

*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

**October 28, 2024**

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:

- **National Domestic Violence Awareness Month 2024**

**Staff's Recommendation:** That Mayor Nelson present the proclamation, on behalf of the City Council, recognizing the month of October as National Domestic Violence Awareness Month.

- **Monthly report by Merced County District 3 Supervisor McDaniel**
- **Legislative report by California District 27 Assemblywoman Soria**

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. **August 31, 2024**

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

WARRANTS:

2. **October 28, 2024**

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

MINUTES: (Planning Commission)

3. **August 21, 2024- Regular meeting**

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

MINUTES: (City Council)

4. **October 14, 2024- Regular meeting**

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

**AGREEMENTS:**

5. **Approve a General Services Agreement with All Environmental Services, LLC. for On-Call Clean Up Services** (Police Chief Salvador)

**Staff's Recommendation:** Adoption of Resolution No. 3497-24 awarding a General Service Agreement, in a form approved by the City Attorney, to All Environmental Services LLC, Livingston, CA for on-call clean up services, for an amount not to exceed \$20,000; and to authorize and direct the City Manager to execute the Agreement on behalf of the City.

6. **Approve a Purchase Agreement (Purchase Order) with Carbon Supply Inc. for Granulated Activated Carbon Exchange at Central Site** (Public Works Director Vinson)

**Staff's Recommendation:** Approving a Purchase Agreement (Purchase Order) to Carbon Supply Inc. of Bell Gardens, California for Granulated Activated Carbon (GAC) Exchange at Central Site, in an amount not to exceed \$110,050.00; and authorizes and directs the City Manager or his designee to execute the Agreement (Purchase Order) on behalf of the City.

**OTHER ACTIONABLE ITEMS:**

7. **Approve CMAQ Grant Applications Pedestrian Phase 4 & New Street Sweeper** (Deputy City Manager/Community Development Director Thompson and Public Works Director Vinson)

**Staff's Recommendation:** Approving submittal of CMAQ Grant application for the Construction Phase of the Downtown Pedestrian Phase 4 Improvement Project and application for submittal of CMAQ Grant application for a New Street Sweeper; and

Approving Resolution No. 3498-24 authorizing the City Manager or his designee to execute all agreements/documents related to the Downtown Pedestrian Phase 4 Project- grant application; and

Approving Resolution No. 3499-24 authorizing the City Manager or his designee to execute all agreements/documents related to the New Street Sweeper Grant Application; and

Authorizing the City Manager or his designee to execute the CMAQ Assurance of Timely Project Delivery form.

8. **Approve Plans and Specifications and Authorizing Advertising and Calling for Bids for the Castle Sewer Lift Station Rehabilitation Project** (Public Works Director Vinson)

**Staff's Recommendation:** Approval of plans and specifications and authorizes advertising and calling for bids for the Castle Sewer Lift

Station Rehabilitation Project, City Project No. 19-9, Bid Call No. 730-24.

9. **Approve Budget Amendment Appropriating Funds from the 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Program** (Police Chief Salvador)

**Staff's Recommendation:** Adoption of Resolution No.3500-24 approving Budget Amendment No. 5 amending the Fiscal Year 2024-25 Budget regarding appropriating funds in the amount of \$14,078.00 to the Fiscal Year 2024-25 Police Grants Budget derived from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2024 Edward Byrne Memorial Justice Assistance Grant (JAG) Program.

10. **Approve Budget Amendment Appropriating Funds from the 2024 Patrick Leahy Bulletproof Vest Partnership Grant Program** (Police Chief Salvador)

**Staff's Recommendation:** Adoption of Resolution No.3501-24 approving Budget Amendment No. 6 amending the Fiscal Year 2024-25 Budget regarding appropriating funds in the amount of \$10,603.24 to the Fiscal Year 2024-25 Police Grants Budget derived from the United States Department of Justice, Office of Justice Programs, Bureau of Justice Assistance's 2024 Patrick Leahy Bulletproof Vest Partnership Grant Program.

