

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

August 26, 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 54956.8, Conference with Real Property Negotiations. Agency Negotiators: Deputy City Manager/Community Development Director Thompson and City Manager Hoem. Negotiating Parties: Abbruzz Etti, Dole Packaged Foods, LLC and Pai Bulldog Ranches, LLC**

Property Locations: **APN 143-260-015**
143-260-016
150-030-022
150-030-034
150-030-035

150-030-036
056-250-016
056-250-035
056-010-030
056-010-031

- **Public Employee Performance Evaluation (pursuant to Government Code Section 54957): Title: 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.)

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. **June 30, 2024**

Staff's Recommendation: Acceptance of reports as listed.

WARRANTS:

2. **August 26, 2024**

Staff's Recommendation: Acceptance of reports as listed.

MINUTES: (City Council)

3. **July 8, 2024 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

AGREEMENTS:

4. **Approving and Authorizing a Purchase and Sale Agreement for APN 003-101-001 and Approving Expenditure of any Additional and Related Closing Expenses** (Public Works Director Vinson)

Staff's Recommendation: Adoption of Resolution No. 3480-24 approving and authorizing a Purchase and Sale Agreement for sale of APN 003-101-001 for \$5,000, in a form approved by the City Attorney, and approves the expenditure of any additional and related closing expenses; and authorizes and directs the City Manager, or his designee, to execute the Agreement on behalf of the City.

RESOLUTIONS:

5. **Authorizing Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2023/24** (Deputy City Manager/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3481-24, authorizing and directing the City Manager to execute and file the Regional Surface Transportation Program (RSTP) Exchange Funds Claim for Fiscal Year 2023/2024; and adopt Resolution No. 3482-24, approving Budget Amendment No. 2 amending the Regional Surface Transportation Program (RSTP) Exchange Funds Claim.

END OF CONSENT CALENDAR

REPORTS AND PRESENTATIONS FROM STAFF:

6. **Receiving and Accepting the City of Atwater's Annual Financial Report and Single Audit for Fiscal Year-End of June 30, 2023** (Finance Director Nicholas)

Staff's Recommendation: Motion to receive and accept the City of Atwater's Annual Financial Report and Single Audit for the Fiscal Year-End of June 30, 2023.

PUBLIC HEARINGS:

7. **Resolution Adopting an Initial Study and Mitigated Negative Declaration in Accordance with the California Environmental Quality Act (CEQA) for the Project; and Approve a Tentative Parcel Map, General Plan Amendment, Variance and Site Plan; and Adoption of an Ordinance Approving Zone Change No. 23-19-0100 to Change the Zoning Designation from Residential Estate (R-E) to High Density Residential (R-3) for the Property Located on the Northwest Corner of Sunset Drive and Everett Street, Atwater (APN 056-540-004)** (Deputy City Manager/Community Development Director Thompson)

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

Close the public hearing; and

Motion to adopt Resolution No. 3477-24 adopting an Initial Study and Mitigated Negative Declaration in accordance with the California Environmental Quality Act (CEQA) for a residential, multi-family project; and approve a Tentative Parcel Map, General Plan Amendment, Variance and Site Plan, located on the Northwest corner of Sunset Drive and Everett Street, Atwater (APN 056-540-004); and

Motion to Adopt Ordinance No. CS 1068 approving Zone Change No. 23-19-0100 to change the zoning designation from Residential Estate (R-E) to High Density Residential (R-3) for the property located at the Northwest Corner of Sunset Drive and Everett Street, Atwater (APN 056-540-004); or

Motion to approve staff's recommendation as presented.

8. **Resolution Adopting an Initial Study and Mitigated Negative Declaration in Accordance with the California Environmental Quality Act (CEQA) and Selecting Alignment Alternative 3 as the Preferred Alignment for the Bellevue Road Reconstruction/Realignment Project** (Deputy City Manager/Community Development Director Thompson)

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

Close the public hearing; and

Motion to adopt Resolution No. 3483-24 adopting an Initial Study and Mitigated Negative Declaration for the Project in accordance with California Environmental Quality Act (CEQA) Guideline Section 15073 and selecting Alignment Alternative 3 as the preferred alignment for development of the Project; and

Motion to adopt Resolution 3484-24 approving Budget Amendment No. 3 amending the Fiscal Year 2024-25 Budget regarding the Bellevue Reconstruction/Realignment Project; or

Motion to accept staff's recommendation as presented.

CITY MANAGER REPORTS/UPDATES:

9. Update from the Office of the 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**

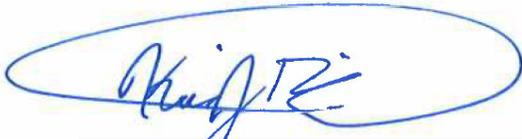
CLOSED SESSION:

Adjourn to Conference Room A

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.