

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

April 14, 2025

REGULAR SESSION: (Council Chambers)

CALL TO ORDER:

6:00 PM

INVOCATION:

PLEDGE OF ALLEGIANCE TO THE FLAG:

ROLL CALL: (City Council)

Ambriz _____, Cale _____, Raymond _____, Rochester _____, 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.)

CEREMONIAL MATTERS:

- **Atwater High School Girls Basketball Team**

Staff's Recommendation: That Mayor Nelson and Mayor Pro Tem Cale, on behalf of the City Council, present certificates to Coach JR Davis and the Atwater High School Girls Basketball Team for their many accomplishments this 2024-2025 basketball season.

- **Oath of Office - Reserve Police Officer**

Staff's Recommendation: That City Clerk Billings administer the oath of office to the newly appointed Reserve Police Officer Danny Ortiz.

- **Oath of Office - Police Officer**

Staff's Recommendation: That City Clerk Billings administer the ceremonial oath of office to the newly appointed Police Officer Brittney Ruiz.

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 28, 2025**

Staff's Recommendation: Approval of reports as listed.

WARRANTS:

2. **a.) March 24, 2025**

- b.) April 14, 2025**

Staff's Recommendation: Approval of warrants as listed.

MINUTES: (Citizens' Oversight Committee)**3. December 10, 2024 - Regular Meeting**

Staff's Recommendation: Acceptance of minutes as listed.

MINUTES: (City Council)**4. a.) March 10, 2025 - Regular meeting****b.) March 17, 2025 - Special meeting****c.) March 24, 2025 - Special meeting**

Staff's Recommendation: Approval of minutes as listed.

RESOLUTIONS:**5. Approving an Amendment to the Atwater Bombers Use Agreement (Public Works Director Vinson)**

Staff's Recommendation: Adoption of Resolution No. 3520-25 approving Amendment No. 1 of Use Agreement approved February 26, 2024, in a form approved by the City Attorney, with Atwater Bombers for the use of Fireman's Memorial Ballpark for organized baseball activities, and authorizes and directs the City Manager, or his designee, to execute the First Amendment to the Use Agreement on behalf of the City.

6. Approving a General Construction Contract with United Pavement Maintenance, Inc. for Camellia Pavement Replacement (Public Works Director Vinson)

Staff's Recommendation: Adoption of Resolution No. 3521-25 awarding a General Construction Agreement, in a form approved by the City Attorney, to United Pavement Maintenance, Inc. of Hughson, California, for the Camellia Pavement Replacement Project, City Project 25-03, in an amount not to exceed \$39,426.66 and authorize construction contract change orders up to an aggregate amount of \$3,942.67 (10%); and authorizes and directs the City Manager or his designee to execute all contract documents on behalf of the City.

7. Approving and Ratifying a Side Letter Agreement Between the City of Atwater and Atwater Miscellaneous Employees Unit American Federation of State, County, and Municipal Employees (AFSCME), Local 2703, Council 57, Regarding Terms and Conditions of Employment Relating to Article 8 (Major Fringe Benefits), Section 8.4 (Holidays) of the Current Memorandum of Understanding (MOU) and Authorizing and Directing the City Manager to Execute the Agreement on Behalf of the City (Human Resources Director Sousa)

Staff's Recommendation: Adoption of Resolution No. 3522-25 Approving and Ratifying a Side Letter Agreement Between the City of Atwater and Atwater Miscellaneous Employees Unit, American Federation of State, County, and Municipal Employees (AFSCME), Local 2703, Council 57, Regarding Terms and Conditions of Employment Relating to Article 8 (Major Fringe Benefits), Section 8.4 (Holidays) of the Current Memorandum of Understanding (MOU) and Authorizing and Directing the City Manager to Execute the Agreement

on Behalf of the City.

8. **Approving a Budget Amendment and a Memorandum of Understanding between Merced County and the City of Atwater for VIPER analyst** (Police Chief McEachin)

Staff's Recommendation: Motion to adopt Resolution No. 3523-25 approving Budget Amendment No. 11 amending Fiscal Year 2024-25 Budget to allocate funding for a Memorandum of Understanding between Merced County and the City of Atwater for Atwater's portion as a crime analyst in the Merced County Violence Interruption and Prevention Emergency Response (VIPER) Program; and

Motion to adopt Resolution No. 3524-25 to approve a Memorandum of Understanding, in a form approved by the City Attorney, between Merced County and the City of Atwater for Atwater's portion as a crime analyst in the Merced County Violence Interruption and Prevention Emergency Response (VIPER) Program, in an amount not to exceed \$34,000 annually; and authorizes and directs the City Manager to execute all contract documents on behalf of the City; or

Motion to adopt staff's recommendation as presented.

