

*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,  
FIRE PROTECTION DISTRICT,  
AND  
SUCCESSOR AGENCY TO THE ATWATER  
REDEVELOPMENT AGENCY**

**AGENDA**

Council Chambers  
750 Bellevue Road  
Atwater, California

**June 12, 2023**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

**6:00 PM**

INVOCATION

Invocation by Timothy Miller

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL: (City Council/Board of Directors/Governing Board)

**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:

- **Oath of Office - Police Chaplain**

**Staff's Recommendation:** That City Clerk Billings administer the oath of office to the newly appointed Police Chaplain Allen Thomas.

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. **June 12, 2023**

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

MINUTES: (City Council)

2. **May 22, 2023 - Regular meeting**

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

MINUTES: (Citizens' Oversight Committee)

3. **March 7, 2023 - Regular meeting**

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

MINUTES: (Audit and Finance Committee)

4. **March 27, 2023 - Regular meeting**

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

RESOLUTIONS:

5. **Approving the Statement of Investment Policy for Fiscal Year 2023-24 and delegating authority to the City Treasurer to invest funds accordingly** (Finance Director Youmara)

**Staff's Recommendation:** Adoption of Resolution No. 3399-23 approving the Statement of Investment Policy for Fiscal Year 2023-24 and delegating authority to the City Treasurer to invest funds in accordance with the Statement of Investment Policy.

AGREEMENTS:

6. **Awarding a General Construction Contract for the Atwater Boulevard and First Street Traffic Signal Project** (Public Works Director Vinson)

**Staff's Recommendation:** Awards a General Construction Contract, in a form approved by the City Attorney, to St. Francis Electric, LLC of San Leandro, California, for the Atwater Boulevard and First Street Traffic Signal, City Project No. 18-2, in an amount not to exceed \$824,670, and authorize and direct the City Manager, or her designee, to sign and affirm construction contract change orders up to an aggregate of \$82,467.00 (10%); and authorizes and directs the City Manager, or her designee, to execute the contract on behalf of the City.

7. **Approving On-Call Professional Services for Roadway Design, Traffic Engineering, Land Surveying, and Roadway Construction Inspection and Administration with various consultants for State and Federally Funded Projects** (Deputy City Manager/Community Development Director Thompson)

**Staff's Recommendation:** Approves multiple On-Call Master Professional Service Agreements, in a form approved by the City Attorney, with Advanced Mobility Group of Walnut Creek, California, CCME, Inc. of Merced, California, GHD, Inc. of Fresno, California, JLB Traffic Engineering of Fresno, California, Minagar and Associates, Inc. of Laguna Hills, California, Provost & Pritchard Consulting Group of Clovis, California, SNG & Associates, Inc. of Pleasanton, California, TJKM Transportation Consultant of Pleasanton, California, and VVH Consulting Engineers of Modesto, California, with a set not to exceed limit of \$1,000,000 per contract for the 3 year term of the contracts (for flexibility amongst contracts) but with a collective maximum aggregate budgeted amount for all of the on-call contracts not to exceed \$7,500,000; and authorizes and directs the City Manager to execute the agreements on behalf of the City.

8. **Approving and Ratifying a Memorandum of Understanding (MOU) with the Atwater Police Officers' Association (APOA) Regarding Terms and Conditions of Employment** (Human Resources Director Sousa)

**Staff's Recommendation:** Adopt Resolution No. 3402-23 Approving a Memorandum of Understanding (MOU) between the City of Atwater and the Atwater Police Officers' Association (APOA) Pertaining to

Certain Terms and Conditions of Employment; and Authorizing and Directing the City Manager to Execute the MOU on behalf of the City.

9. **Authorizing and Approving a Purchase Agreement with NeoGov for the Purchase of an Employee Performance Evaluation Software Module (Perform)** (Human Resources Director Sousa)

**Staff's Recommendation:** Authorizes and Approves a Purchase Agreement (Purchase Order) with NeoGov for the Purchase of an Employee Performance Evaluation Software Module (Perform), in an amount not to exceed \$14,561.60; and authorizes and directs the City Manager, or her designee, to execute the Purchase Agreement on behalf of the City.

