

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

March 25, 2024

CALL TO ORDER:

5:30 PM

ROLL CALL: (City Council)

Ambriz _____, Button _____, Cale _____, Raymond _____, Nelson _____

CLOSED SESSION:

Adjourn to Conference Room A

- Pursuant to Government Code Section 54957, Public Employee Performance Evaluation; Title: Interim City Manager**

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

INVOCATION:

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.

PRESENTATIONS

- **Monthly report by Merced County District 3 Supervisor McDaniel**

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 a Councilmember requests separate discussion on any item, that item will be removed from the Consent Calendar for separate action.

TREASURER'S REPORT:

1. **February 29, 2024**

Staff's Recommendation: Acceptance of report as listed.

WARRANTS:

2. **March 25, 2024**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Citizens' Oversight Committee)

3. December 12, 2023 - Special meeting

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (City Council)

4. a.) February 26, 2024 - Regular meeting

b.) March 11, 2024 - Regular meeting

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS:

5. Approving and Authorizing the Annual Local Transportation Fund (LTF) Claim to be filed with Merced County Association of Governments (MCAG) for Fiscal Year 2023-24 and Approving a Budget Amendment (Public Works Director Vinson)

Staff's Recommendation: Adoption of Resolution No. 3447-24, approving the annual Local Transportation Fund (LTF) Claim to be filed with the Merced County Association of Governments (MCAG) for Fiscal Year 2023-24; and authorizes and directs the Interim City Manager to execute the Claim form on behalf of the City; and adoption of Resolution No. 3448-24, approving Budget Amendment No. 10 regarding FY 2023-24 Local Transportation Fund.

AGREEMENTS:

6. Approving and Authorizing a Purchase and Sale Agreement for Osborn Park Improvement Project 22-06 for APN: 156-060-010; and approving expenditure of any additional and related closing expenses (Interim City Manager Thompson)

Staff's Recommendation: Adoption of Resolution No. 3449-24 approving and authorizing the Purchase and Sale Agreement for approximately 0.43 acres (18,894 sq. ft) of real property in the amount of Thirty-Seven Thousand and Five Hundred Dollars (\$37,500) for Osborn Park Improvements Project 22-06, in a form approved by the City Attorney and approves the expenditure of any additional reasonable and related closing expenses and authorizes and directs the Interim City Manager, or his designee, to execute all related documents on behalf of the City.

7. Awarding a General Construction Agreement with Best Contracting Service, Inc. for the Community Center Roof Repairs (Categorically Exempt (CE) pursuant to the California Environmental Quality Act (CEQA) guidelines, Section 15301) (Public Works Director Vinson)

Staff's Recommendation: Awards a General Construction Agreement, in a form approved by the City Attorney, to Best Contracting Service, Inc. of Gardena, California, for the Community Center Roof Repairs, City Project 24-01, in an amount not to exceed \$80,886.00 and authorizes construction contract change orders up to an aggregate amount of \$8,088.60 (10%); and authorizes and directs

the Interim City Manager, or his designee to execute all contract documents on behalf of the City.

OTHER ACTIONABLE ITEMS:

- 8. **Approving Specifications and Authorizing Advertising and Calling for Bids for Suncrest Street and Fortuna Avenue Overlay Project** (Public Works Director Vinson)
Staff's Recommendation: Approval of specifications and authorizing advertising and calling for bids for the Suncrest Street and Fortuna Avenue Overlay Project, Project No. 24-09, Bid Call Number 728-24.
- 9. **Receiving and Filing Development Impact Fee Annual Report for FY 2022-23 and Adopt Resolution Making Five-Year Findings Regarding the Development Impact Fees for Fiscal Years 2017-18 to 2021-22** (Interim City Manager Thompson)
Staff's Recommendation: Receives and files the annual Development Impact Fee ("DIF") Report for Fiscal Year ("FY") 2022-23 and approves Resolution No. 3450-24 Making Five-Year Findings Regarding the DIFs for Fiscal Years 2017-18 to 2021-22.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 10. **Adoption of an Ordinance Approving Zone Change No. 23-22-0300 changing the Zoning Designation from Planned Development (PD-14) to General Commercial (C-G) for the Property Located at APN: 150-190-036** (Interim City Manager Thompson)
Staff's Recommendation: Adoption of Ordinance No. CS 1067 approving Zone Change No. 23-22-0300 for a parcel located on the north side of Bellevue Road approximately 0.15 miles west of Redwood Avenue (APN: 150-190-036).

END OF CONSENT CALENDAR

CITY MANAGER REPORTS/UPDATES:

- 11. **Updates from the Office of the Interim City Manager**

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.



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 during normal business hours at 1160 Fifth Street, Atwater, California.

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, Atwater, California.



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.