9. **Approving Budget Amendment for the purchase of the Axon Camera System regarding the Police Department Interview Room** (Police Chief McEachin)

Staff's Recommendation: Adopting Resolution No. 3525-25 approving Budget Amendment No. 12 amending the Fiscal Year 2024-25 budget for the purchase of the Axon camera system in the amount of \$38,935.02, to be installed in the interview room at the Atwater Police Department.

10. **Approving an Amendment to the Design Services Agreement with Mark Thomas for the Bellevue Road Realignment/Reconstruction Project** (Chris Hoem)

Staff's Recommendation: Adoption of Resolution No. 3526-25 approving an Amendment No. 1 to the Design Services Agreement with Mark Thomas, in a form approved by the City Attorney, in an amount not to exceed \$108,534.00 for a total amount of \$1,989,352.00 for Engineering Design Services on the Bellevue Road Realignment/Reconstruction Project; and authorizes additional contingency funds at the discretion of the City Manager in an amount not to exceed \$160,648.00 for a total amount of \$2,150,000.00; and authorizes and directs the City Manager or his designee to execute all contract documents on behalf of the City.

OTHER ACTIONABLE ITEMS:

11. **Approving Specifications and Authorizing Advertising and Calling for Bids for Olive Avenue Overlay Project** (Public Works Director Vinson)

Staff's Recommendation: Approves the specifications and authorizing advertising and calling for bids for the Olive Avenue Overlay Project, Project No. 24-07, Bid Call Number 733-25

12. **Letter Supporting an Application for Federal Funding to Develop and Construct a Hydrogen Fueling Station for MCAG-The BUS** (City Manager Hoem)

Staff's Recommendation: Authorize and direct Mayor Nelson to execute a letter of support, on behalf of the City of Atwater, regarding the Merced County Association of Governments (MCAG) The Bus submitting an application for federal funding to develop and construct a hydrogen fueling station at its operation and maintenance facility.

END OF CONSENT CALENDAR

PUBLIC HEARINGS:

13. **Adopting the City of Atwater Public Safety Master Plan** (CAL Fire Battalion Chief Ayuso and Police Chief McEachin)

Staff's Recommendation: Open the Public Hearing and take any testimony given;

Close the public hearing;

Motion to adopt Resolution No. 3527-25 approving the City of Atwater Public Safety Master Plan as prepared by Griffin Structures, Inc; or

Motion to approve staff's recommendation as presented.

14. **Confirmation of Itemized Cost Reports, Pursuant to the Atwater Municipal Code 8.32.130, regarding Abatement of Property located at 1265 High Street (003-043-013)** (Code Enforcement Manager Garcia)

Staff's Recommendation: Open the Public Hearing and take any testimony given;

Confirm the Itemized Cost Reports pursuant to Atwater Municipal Code 8.32.130, regarding the blight and structure fire abatement of the property located at 1265 High Street. APN: 003-043-013 Property Owners: Celestino L. and Celia V. Lopez; and

Authorize and direct the City Manager or his designee to execute any and all documents on behalf of the City.

REPORTS AND PRESENTATIONS FROM STAFF:

15. **Approving Budget Amendment and Awarding a General Construction Contract for Downtown Pedestrian Improvements Project- Phase 2** (Public Works Director Vinson)

Staff's Recommendation: Motion to Adopt Resolution No. 3528-25 approving Budget Amendment No. 13 amending the Fiscal Year 2024-25; and

Motion to Adopt Resolution No. 3529-25 awarding a General Construction Contract, in a form approved in a form approved by the City Attorney, to Agee Construction Corporation of Clovis, California,

for the Downtown Pedestrian Improvements Project-Phase 2, City Project No. 20-8, Federal Project No. CML-5254(031) and CRP-5254(031), in an amount not to exceed \$2,148,211.00, and authorizes construction contract change order up to an aggregate amount of \$214,821.09 (10%); and authorizes and direct the City Manager, or his designee, to execute the contract on behalf of the City; or

Motion to adopt staff's recommendation as presented.

16. Police Department 2024 Annual Report (Police Chief McEachin)

17. Fire Department 2024 Annual Report (CAL Fire Battalion Chief Ayuso)

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:

- **Mayor Pro Tem Cale, District 1**
- **City Council Member Rochester, District 2**
- **City Council Member Ambriz, District 3**
- **City Council Member Raymond, District 4**
- **Mayor Nelson**

CITY MANAGER REPORTS/UPDATES:

18. 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.