10. **Approving Use Agreement with Atwater 4th of July Committee regarding use of Ralston Park and Certain City Streets** (City Manager Waterman)

**Staff's Recommendation:** Approves a Use Agreement, in a form approved by the City Attorney, with the Atwater 4th of July Committee for the use of Ralston Park and Certain City Streets; and authorizes and directs the City Manager, or her designee, to execute the Use Agreement, on behalf of the City.

11. **Approving Use Agreement with Merced Running Club regarding use of Certain City Streets** (City Manager Waterman)

**Staff's Recommendation:** Approves a Use Agreement, in a form approved by the City Attorney, with the Merced Running Club for the use of Certain City Streets; and authorizes and directs the City Manager, or her designee, to execute the Use Agreement, on behalf of the City.

PUBLIC IMPROVEMENTS:

12. **Accepting Pedestrian and Roadway Improvements on Laurel Avenue and Sixth Street Project as complete** (Public Works Director Vinson and Deputy City Manager/Community Development Director Thompson)

**Staff's Recommendation:** Accept work done under the contract for Pedestrian and Roadway Improvements on Laurel Avenue and Sixth Street, City Project 19-5; authorize and direct the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorize a final payment in the amount of \$8,717.98.

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

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PUBLIC HEARINGS

13. **Adopting a resolution Setting the Fiscal Year 2023-24 Miscellaneous Fee Schedule** (Finance Director Youmara)

**Staff's Recommendation:** Open the Public Hearing and receive any

testimony given regarding the proposed 2023-24 Miscellaneous Fee Schedule;

Close the Public Hearing;

Motion to adopt Resolution No. 3400-23 Setting the City of Atwater's Miscellaneous Fee Schedule for Fiscal Year 2023-24; or

Motion to approve staff's recommendation as presented.

- 14. Resolutions adopting Fiscal Year 2023-24 Budget including Five-Year Capital Improvement Plan and approving Fund Expenditures and Fund Transfers; establishing appropriations limitations; and amending Classification Plan and adopting Salary Schedule A-24, effective June 22, 2023 (City Manager/Executive Director Waterman, Human Resources Director Sousa, and Finance Director/Treasurer Youmara)**

**Staff's Recommendation:** Open the public hearing and receive any testimony given regarding the Fiscal Year 2023-24 Proposed Budget;

Close the Public Hearing;

Review the Fiscal Year 2023-24 Proposed Budget; and

Motion to adopt Joint Authority Resolution No. 3397-23, Resolution No. AFD 1-2023, and Resolution No. SA 2023-3 adopting the Fiscal Year 2023-24 budget, approving Fund Expenditures and Fund Transfers, and Five-Year Capital Improvement Program with any modifications from the budget review and public hearing; to adopt Resolution No. 3398-23 establishing the Fiscal Year 2023-24 Appropriations Limitation; to adopt Resolution No. 3401-23 amending the City of Atwater Classification Plan and adopting Salary Schedule A-24, effective June 22, 2023; or

Motion to approve Staff's recommendation as presented..

**REPORTS AND PRESENTATIONS FROM STAFF:**

- 15. Approving New Schedule "A" Agreement with the California Department of Forestry and Fire Protection (CAL FIRE) from July 1, 2023, to June 30, 2026, for Fire Service Operations (CAL Fire Battalion Chief Ayuso)**

**Staff's Recommendation:** Motion to adopt Resolution No. 3403-23 approving a new Schedule "A" agreement with the California Department of Forestry and Fire Protection (CAL FIRE) for fire service operations from July 1, 2023 through June 30, 2026 in an amount not to exceed \$17,335,220 over three years; and authorizing the Mayor to sign the agreement on behalf of the City of Atwater; or

Motion to approve staff's recommendation as presented.

16. **Waiving the first reading, by title only, and introducing an ordinance Amending section 8.16.260 "Solid Waste, Recyclables, and Organic Waste Collection," of chapter 8 "Health and Safety" of the Atwater Municipal Code** (Public Works Director Vinson)

**Staff's Recommendation:** Motion to waive the first reading and introduce Ordinance No. CS 1063 amending Chapter 8.16.260 "Solid Waste, Recyclables, and Organic Waste Collection," of the Atwater Municipal Code; or,

Motion to approve staff's recommendation as presented.

17. **Set Public Hearing Date for New Solid Waste Rates and Rate Adjustment** (Public Works Director Vinson)

**Staff's Recommendation:** Motion to approve setting the public hearing date of August 14, 2023, for the proposed new solid waste rates and rate adjustments; or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

18. **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.*