

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

July 10, 2023

CALL TO ORDER:

5:00 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 and Human Resources Director Sousa Bargaining Units: Atwater Police Officers Association, AFSCME Local 2703 - Clerical Employees Unit, Mid-Managers Group, Miscellaneous Employees Unit and Unrepresented Management and Confidential Employees.**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

INVOCATION

Invocation by Police Chaplain Steve Mead

PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL: (City Council)

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:

- **Recognition - Police Chaplain**

Staff's Recommendation: That Mayor Nelson and Police Chief Salvador recognize Police Chaplain Jim McClellan for his service to the Police Chaplaincy.

- **Certificate of Recognition - 2022 Dispatcher of the Year**

Staff's Recommendation: That Mayor Nelson and Police Chief Salvador present the certificates of recognition to Dispatcher of the Year, Kathy Mathis.

- **Recognition - Retirement of Police Sergeant**

Staff's Recommendation: That Mayor Pro Tem Raymond and Police Chief Salvador recognize the retirement of Police Sergeant John Smothers on his retirement after 32 years of service.

PRESENTATIONS

- **Caltrans District 10 presentation regarding State Route 99 Pavement Rehabilitation**

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. **July 10, 2023**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (General Plan Technical Advisory Committee)2. **May 3, 2023 - Regular meeting**

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (Planning Commission)3. a) **May 17, 2023 - Regular meeting**b) **June 1, 2023 - Special meeting**

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (City Council)4. **June 12, 2023 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS:

5. **Approving and authorizing a Purchase and Sale Agreement for Lower Shaffer Storm Drain Project, Project No. 22-07, for a perpetual easement and right-of-way for public utilities from Golden State Realty Association, Inc. and approving expenditure of any additional and related closing expenses** (Deputy City Manager/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3413-23 authorizing the Sewer Enterprise Fund to purchase real property located at 273 East Bellevue Road, Atwater, CA 95301, more particularly described as Assessor's Parcel No. 156-060-023, from Golden State Realty Association, Inc, Mohammad Jawad, President, for the Lower Shaffer Storm Drain Project 22-07 in the amount of Twenty-Five Thousand Dollars (\$25,000), and approve the expenditure of any additional and related closing costs expenses; and authorizes and directs the City Manager to execute a Purchase and

Sale Agreement, in a form approved by the City Attorney, and all documents related to the purchase of the property on behalf of the City.

6. **Authorizing Cost Share Agreement For The SB 244 Technical Analysis Portion Of The Multijurisdictional Housing Element.** (Deputy City Manager/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3414-23 authorizing the cost share agreement for the SB 244 Technical Analysis portion of the Multijurisdictional Housing Element (MJHE); and authorizes the City Manager, or designee, to execute any all documents related to the SB 244 Technical Analysis.

7. **Authorizing Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2022/23** (Deputy City Manager/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3415-23, authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2022/2023; and adopt Resolution No. 3416-23, approving Budget Amendment No. 2 amending the Regional Surface Transportation Program (RSTP) Exchange Funds Claim.

AGREEMENTS:

8. **Authorizing and approving a Purchase Order with Cooks Communications for the purchase of equipment to upfit two new Command Vehicles** (CAL FIRE Battalion Chief Ayuso)

Staff's Recommendation: Authorizes and approves the purchase of all necessary equipment to upfit both new command vehicles in an amount not to exceed \$120,000 with Cook's Communications of Fresno, CA; and authorizes the City Manager, or her designee, to execute the purchases on behalf of the City.

9. **Approving fee waiver requested by Merced County Registrar of Voters to use Atwater Community Center as a Voting Assistance Center for 2024 Elections** (City Clerk Billings & Merced County Registrar of Voters)

Staff's Recommendation: Approval of a fee waiver requested by the Merced County Registrar of Voters to use the Atwater Community Center from February 22, 2024 to March 7, 2024 and October 24, 2024 to November 7, 2024 for the March 5, 2024 Presidential Primary Election and November 5, 2024 Presidential General Election; and authorizes and directs the City Manager, or designee, to execute any and all documents necessary to waive the facility rental fees associated with Merced County Registrar of Voters using the Atwater Community Center as a Voting Assistance Center.

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

PUBLIC HEARINGS:

10. **Waive the first reading by title only, and introduce an ordinance approving Zoning Ordinance Text Amendment No. 23-11-0100 Amending Chapter 17.43 “D-BD, Downtown Business District” and Chapter 17.63 “Parking Requirements” of the Atwater Municipal Code for parking requirements** (Deputy City Manager/Community Development Director Thompson)

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

Close the public hearing; and

Motion to waive the first reading by title only, and introduce Ordinance No. CS 1065 amending Chapter 17.43 “D-BD,” Downtown Business District” and Chapter 17.63 “Parking Requirements” of the Atwater Municipal Code for parking requirements.

11. **Resolution approving General Plan Amendment No. 23-06-0100 adopting the Merced County Association of Governments Thresholds and Implementation Guidelines** (Deputy City Manager/Community Development Director Thompson)

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

Close the public hearing; and,

Motion to adopt Resolution No. 3148-23 approving General Plan Amendment No. 23-06-0100 adopting the Merced County Association of Governments Thresholds and Implementation Guidelines.

12. **Confirming the Engineer’s Reports and Ordering the Annual Levy for the Lighting and Drainage and Landscape Assessment Maintenance Districts for Fiscal Year 2023/24** (Deputy City Manager/Community Development Director Thompson)

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

Close the public hearing and consider comments from the public; and,

Adopt Resolution No. 3417-23 Confirming The Engineer’s Reports and Ordering the Continued Maintenance of the City of Atwater Lighting and Drainage and Landscape Assessment Maintenance Districts and Levy of Assessments for Fiscal Year 2023/24.

REPORTS AND PRESENTATIONS FROM STAFF:

13. **Authorizing the release of American Rescue Plan Act ("ARPA") funds for use of one time City Capital Improvement Projects** (City Manager Waterman)

Staff's Recommendation: Motion to authorize and direct the City Manager or her designee to release the American Rescue Plan Act

("ARPA") funds for use of one time City Capital Improvement Projects as specified in the Fiscal Year 2023-24 Budget; or

Motion to approve staff's recommendation as presented.

- 14. **Verbal presentation regarding City of Atwater Public Safety activities for July 4, 2023** (Chief Salvador, CAL FIRE Battalion Chief Ayuso and CAL FIRE Battalion Chief/Fire Marshal Lopes)

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**

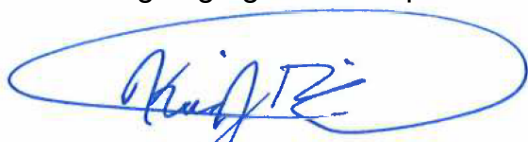
CLOSED SESSION

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

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.