

*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

**August 14, 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 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 Daniel Perez

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:

- **Recognition - Nevaeh – Nicole Ross Burton**

**Staff's Recommendation:** That City Council Member Button recognize Nevaeh – Nicole Ross Burton for encouraging confidence and character regarding accessibility awareness amongst students and teachers.

- **Oath of Office - Police Officer**

**Staff's Recommendation:** That City Clerk Billings administer the oath of office to the newly appointed Police Officer: Roberto Vargas.

PRESENTATIONS

- **Presentation to Mayor Nelson and City Manager Waterman by the Atwater-Winton Lyons Club**

**Staff's Recommendation:** That the Atwater-Winton Lyons Club make the presentation and donation to Mayor Nelson and City Manager

Waterman in the amount of \$10,000 for Veteran’s Park Ballfield renovations.

- **Mid Valley Disposal verbal update regarding Residential and Commercial Garbage, Recyclable Material, and Organic Waste Collection Services**

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. **a) July 24, 2023**  
**b) August 14, 2023**  
Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Planning Commission)

2. **June 21, 2023 - Regular meeting**  
Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (City Council)

3. **a) June 26, 2023 - Regular meeting**  
**b) July 10, 2023 - Regular meeting**  
Staff's Recommendation: Approval of minutes as listed.

AGREEMENTS:

4. **Approving a Purchase Agreement (Purchase Order) with Aqueous Vets for Granulated Activated Carbon Exchange at Well 15** (Public Works Director Vinson)  
Staff's Recommendation: Approves a Purchase Agreement (Purchase Order) to Aqueous Vets of Danville, California for Granulated Activated Carbon Exchange (GAC) at Well 15, in an amount not to exceed \$128,026; and authorizes and directs the City Manager or her designee to execute the Agreement (Purchase Order) on behalf of the City.
5. **Approving First Amendment to Use Agreement with Atwater Little League regarding use of City fields for organized baseball, softball and T-ball activities** (City Manager Waterman)  
Staff's Recommendation: Approval of the First Amendment of a Use Agreement, in a form approved by the City Attorney, with Atwater Little League for the use of Fireman’s Memorial Ballpark, Veteran’s Ballfield, Raymond Field, Darren Hershcler Field, Frank Reponte Field, Miyake Field, and T-ball Field at Osborn Park for organized

baseball, softball and T-ball activities; and authorizes and directs the City Manager, or her designee, to execute the Use Agreement on behalf of the City.

**6. Approving Amendment to Current Assistance By Hire (ABH) Agreement (CAL Fire Battalion Chief Ayuso)**

**Staff's Recommendation:** Approves amendment to the current Assistance By Hire Agreement (ABH), in a form approved by the City Attorney, with CAL FIRE Madera-Mariposa-Merced Unit; and authorizes and directs the City Manager, or their designee, to execute any and all documents related to the Assistance By Hire Agreement.

**7. Approving Amendment No. 2 to the Professional Service Agreement to Data Path Inc of Modesto, California for Augmented Managed Information Technology (IT) Support Services (Public Works Director Vinson)**

**Staff's Recommendation:** Approves Amendment No. 2 to Professional Service Agreement, in a form approved by the City Attorney, to Data Path Inc of Modesto, California for Augmented Managed Information Technology Support Services; and authorizes and directs the City Manager to execute Amendment No. 2 on behalf of the City.

## RESOLUTIONS

**8. Approving Budget Amendment appropriating funds derived from the Bureau of Community Corrections, Officer Wellness and Mental Health Grant Program (Police Chief Salvador)**

**Staff's Recommendation:** Adoption of Resolution No. 3420-23 approving Budget Amendment No. 3 amending the Fiscal Year 2023-24 Budget regarding appropriating funds in the amount of \$20,000.00 to the Fiscal Year 2023-24 Police Grants Budget derived from the Bureau of Community Corrections Officer Wellness and Mental Health Grant Program.

## ORDINANCES (WAIVING SECOND READING AND ADOPTION):

**9. Waiving the second reading and adopting an ordinance of the City Council 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:** Waiving the second reading and adopting Ordinance No. CS 1065 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.

PUBLIC IMPROVEMENTS:

10. **Accepting Applegate Pump Station Rehab Project as complete** (Public Works Director Vinson)  
Staff's Recommendation: Accepts work as done under the contract for Applegate Pump Station Rehab Project, City Project 20-16; 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 \$47,632.43.
  
11. **Accepting Osborn Park Restroom Project as complete** (Public Works Director Vinson)  
Staff's Recommendation: Accepts work as done under the contract for Osborn Park Restroom Project, City Project 22-05; authorize and direct the City Manager to sign a Notice of Completion and have it recorded on behalf of the City; and authorizes a final payment in the amount of \$3,716.35.

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

PUBLIC HEARINGS

12. **Resolution Approving Rate Study and Adopting New Rates for Solid Waste Services** (Public Works Director Vinson)  
Staff's Recommendation: Open the public hearing and take any testimony given;  
  
 Close the public hearing receive the City Clerk's findings to determine if the City received protests from a majority of property owners pursuant to the requirements of Proposition 218; and if appropriate  
  
 Motion to adopt Resolution 3424-23 approving Willdan Financial Services Comprehensive Cost of Service Sanitation Rate Study dated June 12, 2023 and adopting new rates for solid waste services effective September 1, 2023; or  
  
 Motion to approve staff's recommendation as presented.
  
13. **Public Hearing for 2023 Edward Byrne Memorial Justice Assistance Grant (JAG) Program** (Police Chief Salvador)  
Staff's Recommendation: Open the public hearing and take any testimony given;  
  
 Close the public hearing;  
  
 Motion to adopt Resolution No. 3422-23, authorizing the grant application in the amount of \$14,784 to the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2023 Edward Byrne Memorial Justice Assistance Grant (JAG)

Program; and authorizing and directing the City Manager to execute Grant Application, amendments, and all documents related to the grant, on behalf of the City, including administration, if awarded; or

Motion to approve staff's recommendation as presented.

REPORTS AND PRESENTATIONS FROM STAFF:

**14. Finance Director Employment Agreement (City Manager Waterman)**

**Staff's Recommendation:** Motion to ratify Finance Director Employment Agreement in the annual amount of \$149,957.44 plus benefits with Anna B. Nicholas, in a form approved by the City Attorney; and authorize and direct the City Manager to execute the Agreement on behalf of the City; or

Motion to approve staff's recommendation as presented.

**15. Approving Second Amendment to City Manager Employment Agreement (Human Resources Director Sousa)**

**Staff's Recommendation:** Motion to approve the Second Amendment to City Manager Employment Agreement, in a form approved by the City Attorney, with Lori Waterman and authorizes and directs the Mayor to execute the Amendment on behalf of the City; or

Motion to approve staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

**16. 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**

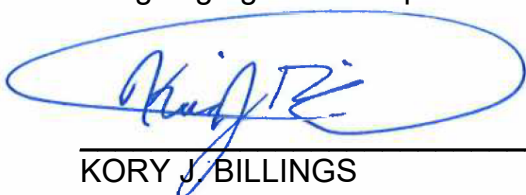
CLOSED SESSION

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.*