11. **Accept the Tennis Court Resurfacing Project as Complete** (Public Works Director Vinson)

**Staff's Recommendation:** Accepts work done under the contract for the Tennis Court Resurfacing Project, City Project No. 24-11; authorizes a final payment in the amount of \$29,300.00 for the project; and authorizes and directs the City Manager to sign a Notice of Completion and have it recorded on behalf of the City.

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

PUBLIC HEARINGS:

12. **Adopt Resolution Amending the Fiscal Year 2024-2025 Miscellaneous Fee Schedule** (Public Works Director Vinson)

**Staff's Recommendation:** Open the Public Hearing and receive any testimony given regarding the proposed amendments to the Fiscal Year 2024-2025 Miscellaneous Fee Schedule;

Close the Public Hearing;

Motion to adopt Resolution No. 3502-24 amending the City of Atwater's Miscellaneous Fee Schedule for Fiscal Year 2024-2025

Motion to approve staff's recommendation as presented.

13. **Waive the First Reading by Title only, and introduce an Ordinance Approving Zoning Ordinance Text Amendment No. 24-23-0100 amending Chapter 17.16 "Low Density Residential Districts" of the Atwater Municipal Code to add "R-1-5" (5,000 square foot lots) as a single-family residential district under the Low Density Residential Zone** (Deputy City Manager/Community Development Director Thompson)

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

Close the public hearing; and,

Motion to make a finding that the project is categorically exempt under California Environmental Quality Act (CEQA) guideline section 15061(b)(3), "Review for Exemption", under the common sense exemption; and,

Motion to waive the first reading by title only, and introduce Ordinance No. CS 1069 Amending Chapter 17.16: "Low Density Residential Districts" of the Atwater Municipal Code, to add "R-1-5" (5,000 square foot lots) as a Single Family Residential district.

14. **Waive the First Reading by Title Only, and Introduce an Ordinance Approving Zoning Ordinance Text Amendment No. 24-28-0100 Amending Chapter 17.28 "Accessory Dwelling Units" of the Atwater Municipal Code to Comply with recent changes in State law; and Finding the Action to be Statutorily Exempt from CEQA under section 21080.17 of the Public Resources Code** (Deputy City Manager/Community Development Director Thompson)

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

Close the public hearing; and,

Motion to make a finding that the project is statutorily exempt from review under the California Environmental Quality Act ("CEQA") under Public Resources Code section 21080.17; and,

Motion to waive the first reading by title only, and introduce Ordinance No. CS 1070 amending Chapter 17.28 "Accessory Dwelling Units" of the Atwater Municipal Code to comply with recent changes in State law.

REPORTS AND PRESENTATIONS FROM STAFF:

15. **Approval and Adoption of an Amendment to the City of Atwater Improvement Standards and Specifications** (Deputy City

Manager/Community Development Director Thompson)

**Staff's Recommendation:** Motion to Adopt Resolution No. 3503-24 approving an amendment to update the Improvement standards and Specifications of the city of Atwater by repealing the current city standards listed here: DR-1, SCG-1, SCG-2, SCG-4, SCG-5, ST-3 and replacing them with the attached improvement standards. Adopt standard details ST-8, ST-9. Repeal standard details D-1, D-5; or

Motion to approve staff's recommendation as presented.

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**

CITY MANAGER REPORTS/UPDATES:

- 16. Update from the Office of the City Manager**

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 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](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.**

**LEVINE ACT PUBLIC PARTY/APPLICANT DISCLOSURE OBLIGATIONS:**

Applicants, parties, and their agents who have made campaign contributions totaling more than \$250 (aggregated) to a Councilmember over the past 12 months, must publicly disclose that fact for the official record of that agenda item. Disclosures must include the amount of the campaign contribution aggregated, and the name(s) of the campaign contributor(s) and Councilmember(s). The disclosure may be made either in writing to the City Clerk prior to the agenda item consideration, or by verbal disclosure at the time of the agenda item consideration.

The foregoing statements do not constitute legal advice, nor a recitation of all legal requirements and obligations of parties/applicants and their agents. Parties and agents are urged to consult with their own legal counsel regarding the requirements of the law.