

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

May 8, 2023

CALL TO ORDER:

6:00 PM

REGULAR SESSION: (Council Chambers)

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.

CEREMONIAL MATTERS:

- **Certificate of Recognition - Youth from Atwater High School Recognized by Directing Change Program**

Staff's Recommendation: That City Council Member Ambriz present certificates of recognition to the Atwater High School students for their artistic achievements in mental health and suicide prevention in the Directing Change Program.

- **Certificate of Recognition - Buhach Colony High School CCC Student Athletes**

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

- **Oath of Office - Police Officer and Public Safety Dispatcher**

Staff's Recommendation: That City Clerk Billings administer the ceremonial oath of office to the newly appointed Police Officer Levi Crain and Public Safety Dispatcher.

Proclamations

- **National Peace Officers Memorial Day, May 15, 2023 and National Police Week, May 15 - May 21, 2023**

Staff's Recommendation: That Mayor Nelson present the proclamation to Police Chief Salvador, on behalf of the Police Department, recognizing the day of May 15, 2023 as National Peace Officers Memorial Day and the week of May 15 - May 21, 2023 as National Police Week.

CONSENT CALENDARNOTICE 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. May 8, 2023**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (City Council)**2. April 24, 2023**

Staff's Recommendation: Approval of minutes as listed.

MINUTES: (General Plan Technical Advisory Committee)

- 3. a) February 1, 2023 - Regular meeting
b) March 1, 2023 - Regular meeting
c) April 5, 2023 - Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed

RESOLUTIONS

- 4. Approving and authorizing Purchase and Sale Agreements for Fruitland Avenue Reconstruction - Phase 3 Right of Way Acquisition and approving expenditure of any additional and related closing expenses (Community Development Director Thompson)**

Staff's Recommendation: Adoption of Resolution No. 3391-23 approving and authorizing the Purchase and Sale Agreements for various properties in the amount of \$18,123.00, \$148,078.00, and \$53,610.00, respectively, for Fruitland Avenue Reconstruction - Phase 3 Right of Way Acquisition, CIP Project No. 16-2-3, in forms approved by the City Attorney and approves the expenditure of any additional and related closing expenses; and authorizes and directs the City Manager, or her designee, to execute all Agreements and utility related documents to CIP Project No. 16-2-3 on behalf of the City.

AGREEMENTS:

- 5. Authorizing and approving a Purchase Agreement (Purchase Order) with Sun Ridge Systems for the purchase of software modules for the Police Department's Records Management System (Police Chief Salvador)**

Staff's Recommendation: Authorizes and approves a Purchase

Agreement (Purchase Order) with Sun Ridge Systems of El Dorado Hills, California for the purchase of District Attorney and Citizen reporting supplemental modules for the Police Department's Records Management System in an amount not to exceed \$14,270; and authorizes and directs the City Manager, or her designee, to execute the Purchase Agreement (Purchase Order) on behalf of the City.

6. Approving Restated Joint Powers Agreement of Merced County Association of Governments (City Attorney Splendorio)

Staff's Recommendation: Adoption of Resolution No. 3396-23 approving a Restated Joint Powers Agreement of the Merced County Association of Governments (MCAG) and authorizing the City Manager to execute on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

7. Adoption of an Ordinance amending Section 3.45.140 of the Atwater Municipal Code related to the Citizens' Oversight Committee (City Manager Waterman)

Staff's Recommendation: Adoption of Ordinance No. CS 1061 amending Section 3.45.140 of the Atwater Municipal Code related to the Citizens' Oversight Committee.

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

REPORTS AND PRESENTATIONS FROM STAFF:

8. 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.

9. Awarding Professional Services Agreement to De Novo Planning Group for the preparation of the Comprehensive General Plan Update and Master Environmental Impact Report (Community Development Director Thompson)

Staff's Recommendation: Motion to award a Professional Services Agreement, in a form approved by the City Attorney, to De Novo Planning of El Dorado Hills, California, in an amount not to exceed \$1,601,088.00; and authorize the City Manager, or her designee, to execute the agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

- 10. **Amending City of Atwater Classification Plan relating to Deputy City Manager/Community Development Director, adopting Salary Schedule E-23 and approving Deputy City Manager/Community Development Director and Police Chief Employment Agreements** (City Manager Waterman)

Staff's Recommendation: Motion to adopt Resolution No. 3392-23 amending the City of Atwater Plan relating to Deputy City Manager/Community Development Director and adopting Salary Schedule E-23; and

Motion to approve Deputy City Manager/Community Development Director Agreement with Greg Thompson in the annual amount of \$182,097.59 plus benefits; and

Motion to approve Police Chief Agreement with Michael J. Salvador in the annual amount of \$185,000.00 plus benefits; and authorize and direct the City Manager to execute the agreements on behalf of the City; or

Motion to approve staff's recommendation as presented.

- 11. **City Manager Waterman 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**

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.