Police Department Remodel/ Rehabilitation.

**AGREEMENTS:**

7. **Awarding a Purchase to Aqua Metric for Water Meters and Transmitters** (Public Works Director Vinson)

**Staff's Recommendation:** Waives the Formal Procurement Process and awards a sole source purchase to Aqua Metric of Sacramento, California for water meters and transmitters, in an amount not to exceed \$274,158.75; and authorizes and directs the City Manager, or her designee, to execute the Purchase Order on behalf of the City.

8. **Approving Second Amendment to Professional Services Agreement with RSG, Inc. for the preparation of Development Impact Fee Reporting requirements in relation to AB 1600 and the Mitigation Fee Act** (Community Development Director Thompson)

**Staff's Recommendation:** Approves the Second Amendment to the Professional Services Agreement in a form approved by the City Attorney, with RSG, Inc for the preparation of Development Impact Fee Reporting requirements in relation to AB 1600 and the Mitigation Fee Act in a new amount not to exceed \$37,210.00; and authorizes and directs the City Manager to sign all documents on behalf of the City.

**ORDINANCES (WAIVING SECOND READING AND ADOPTION):**

9. **Adoption of 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:** Adoption of 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.

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PUBLIC HEARINGS

10. **Waive the first reading, by title only and introducing an ordinance amending Section 3.45.140 of the Atwater Municipal Code related to the Citizens' Oversight Committee** (City Manager Waterman)

**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 1061 amending Section 3.45.140 of the Atwater Municipal Code related to the Citizens' Oversight Committee; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

11. **Awarding a General Construction Contract for the Palm Avenue Improvements Project** (Community Development Director Thompson and Public Works Director Vinson)

**Staff's Recommendation:** Motion to award a General Construction Agreement, in a form approved by the City Attorney, to Redstone Construction Inc. of Atwater, California, for the Palm Avenue Improvements Project, City Project 22-06, in an amount not to exceed \$111,600.00 and authorize construction contract change orders up to an aggregate amount of \$11,160.00 (10%); and authorizes and directs the City Manager or her designee to execute all contract documents on behalf of the City; or

Motion to approve staff recommendations as presented.

12. **Approving an Amended and Restated Agreement with Veolia Water West Operating Service, Inc. for the Operations and Maintenance Program for the Regional Wastewater Treatment Plant** (Public Works Director Vinson)

**Staff's Recommendation:** Motion to approve an Amended and Restated Agreement, in a form approved by the City Attorney, with Veolia Water West Operating Service, Inc. for the Operations and Maintenance Program for the Regional Wastewater Treatment Plant in the amount of \$2,031,519; and authorizes and directs the City Manager, or her designee, to execute the contract on behalf of the city; or

Motion to approve staff's recommendation as presented.

13. **Approving specifications and authorizing advertising of a Request for Proposal for the acquisition of a Public Safety Radio Communications System for the Police Department** (Police Chief Salvador)

**Staff's Recommendation:** Motion to approve specifications and

authorize the advertisement of a Request for Proposal for the acquisition of a dedicated Public Safety Radio Communications System for the Police Department; or

Motion to approve staff's recommendation as presented.

**14. Human Resources Director Employment Agreement (City Manager Waterman)**

**Staff's Recommendation:** Motion to approve Human Resources Director Employment Agreement in the annual amount of \$136,731.84 plus benefits with Jana R. Sousa; and to authorize and direct the City Manager to execute the Agreement on behalf of the City; 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**

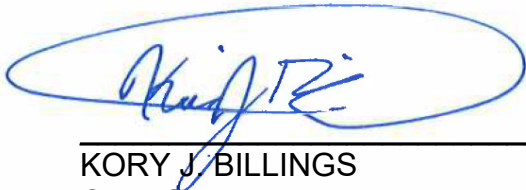
CLOSED SESSION

Continuation of Closed Session if necessary

ADJOURNMENT

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.



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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](mailto: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.*