

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

November 12, 2024

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: (City Council)

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

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.)

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. **September 30, 2024**

Staff's Recommendation: Acceptance of reports as listed.

WARRANTS

2. **November 12, 2024**

Staff's Recommendation: Acceptance of reports as listed.

MINUTES: (City Council)

3. **October 28, 2024 - Regular meeting**

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS:

4. **Award a Cooperative State and Local Government Value Rental Lease Agreement for Multi-Functional Copiers to UBEO** (City Manager Hoem)

Staff's Recommendation: Adoption of Resolution No. 3504-24 awarding a Cooperative State and Government Value Rental Lease Agreement, in a form approved by the City Attorney, for the term of five (5) years with UBEO of Stockton California for the delivery, installation, and maintenance of sixteen (16) multi-functional copiers for use at the Administration Building, Finance Department, Police Department, Community Development, Community Center, and Fire Station 41 in an amount not to exceed \$33,166.92 per year; and to authorize and direct the City Manager to execute the Agreement on behalf of the City.

5. **Authorizing A Financial Assistance Application with the State Water Resources Control Board for the Evergreen Mobile Home Project** (Deputy City Manager/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3505-24 authorizing the City Manager or his designee to execute all agreements/documents related to the Evergreen Mobile Home Financial Assistance Application.

- 6. **Adoption of the Local Roadway Safety Plan as prepared by the Merced County Association of Governments** (Deputy City Manager/ Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3506-24 adopting the Local Roadway Safety Plan for the City of Atwater prepared by the Merced County Association of Governments.

- 7. **Approve a Design Services Agreement between the City of Atwater and Mark Thomas for the Preparation of the Project Study Report for the Buhach Road Widening Project** (Deputy City Manager/Community Development Director Thompson)

Staff's Recommendation: Adoption of Resolution No. 3507-24 approving a Design Services Agreement, in a form approved by the City Attorney, to Mark Thomas Company of Fresno, CA in an amount not to exceed \$173,352 for the preparation of the Project Study Report for the Buhach Road Widening Project; and to authorize and direct the City Manager to execute the Agreement on behalf of the City.

ORDINANCES (WAIVING SECOND READING AND ADOPTION):

- 8. **Adoption of 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: Adoption of Ordinance No. CS 1069 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.

- 9. **Adoption of 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: Adoption of 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:

- 10. **Award a Design Services Agreement to Mark Thomas for Engineering Design Services on the Bellevue Road Realignment/Reconstruction Project** (Deputy City Manager/Community Development Director Thompson)
Staff's Recommendation: Motion to Adopt Resolution No. 3508-24 awarding a Design Services Agreement, in a form approved by the City Attorney, to Mark Thomas Company of Fresno, CA in an amount not to exceed \$1,880,818.00 for Engineering Design Services on the Bellevue Road Realignment/Reconstruction Project; or

Motion to adopt staff's recommendation as presented.

- 11. **Resolution Approving Budget Amendment and Approving Revisions to the City of Atwater American Rescue Plan Act (ARPA) Spending Plan** (City Manager Hoem and Finance Director Nicholas)
Staff's Recommendation: Motion to Adopt Resolution No. 3509-24 approving Budget Amendment No. 7 amending the Fiscal Year 2024-25 budget and approving revisions to the American Rescue Plan Act (ARPA) spending plan; or

Motion to adopt 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:

- 12. **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.



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.

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.